

TAHOE REGIONAL PLANNING AGENCY (TRPA)  
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)  
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, December 14, 2022**, commencing **no earlier than 11:30 a.m.**, on **both Zoom** and at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its **regular business meeting**.

NOTICE IS HEREBY GIVEN that on **Wednesday, December 14, 2022, 4:00 p.m. – 7:00 p.m.**, at the **Idle Hour, 3351 Lake Tahoe Blvd, South Lake Tahoe, CA**, the **Governing Board** will hold a **reception** that may represent a quorum of the board.

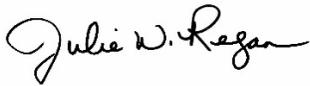
Pursuant to the State of California's Code section 54953(e) as enacted by California AB-361 Governing Board members may appear in person or via Zoom. Members of the public may observe the meeting and submit comments in person at the above location or via Zoom. Details will be posted on the day of the meeting with a link to Zoom. The agenda is attached hereto and made part of this notice.

To participate in any TRPA Governing Board or Committee meetings please go to the Calendar on the <https://www.trpa.gov/> homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website. For information on how to participate by phone, please see page 3 of this Agenda.

NOTICE IS FURTHER GIVEN that on **Wednesday, December 14, 2022**, commencing at **9:00 a.m.**, on **both Zoom**, and at the **Tahoe Regional Planning Agency** the **TRPA Regional Plan Implementation Committee** will meet. The agenda will be as follows: **1) Approval of Agenda; 2) Approval of Minutes; (Page 7) 3) Informational Briefing on Proposal to Amend Douglas County's South Shore Area Plan Implementing Regulations to Include Religious Assemblies as an Allowed Use in the Kingsbury Commercial Town Center District (action); (Page 399) 4) Informational Briefing on Proposal to Amend Placer County's Tahoe Basin Area Plan to Support Economic Sustainability and Local Housing. The Proposal Includes Amendments to Parts 2.6, 2.7, 3.4, 3.5, 4.3, 4.7, and 8.2 of the Tahoe Basin Area Plan Policies and Chapters 1, 2, and 3 of the Implementing Regulations (action); (Page 409) 5) Committee Member Comments; Chair – Yeates, Vice Chair – Open, Aldean, Diss, Gustafson, Hill, Hoenigman, Lawrence; 6) Public Interest Comments**

NOTICE IS FURTHER GIVEN that on **Wednesday, December 14, 2022**, commencing **no earlier than 10:00 a.m.**, on **both Zoom**, and at the **Tahoe Regional Planning Agency**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1) Approval of Agenda; 2) Approval of Minutes; (Page 19) 3) Recommend approval of November Financials (action); (Page 155) 4) Recommend approval of Nevada Division of State Land's Excess Mitigation Fund Disbursement (\$2,605,730); (Page 177) 5) Upcoming Topics; 6) Committee Member Comments; Chair – Aldean, Vice Chair – Gustafson, Cegavske, Diss, Hill, Hoenigman; 7) Public Interest Comments**

NOTICE IS FURTHER GIVEN that on **Wednesday, December 14, 2022**, commencing **no earlier than 10:45 a.m.**, on **both Zoom**, and at the **Tahoe Regional Planning Agency**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1) Approval of Agenda; 2) Approval of Minutes; (Pages 29 & 43) 3) Discussion and recommendation on General Counsel Performance Review and FY2022-23 Salary Increase and leave accrual adjustment (action); (Page 393) 4) Litigation and Enforcement Update 5) Closed Session with Counsel to Discuss Existing and Potential Litigation; 6) Potential Direction Regarding Agenda Item No. 5 (action); 7) Committee Member Comments; Chair – Williamson, Vice Chair – Novasel, Aldean, Hicks, Rice, Yeates; 8) Public Interest Comments**



Julie W. Regan,  
Executive Director

This agenda has been posted at the TRPA office and at the following locations and/or websites: PostOffice, Stateline, NV, North Tahoe Event Center, Kings Beach, CA, IVGID Office, Incline Village, NV, North Lake Tahoe Chamber/Resort Association, Tahoe City, CA, and Lake Tahoe South Shore Chamber of Commerce, Stateline, NV

<b>TAHOE REGIONAL PLANNING AGENCY</b>	
GOVERNING BOARD	
Zoom/Tahoe Regional Planning Agency	December 14, 2022
128 Market Street, Stateline, NV	No earlier than 11:30 a.m.
Idle Hour	December 14, 2022
3351 Lake Tahoe Boulevard, South Lake Tahoe, CA	4:00 – 7:00 p.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Members of the public may email written public comments to the Clerk to the Board, [mambler@trpa.gov](mailto:mambler@trpa.gov). All public comments should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are always welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. All written comments will be included as part of the public record. Public comment will be taken for each appropriate item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance. The Governing Board agenda and staff reports will be posted at <https://www.trpa.gov/governing-board-documents-december-14-2022/> no later than 7 days prior to the meeting date. Any member of the public with questions prior to the meeting may contact Marja Ambler, [mambler@trpa.gov](mailto:mambler@trpa.gov) or call (775) 589-5287. On meeting day please contact TRPA admin staff at [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov) or call (775) 588-4547.

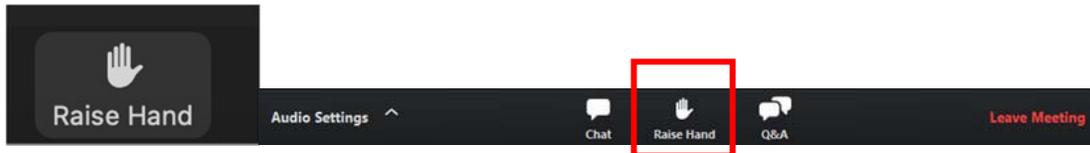
## Zoom Webinar - Public Participation

### To Participate Online:

1. Download the Zoom app on your computer, tablet, or smartphone.
  - The computer app can be downloaded here:  
<https://us02web.zoom.us/client/latest/ZoomInstaller.exe>
  - The tablet or smartphone app can be found in the app store on your device.
2. On the day of the meeting, join from the link or phone numbers posted under the appropriate meeting date and time on the TRPA website ([www.trpa.gov](http://www.trpa.gov)).
3. Ensure that you are **connected to audio** either through your computer (provided it has a microphone) or using your phone as a microphone/speaker. You can manage your audio settings in the tool bar at the bottom of the Zoom screen.



4. At the appropriate time for public comments, you will be able to “raise your hand” by clicking on the Hand icon located on the bottom of your Zoom screen **OR by dialing \*9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.



### To Participate on the phone:

1. Dial the call-in number posted at the calendar event for the appropriate meeting ([www.trpa.gov](http://www.trpa.gov)).
2. At the appropriate time for public comments, you will be able to “raise your hand” **by dialing \*9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.

If you do not have the ability or access to register for the webinar, please contact TRPA admin staff at [virtualmeetinghelp@trpa.org](mailto:virtualmeetinghelp@trpa.org) or (775) 588-4547.

### Additional Resources from Zoom:

- [Joining and Participating in a Zoom Webinar](#)
- [Joining a Zoom Webinar by Phone](#)
- [Raising Your Hand in a Webinar](#)

## AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
  - October 26-27, 2022 **Page 49**
  - November 16, 2022 **Page 135**
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)
- VI. ADMINISTRATIVE MATTERS
  - A. Resolution recognizing Governing Board member Secretary Barbara Cegavske, Nevada Secretary of State **Action** **Page 373**
  - B. Resolution recognizing Governing Board member Sue Novasel, El Dorado County Representative **Action** **Page 375**
  - C. Resolution recognizing Governing Board member William “Bill” Yeates, California Senate Rules Committee Appointee **Action** **Page 377**
  - D. Resolution recognizing former Executive Director, Joanne S. Marchetta **Action** **Page 379**
- VII. PLANNING MATTERS
  - A. Measuring What Matters: Thresholds and Monitoring Update Strategic Initiative **Informational Only** **Page 381**
- VIII. REPORTS
  - A. Executive Director Status Report **Informational Only**
    - 1) Tahoe In Brief – Governing Board Monthly Report **Informational Only** **Page 383**
    - 2) Regional Plan Update and Tahoe In Depth 10-Year Milestone **Informational Only**
  - B. General Counsel Status Report **Informational Only**
    - 1) General Counsel Performance Review and FY2022-23 Salary Increase and leave accrual adjustment **Action** **Page 393**
- IX. GOVERNING BOARD MEMBER REPORTS

X. COMMITTEE REPORTS

- A. Local Government & Housing Committee **Report**
- B. Legal Committee **Report**
- C. Operations & Governance Committee **Report**
- D. Environmental Improvement, Transportation, & Public Outreach Committee **Report**
- E. Forest Health and Wildfire Committee **Report**
- F. Regional Plan Implementation Committee **Report**

XI. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

XII. ADJOURNMENT

**TRPA CONSENT CALENDAR**

<u>Item</u>	<u>Action Requested</u>
1. November Financials	<b>Approval</b> <b><u>Page 155</u></b>
2. Nevada Division of State Land's Excess Mitigation Fund Disbursement (\$2,605,730)	<b>Approval</b> <b><u>Page 177</u></b>
3. Yount New Multiple-Parcel/Multiple-Use Pier, 300 State Route 28, Washoe County, Nevada, Assessor's Parcel Numbers 123-211-01 & 02, TRPA File Number ERSP2022-0029	<b>Approval</b> <b><u>Page 245</u></b>
4. Annual Local Government Coordination Report and Action on Recertification of City of South Lake Tahoe's, El Dorado County's, and Placer County's Permit Delegation Memoranda of Understanding	<b>Approval</b> <b><u>Page 307</u></b>
5. Latitude 39 Mixed-Use Residential and Commercial Project, 110 Lake Parkway, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-27-001-010, TRPA File Number ERSP2022-0119	<b>Approval</b> <b><u>Page 331</u></b>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken

up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Cindy Gustafson, Placer County Supervisor Representative; Vice Chair, Hayley Williamson, Nevada At-Large Member; Shelly Aldean, Carson City Supervisor Representative; Barbara Cegavske, Nevada Secretary of State; Belinda Faustinos, California Assembly Speaker's Appointee; John Friedrich, City of South Lake Tahoe Councilmember; A.J. Bud Hicks, Presidential Appointee; Alexis Hill, Washoe County Commissioner; James Lawrence, Nevada Dept. of Conservation & Natural Resources Representative; Sue Novasel, El Dorado County Supervisor; Wesley Rice, Douglas County Commissioner; William Yeates, California Senate Rules Committee Appointee; Ashley Conrad-Saydah, California Governor's Appointee; Vince Hoenigman, California Governor's Appointee; Jessica Diss, Nevada Governor's Appointee.

TAHOE REGIONAL PLANNING AGENCY  
REGIONAL PLAN IMPLEMENTATION COMMITTEE

TRPA/Zoom

July 27, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 9:21 a.m.

Members present: Ms. Aldean, Mr. Friedrich, Ms. Gustafson, Mr. Lawrence, Mr. Yeates

II. APPROVAL OF AGENDA

Mr. Marshall said the agenda will not change but there will be a presentation at the beginning that will address what actions the committee may or may not want to take.

Mr. Yeates deemed the agenda approved as posted.

III. APPROVAL OF MINUTES

Ms. Aldean made a motion to approve the April 27, 2022, minutes as presented.

**Motion carried.**

IV. Item 3: Discussion and possible action/recommendation for approval of Amendments to the Tourist Core Area Plan Mixed-Use District regarding Parcel 029-441-024, City of South Lake Tahoe

TRPA staff Ms. Self and Mr. Hitchcock, City of South Lake Tahoe made the presentation.

Ms. Self said the purpose of today's discussion is to receive input on potential land use amendments to the Tourist Core Area Plan within the city. Area Plans are a component of the Regional Plan and prescribe the local zoning, density, goals and policies, and specific development guidelines for the area. Area Plans must be found in conformance with the Regional Plan.

These amendments are typically first approved by the local jurisdiction before going to TRPA. The Regional Plan Implementation Committee considers conformity of these local plans to the Regional Plan prior to that Governing Board consideration. This amendment package includes a proposed land use zoning change, the local plan, the Tourist Core Area Plan, and then there's also a proposed project underneath that is spurring this amendment. Today's presentation is primarily focused on the conformity of land use amendments. However, they'll also brief the committee on the project implications. It's important to know that the project is not before RPIC today. It would be submitted and reviewed by the City at a later date if this amendment package is approved and the project would not come before TRPA for approval.

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With this proposal there are two sets of considerations for issues that will be discussed today. There are the land use amendments which they are considering for Regional Plan conformity and then there's the project site itself. To the best of their knowledge appear to be in conformity with the Regional Plan and those issues have been resolved. However, it's come to their attention that there may still be issues with the project or the site that have not been reconciled. It's their understanding that partners that have commented on the amendments are amenable to the land use amendments if those project and site issue can be resolved and reconciled. As presented in the package there are two proposed motions for consideration, whether or not to recommend approval of the land use amendments to the Governing Board. However, in conversation with Chair Yeates, a couple of the partners, and the City, staff is suggesting that they potentially pull back on the action and treat this as an informational item. However, RPIC does reserve the right if they would prefer to move forward on an action. Staff is suggesting treating this as an informational item because at this time it is unclear to TRPA if all those site issues have been resolved and still may warrant some additional attention.

Slide 2: Overview of the proposal. The plan extends from Stateline near the casino extending along US Highway 50 and up Ski Run Boulevard. The amendment area is shown in red and is located behind the Raley's shopping center at Stateline near the Heavenly Village Tourist Center. Just to the east of this amendment area is Van Sickle Bi State Park. This amendment was initiated by an applicant in 2019 through the City. The City provided a notice of intent of a potential amendment to their area plan to TRPA. The City has been working with the private property owner and partners over the last couple of years to try and reconcile potential concerns and work on that amendment package. To date, the item has been heard before the City Planning Commission, but the City has not taken official action.

Slide 3: The amendment area are the two parcels highlighted in a yellow box. These are privately owned and have been merged. One parcel shown in purple is in the Tourist Core Mixed-use area that allows a wide array of different land uses and the other is zoned for recreation shown in blue. That is primarily for recreation and open space conservation related uses. It also does allow for some employee housing residential uses. The proposal today is to amend the existing zoning for the blue portion of the area show by the yellow box. The proposal is to change that from recreation to tourist center mixed-use to allow for additional residential uses. The amendment would also add some additional policies to limit the types of uses that could be done on that blue portion of the property and limit the density of what could be developed.

You'll also hear some comments and information about an adjacent parcel that's shown in blue, APN ending in 003. There's some interest on the adjacent parcel because it's at the entrance to Van Sickle Bi State Park. That parcel is not included in the amendment packet.

There are two sets of issues that have arisen from discussion about this potential amendment. One is with the land use amendments what they are considering for Regional Plan conformity and then there's another set of issues or considerations regarding the project and the site itself. To the best of their knowledge the land use amendments do appear to be in conformity with the Regional Plan and those issues have been resolved. Again, there may still be some reconciliation that needs to happen on the project or site considerations.

The amendments would change the permissible uses within the amendment area shown in the left map with the yellow box on slide 5. This would change from recreation to tourist center mixed-use to allow those additional residential units. Because this amendment is in somewhat of a "transition zone", the dark purple is the Heavenly Village high density, high use, tourist center and immediately to

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the east is public lands and Van Sickle Bi State Park. Because it's in somewhat of this "transition zone" this proposal is limiting the density and the types of uses that would be allowed in that amendment area. The amendments would only be applicable to the local city plan. There are no proposed changes to the Regional Plan maps, boundaries, or policies. The Regional Plan at a high level includes conceptual land use designations. This particular area they're discussing in the Regional Plan is designated as Tourist and is included in the Town Center boundary, no changes to the regional conceptual. It would just be a zoning change for the local plan. This amendment does not include any changes to the design and development standards, water quality, stream environment zone protection, coverage, etc.

If the land use amendments were to move forward again, there's some project and site considerations that have come up. The private property owner does plan to develop the amendment area with ten residential units. The amendment area is shown in a green box on slide 6. Roughly half of this amendment area is stream environment zone and cannot be built upon. But the property owner is planning on ten residential units in the area that's high capability. Four of those residential units have been previously approved by the City for the parcel that didn't need a zoning change. This slide summarizes some of those concerns and issues that have come up for the project. These are specific to the project and site, but there are some implications to Regional Plan implementation such as stream environment zone restoration on the site.

(Presentation continued)

Mr. Hitchcock said the proposed amendment was submitted by HVR Acquisitions, LLC to rezone a portion of parcel APN 029-4-024 from Recreation to Tourist Core Mixed-Use. This parcel previously was a separate APN but has subsequently been merged. The amendment would also limit the uses that are currently permissible in that Recreation District to residential, linear public facilities, recreation uses, resource management, and open space uses. The density would be limited to four units per acre because it's somewhat of a transition zone located next to recreation and conservation type uses. The amendment would potentially allow for the development of a multi-family residential condominium project on the rezoned portion.

Slide 9: The area bounded by yellow is the amendment and the proposes to rezone the blue portion which is currently Recreation to Mixed-use district.

Right now, the Recreation District allows a variety of uses related primarily to recreation uses such as cross-country ski courses, day-use areas, group facilities, riding and hiking trails, rural sports, snowmobile courses. It does allow certain residential uses such as employee housing and single-family dwelling as a caretaker residence. He did some research on this parcel before it was converted into the Stateline/Ski Run Community Plan and were previously zoned Tourist Accommodation and did allow multi-family and single-family residential uses when this parcel was located in Plan Area Statement 089B. Subsequently, 089B was converted to Stateline Community Plan. At that time, the parcels were designated as recreation uses. No proposals have been received to develop the parcel as recreation use most likely because of site restraints.

Slide 11 is a site map of the portion to rezone, over half of the parcel is stream environment zone and cannot be developed. This is likely why no project has come forward.

When HVR Acquisitions, LLC approached the City with a proposed amendment, their original proposal

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actually included rezoning two parcels. The portion that they're discussing today which is now part of the parcel that is adjacent to Montreal Road and also the parcel that's adjacent to Van Sickle Bi State Park.

The city conducted a public scoping meeting on the previous proposal which included rezoning two parcels. They received public comments from the California Tahoe Conservancy, the Nevada Division of Parks and Recreation, the League to Save Lake Tahoe, and the public. The issues that were raised related to impacts to the adjacent restored stream environment zone, habitat, and, potential management conflicts with adjacent public lands. In addition, and potential encroachment on storage of equipment on public lands, potential scenic impacts to Van Sickle Bi State Park and change in recreation character of this overall neighborhood and potential parking impacts to Van Sickle Bi State Park. As a result of that scoping meeting, the applicant amended the project description to remove the parcel adjacent to Van Sickle Bi State Park from the amendment itself, along with other changes. This was in response to concerns from the partners and public to limit the amendment to just the portion adjacent to what is referred to the old Colony Inn site and to reduce the density in order to maintain the overall recreation character and limit the type of uses that would be permitted.

The City prepared an Initial Study, completed Tribal consultation and didn't get any response from the affected Tribes. They prepared an Initial Study Neg Declaration and mailed affected property owners within 300 feet of the amendment area. The Initial Study was circulated from April 1, 2020, through May 19, 2022. That Initial Study two potential impacts to public service and recreation. One is potential of any project in the future that could encroach on public lands and the other was potential creation of trails on stream environment zones or public lands. The Initial Study concluded that mitigation measures were required to mitigate these potential impacts. The mitigation measure is a project level condition to require any future project that moves forward on the parcel would need a six-foot fence around the project area to deter encroachment on the stream environment zone.

During the circulation period, they received additional comments on the California Environmental Quality Act (CEQA) from the California Tahoe Conservancy and the League to Save Lake Tahoe. They requested that a mitigation measure to construct a fence around the subject parcel and the parcel adjacent to the Van Sickle Bi State Park be included in the Initial Study itself. They also requested a mitigation measure requiring a stream environmental zone to restore it to a functioning state, monitor, and maintain it. This would be the stream environment zone that's on the Colony Inn site. Also, a mitigation measure designating the adjacent parcel to Van Sickle Bi State Park as recreation open space and a mitigation measure for the applicant to relinquish lane access easement and for the CTC to acquire APN 029-441-011 which is the parcel adjacent to Van Sickle Bi State Park or relinquish a portion containing parking improvements for appraised value. The adjacent parcel to Van Sickle Bi State Park is not part of this amendment. From the City's perspective, they would have to consult with their legal counsel if there is a nexus to require that fence to be constructed on a parcel that's not included in this amendment itself. With that said, the City does have a current application in, the applicant is interested in constructing a fence around both of the parcels to deter encroachment. Currently, the owner is having issues with trespassing and damaging the stream environment zone. The mitigation measure requiring the stream environment zone to be restored to a functioning state, TRPA, the City, the League to Save Lake Tahoe, the California Tahoe Conservancy that the stream environment zone that was restored previously is currently not restored as a functioning SEZ and should be restored in the future. From the City's perspective, it seems that this would make sense as a project level condition rather than a mitigation measure as part of this land use zoning amendment.

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The mitigation measure to designate the adjacent parcel of Van Sickle Bi State Park to Recreation Open Space, again, the City would have to consult with their legal counsel if there is a nexus to require this type of mitigation. That particular parcel is already zoned Recreation and type of use proposed would have to be consistent with permissible uses that are allowed on that particular parcel.

The mitigation measure for relinquishing the parcel that's adjacent to Van Sickle Bi State Park, again, the City is concerned with a nexus issue as part of the proposed amendment.

There were also questions from the League to Save Lake Tahoe concerning the Colony Inn site and the requirement to restore the stream environment zone restoration. That SEZ restoration was completed and approved as part of the City's action they approve the transfer of Tourist Accommodation Units to another project. However, the requirements for the SEZ restoration itself is a TRPA function and they have a separate approval process that requires any applicant transferring TAUs off of a sensitive site are required to transfer that those TAUs consistent with the TRPA transfer provisions which requires removal of the TAUs that are onsite and deed restriction to keep it in its natural state. The other comment received is the parcel that's identified for rezoning is listed as conservation in the City General Plan. This is incorrect, the parcel has always been part of the Tourist Core Area Plan and has been zoned recreation from the beginning when it was the Ski Run Community Plan and when they adopted the Tourist Core Area Plan. They also received comments that the City failed to consider esthetic and character impacts to Van Sickle Bi State Park and failed to consider impacts to stream environment zone habitat. As they concluded in the Initial Study, the City did evaluate the esthetics and character impacts of Van Sickle Bi State Park. Any proposed project is to meet the standards of the Tourist Core Area Plan which requires development to be designed in a manner that is consistent with the overall natural landscape.

Slide 17 shows the project site which is located south of Van Sickle Bi State Park. There's existing mature vegetation between Van Sickle Bi State Park as well as vegetation located of the subject parcels which would screen any future project. They don't believe there is an impact to aesthetics, Van Sickle Bi State Park, or to the overall character of this neighborhood.

In terms of their failure to consider impacts to the stream environment zone and habitat, they did consider those impacts in the Initial Study and the Study concluded that there is the potential for an impact unless they adopted a mitigation measure requiring the installation of a rod iron fence that would impede encroachment into that stream environment zone.

Presentation can be found at: [RPIC-Agenda-Item-No.-3-TCAP-Amendments.pdf](#)

#### Committee Comments & Questions

Mr. Lawrence said in the presentation regarding comments there was a lot of references to a parcel that was 441-11 but going through the document, he's having a hard time finding this parcel. Is there a map that shows that parcel?

Mr. Hitchcock, City of South Lake Tahoe said the parcel that says "Rec" is the Van Sickle Bi State Park entrance and the parcel just south of that sandwiched between the amendment area and the Park is the parcel that they are requesting the mitigation measures on which is no longer included in the amendment. It was taken out due to concerns raised by the California Tahoe Conservancy and the League to Save Lake Tahoe.

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Ms. Aldean referred to the map on page 109 of the packet. Mr. Lawrence was asking about -011 which is part of the area being considered for development. Aren't they talking about -003 which is the parcel immediately adjacent to Van Sickle Bi State Park?

Mr. Hitchcock, City of South Lake Tahoe said yes.

Mr. Lawrence said in the bullets it said -441-11 and was confusing.

Mr. Hoenigman said that area is probably the most walkable, transit served area. He asked why it's being limited to four units per acre. To him, he'd think that this would be an area that they would want to put more people to keep them from going to less transit served, walkable areas.

Mr. Hitchcock, City of South Lake Tahoe said it was the applicant's response to the comments and concerns from the California Tahoe Conservancy who were concerned with a change in the recreation character of this area. The applicant put forward a change in the project description to reduce the number of units to a maximum of ten units which comes out to approximately a little under four units per acre. The area that is developable is a very small portion. If you looked at the density as it relates to the project area, then it would be higher than four units per acre. The way that they calculate density they use the whole project area. If you calculated the density in the area just being developed that density would be higher than four units per acre. He agreed that it's in close proximity to services, trails, and recreation opportunities. From a development standpoint it makes sense to develop housing or tourist type of accommodation units in this area. But this amendment would limit it just to potential residential uses.

Mr. Lawrence said having it near a location of an urban core and recreation area thinking about the density. He thought during the presentation they said that the current zoning of recreation allows for employee housing. What would the density be if it stayed employee housing as opposed to switching to this residential use?

Ms. Self said if employee housing were allowed as zoned today for recreation, it would be 15 units per acre. There are significant site constraints, realistically they wouldn't see 15 units per acre.

Ms. Aldean had a question regarding the letter received from the City of South Lake Tahoe on the transferring of Tourist Accommodation Units to the Boulder Bay project. That permit has expired so is that transfer no longer binding or has that transfer been made?

Mr. Marshall said the permit has been acted upon. He believes they've already transferred the units.

Ms. Aldean asked where the units are coming from to facilitate this project.

Mr. Marshall believes they are being transferred in.

Ms. Self said that is incorrect. They've alluded to the history of site. In the past, this property was the Colony Inn Motel. That was demolished and all of the development rights, tourist accommodation units, and the coverage were banked on site. As part of that banking, the stream environment zone was required to be restored. Roughly 50 percent of this area is a stream environment zone. That did require restoration. Some of those development rights have been transferred off of the site, not all. The proposed project is using development rights that are already banked on site. No new

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development rights can be transferred onto this property because of the past demolition, banking and transferring activity.

Ms. Aldean read that these units are going to be used for vacation home rentals. She thought that this area would be a good location for VHRs to get them out of the neighborhoods.

Mr. Hitchcock, City of South Lake Tahoe said if a project were to move forward as residential condominiums and the subdivision process is completed, the applicant can apply for a vacation home rental permit.

Mr. Hitchcock, City of South Lake Tahoe followed up to Ms. Self's comments about the old Colony Inn Motel. The portion that's being rezoned was not part of the Colony Inn site, it was its own separate parcel that didn't have any development on it. So, it wasn't part of the requirements of the Colony Inn for deed restricting it to its natural state as a result of the transfers.

Ms. Aldean asked what that parcel number is.

Mr. Hitchcock, City of South Lake Tahoe said it's use to be APN 029-240-011 which is now merged with 029-441-024. It's the back parcel that has been merged. That was not part of the Colony Inn site.

Ms. Aldean said the original parcel -004 was the Colony Inn site.

Mr. Hitchcock, City of South Lake Tahoe said that is correct.

Ms. Aldean asked if these would be duplex units.

Mr. Hitchcock, City of South Lake Tahoe said no, they would be ten detached single-family units. It would be six additional units on the back portion of the parcel.

Ms. Aldean said if this project moves forward, the applicant would have the option to use these as rentals, in her mind would be appropriate given the location and the density of the development in the area or selling them as single-family homes.

Mr. Hitchcock, City of South Lake Tahoe said yes, that is correct.

Mr. Marshall said then could be used for vacation home rentals.

Mr. Hitchcock, City of South Lake Tahoe said that is correct. The property owner could apply for a VHR permit provided they meet all of the requirements of the VHR site inspection for the Tourist Core Area Plan.

Mr. Yeates said one of his concerns is the process is one of which this is coming to the Regional Plan Implementation Committee, and if it was to be for some kind of action. He understands that there is a project and land use amendments, but the reality is once those changes are made to become part of the Tourist Core Area Plan as amended. Then as far as the implementation of the Regional Plan and impacts of things like the stream environment zone will never come back to RPIC. The way the process was set up was that RPIC will see it and then it will continue on through the city process, the Advisory Planning Commission and the Governing Board. His preference was that RPIC would be the final place

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that these kind of things get worked out and then onto the Governing Board. He doesn't feel that this is quite ready because of the issues raised by the League to Save Lake Tahoe and the California Tahoe Conservancy. Recognizing the comments are about the project, but if they make these decisions then they may never know whether these things get worked out. It's a good one to get started but then they see how the parties get further along to work out the issues before it comes back to RPIC.

Ms. Aldean agreed. She would like to have all of these issues discussed and resolved. During the presentation, Ms. Self qualified that the land use amendment "appears" to be in conformance with the Regional Plan. Are there concerns being communicated by staff with using the word appears as opposed to something more definitive?

Ms. Self said there wasn't an underlying intention with the use of the word "appears." It was just presenting that staff has reviewed the materials in this packet including the Initial Environmental Checklist, the Findings Area Plan Conformance and staff has found that the amendment package for the land use designation and the change is in conformance with Regional Plan. Ultimately, it is the responsibility and role of the Regional Plan Implementation Committee and the Advisory Planning Commission to make those findings as well. She didn't want to be too leading as far as the decision and the review of this body today.

Mr. Lawrence said he's interested in hearing public comment. He doesn't feel that this is ripe. He has concerns and takes seriously the comments from the California Tahoe Conservancy and the Nevada Division of State Parks. The State Parks who manages Van Sickle Bi State Park does have concern about some of the encroachment that's been happening to the east of the road. Some years ago, those other high end residential parcels were developed right up against the Park and has caused concerns and doesn't believe those have been worked out yet. There is a dire need for affordable housing and we're losing our opportunities, there's concerns that we'll run out of those opportunities and would like some more thought on how this helps us conform to the Regional Plan when they're talking about trying to get more affordable housing in urban areas and people can walk to work. This looks like a great location for employee housing. Maybe there's a lot of site constraints that make that unfeasible but am interested in that moving forward.

Mr. Friedrich concurred with the comments that this is not ripe for a decision. He would want to bring the more considered views of City Council and staff to his recommendation as an RPIC member. That's not slated until October and would not be prepared to make a recommendation in advance of the larger input from the City of South Lake Tahoe. In part in consideration of the sorts of issues raised about affordable housing versus vacation rentals, recreation or vacation rentals. It may not be a land use that the City as a whole supports and he's not prepared to take that position in advance of that larger discussion.

Mr. Hester said after the updates of the Regional Plan in 2012, and they were doing the first area plans, they had a situation where one of the county's was trying to decide whether to do two or three units on a property in an area plan amendment and they had not decided at the local level. The chair of RPIC at that time, gave staff direction that they should probably codify that. They shouldn't have projects come to RPIC before the local government has made a decision otherwise, you put everybody in this loop. Staff has tried to make it sequential that there's an RPIC meeting for informational purposes and to raise issues, then it goes through the local process before it comes back to APC, RPIC, and Governing Board.

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Ms. Gustafson said she would like to hear public comment and from the applicant before she weighs in.

### Public Comments & Questions

Gavin Feiger, League to Save Lake Tahoe appreciated the thoughtfulness in considering the process. Coming back to the Regional Plan Implementation Committee after the local jurisdiction process is the best process. This project envisioned for the zoning change might be the type of development that our complicated systems allow and there is market demand for it but not necessarily demand from the community for this type of project. Nor is it a project that is envisioned in the vast majority goals and policies in planning documents from the Area Plan to the Regional Plan level. If the project is allowed by the zoning change, is in direct conflict with a lot of goals and policies of the Regional Plan Update and the Area Plan. The letter they submitted has more detail. The League would consider not opposing the project, but they don't like the rezoning of the small recreation piece behind the Colony Inn. But because the Colony site was never actually retired and is developable, they can see that going forward. They do want to see that corner lot, the adjacent lot that was pulled out of the proposal after scoping permanently retired or restricted to affordable housing with some kind of deed restriction running with the land. Through the City, the Advisory Planning Commission and the Regional Plan Implementation Committee, he thinks they can find a mechanism for that.

In addition to the issues explained in their letter, this is not a multi-family residential development proposal. This is a short term rental proposal. There is currently almost no residential in the Tourist Core (not the Tourist Core Area Plan) itself where a large number of our residents work. If there is going to be any kind of residential development, it needs to be for the residents and not short term rentals. They look forward to a project that's aligned with approved Regional Plan goals and no impact on the Lake.

Lew Feldman on behalf of HVR said HVR Acquisitions, (Wischmeyer) is a local family who have had some success with vacation rentals in this market. They acquired the site several years ago and the application was submitted in 2019. The comments that have been forthcoming from the League to Save Lake Tahoe and the California Tahoe Conservancy, they thought they had accommodated because when the amendment was initiated, the parcel -003 was part of the request to rezone. There was opposition expressed to that by the League and the CTC which is why it was deleted from the application. What we're talking about now is 1.27 acres of a 3.79-acre parcel that has split zoning. It's 60,000 square feet that is part of a parcel that is already going to be developed with multi-family, condominiums, and two single-family vacation home rentals. Is it four units or is it ten units. The 2.5 acres that are already properly zoned are subject to density of 25 units per acre for residential. That's not what's being proposed. This again, an accommodation to have a very modest development within this area adjacent to recreation. It's uniquely suited to accommodate foot traffic, multi-modal transportation to Heavenly Village, the mountain, walking distance to Lakeside Beach, etc. It's an ideal location for community that has severely limited a desirable form of tourist visitation, no better place for a VHR than here.

He appreciated the comments, regret that our where they are down to four units per acre instead of 25 units per acre, where they've eliminated most of the property that was within the original rezone application and are willingness to fence off this area with a rod iron fence. If you've seen the property, there are a variety of volunteer trails and public use that has degraded what was a TRPA approved stream environment zone restoration that TRPA released the security on because they concluded that

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the restoration was complete. This owner didn't do the restoration nor did this owner sign up to do restoration, but this owner is enthusiastic about trying to do what this owner can do within reason to enhance and protect the SEZ and collaborate with TRPA, the League, and others on any opportunity to restore the stream environment zone. They are a team player and have abandoned any hope of progress today other than to have this information conversation.

Steve Dolan wasn't here to comment on this but since you are talking about stream environment zones, you probably recognize me from my enthusiasm to protect SEZs over the past 30 years. It does appear that many of the larger organizations that are analyzing this, disagree with it becoming a housing project even though all of the qualifications for being close to businesses etc. make it enhance, it's adjacent to an SEZ including the SEZ with the layout is something that TRPA has consistently ignored or bent the rules regarding SEZs. For example, they have a house 20 feet from the stream at Incline Village that was recently finished and authorized by TRPA. It's an incredibly flat perfect SEZ without the house. The other is the bending of the SEZ zone of the bike park in Incline Village where instead of it being around 30 feet, it became 12 feet and was based on the size of one tree. He hopes TRPA takes a more active vigilance and respect for the SEZs. They are incredibly important and are the only thing that can consistently clean, feed, and nourish a Lake that's drawing all these people and business that TRPA seems to encourage. He doesn't think mitigating this property with a fence is appropriate. It should be protected at all costs including adjacent housing that might be easy for workforce housing etc. The worst thing that could be put there is short term rentals.

Kevin Prior, Director of Lands, California Tahoe Conservancy thanked the City and Mr. Hitchcock, Ms. Self, Lew Feldman, and the developer with all the work that they have done to date to accommodate their concerns around Van Sickle Bi State Park and the stream environment zone. It's been a good working relationship and they remain at the table to try and work out some of these issues. They are seeking additional mitigation measures to help offset the impacts of the cumulative impacts of this proposed development to Van Sickle Bi State Park. They see the ability to keep the corner parcel deed restricted as open space is a definite solution to some of their concerns. They also feel that there are other options here. The Conservancy as a landowner and acquisition agency of parcels in the basin are very interested in owning this parcel. The Conservancy has an access easement, the entrance to Van Sickle Bi State Park goes over the corner parcel and would like to own the parcel outright. They also continue to invest heavily in Van Sickle Bi State Park, they are working with the Nevada Division of State Parks on proposals of upwards of \$11 million in improvements on both the California and Nevada side. They do remain concerned that the encroachment and future potential projects even in a recreational area could impact negatively on their proposed improvements.

#### Committee Comments & Questions

Ms. Aldean said she didn't realize that the restoration of the stream environment zone had been completed to the satisfaction to TRPA at some point and has been degraded because of trespassing. To address Mr. Dolan's comment, she feels a fence will help as a buffer to protect the stream environment zone from further encroachment. In an ideal world, we would want the property fully restored but this is always going to be a challenge because unfortunately people are not terribly respectful. Taking a collaborative approach is appropriate. The challenge to the CTC is finding some money to help with the restoration of the stream, because she's unsure that burden should fall completely on the shoulders of the current owner because it was previously improved. We need to do whatever is necessary to protect it from further degradation. All parties need to come to the table and find a way of doing that rather than making it a condition of a permit that the SEZ be fully restored by

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the property owner.

Kevin Prior, California Tahoe Conservancy said public private partnerships for environmental gain is something the Conservancy values and would be interested in discussing this further. They do invest a lot in SEZ restoration and would be willing to discuss further with their Board and applicant on what they may or may not be able to do with their resources at the Conservancy to help.

Ms. Aldean said maybe it would include a conservation easement for the SEZ in favor of the CTC.

Ms. Gustafson said in the discussion from both the CTC and the League there was concern that the parcel had originally been part the proposed package. It's been withdrawn but what lives with that is the legacy of concern of what happens next if they are not willing to deed restrict it or sell it to the Conservancy. If they're leaving it in the recreation zoning, is there willingness to discuss further opportunities as they look at changing our plan area to the property owner making some changes as well.

Lew Feldman said that parcel is currently zoned recreation and has restricted uses. The ownership has had conversations, this is obvious to all of us in the room, there's kind of a full court press by the CTC to acquire this parcel. He's not sure this is the right mechanism to advance that undertaking. They thought that taking it out of the rezone and leaving it as recreation was a pound of flesh. There isn't any current interest by ownership in liquidating that parcel.

Ms. Gustafson just wanted to put that out there because that seemed to be what all of the discussion was about and the concern that a future proposal may come forward that isn't recreation oriented and request another change.

Mr. Yeates emphasized that he would like the parties to get together to further discuss this. He's always had respect for Lew with trying to balance his client's interest versus the obvious overall goals here for Lake Tahoe. The idea of having a public partnership relationship on the SEZ would be ideal. Somewhere, the ball got dropped here about the restoration of this SEZ because it didn't happen. Some say it's because of trespassing and some say because of the drainage. There is something more that needs to be done.

Ms. Aldean said the next body scheduled to hear this item will the Advisory Planning Commission. Do you intend to move forward with that?

Mr. Hester said TRPA will wait for the City to act.

Ms. Aldean made a motion to delay action on this item until the City of South Lake Tahoe Planning Commission and the City Council have taken action.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Lawrence, Mr. Hoenigman, Mr. Yeates, Mr. Friedrich  
**Motion carried.**

V. COMMITTEE MEMBER COMMENTS

None.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

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VI. PUBLIC INTEREST COMMENTS

None.

VII. ADJOURNMENT

Mr. Lawrence made a motion to adjourn the meeting.

Chair Mr. Yeates adjourned the meeting at 10:35 a.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler  
Clerk to the Board

*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).*

TAHOE REGIONAL PLANNING AGENCY  
OPERATIONS AND GOVERNANCE COMMITTEE

TRPA/Zoom Webinar

November 16, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Aldean called the meeting to order at 9:45 a.m.

Members present: Ms. Aldean, Mrs. Cegavske, Ms. Diss, Ms. Hill, Mr. Hoenigman

Members absent: Ms. Gustafson

II. APPROVAL OF AGENDA & MINUTES

Ayes: [All]

**Minutes approved.**

III. Recommend Approval of October Financials

Mr. Chris Keillor, TRPA Finance Director, provided the presentation. He brought up a slide showing highlights for the month. Mr. Keillor said that again this month, for revenues, fees are strong and planning fees are running 22% higher than the last three record years. When we put together the budget for this year, we were assuming that higher level of planning fees. We're not going above the budget, but the differential to the budget is not as big as it was in prior years. Compensation is at 28% year to date but that's to be expected. We filled the Executive Director opening last week.

Mr. Keillor then brought up a chart showing revenues and expenses and explained that it shows that TRPA is on-track moneywise. For revenues, fees are going strong. The state funds are in. Grants are billed. We have a major debt service payment coming up in December. For expenses, labor is on track. Contracts are catching up.

Mr. Keillor then moved on to a chart showing the monthly/cumulative cash flow. Cash receipts are at \$3.3 million. Some of our grants, mostly AIS grants, use a system called ASAP which works well and allows us to draw down on those funds with a shorter cycle time. So we picked up \$2 million in grants in the month that they were billed in. Unfortunately most of our transportation grants come through the state and follow a much more traditional process. Disbursements are at \$2.2 million and match the year to date average and are higher than prior years. This includes mitigation fees and securities.

Mr. Keillor noted that the Nevada Economic Panel met yesterday. They put together the revenue projections that form a part of the governor's budget. On the California side, they're assuming a recession and that's putting a lot of pressure on the general fund. On the Nevada side, it's a completely different structure. Nevada does not have as grim an outlook. California is heavily dependent on income tax, on high-income people, whereas in Nevada it's gaming sales and property taxes. If you peel back the layer on the sales tax you find that a lot of it is related to the hospitality industry.

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As long as people keep visiting Vegas, they're optimistic they'll have a decent revenue. We've asked for several supplemental requests from Nevada. One is to bring Nevada into the 2/3, 1/3 ratio against the compact. One is to provide annual funding to Tahoe Transportation District. And then there's funding for our scanning project.

Mr. Keillor then concluded his presentation and asked for questions.

Committee Comments & Questions

None.

Public Comments & Questions

None.

Mrs. Cegavske made a motion to recommend approval.

Ayes: Mrs. Cegavske, Ms. Diss, Mr. Hoenigman, Ms. Aldean

Members absent: Ms. Gustafson, Ms. Hill

**Motion carried.**

IV. Recommend approval for the Inflation Adjustment to TRPA Rental Car Mitigation Fee

Ms. Kira Smith, TRPA Senior Planner for Transportation, provided the presentation. Ms. Smith began by saying that the rental car mitigation program was first adopted by the TRPA Governing Board in 1993 to offset impacts by rental cars in the Basin and to mitigate vehicle miles travelled. Ms. Smith explained that the current fee is \$5.50 per day per car, which was adopted in 2009. The fees are collected by TRPA and then passed through to the Tahoe Transportation District for support of transit services. The 2022 change in the Consumer Price Index for the San Francisco region was 6.8%. Per the existing rules of procedure, a 6.8% increase raises the mitigation fee to \$5.75. Mitigation fees will continue to be passed through to the Tahoe Transportation District to support transit. This increase was already approved by the TTD at their September board meeting.

Ms. Smith concluded her presentation and asked for questions.

Committee Comments & Questions

Ms. Aldean commented that TRPA and the Board may want to consider at some point incentivizing the use of electric rental vehicles by lessening or eliminating the fee to rent electric rental vehicles when travelling to the Basin.

Ms. Smith said that they are planning to update this section of the code to be able to change the rate annually due to inflation, rather than relying on the Consumer Price Index, and that when they do, they can also look into incentives for electric vehicle rentals.

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Mrs. Cegavske asked why we use San Francisco's Consumer Price Index, and also, with electricity costs going up, are we sure we want to make any changes for the electric cars?

Mr. Keillor answered that this is the only mitigation fee for which our rules of procedure specify that we use the Consumer Price Index. We will at some point move towards removing the use of that index, or else normalizing all mitigation fees so they all use the same index. Mr. Keillor added that we're using the San Francisco metropolitan area Consumer Price Index, so the only area in Nevada that would have a metropolitan CPI would be Las Vegas. This is one reason we wanted to move everything to the Western States Index, which actually includes Tahoe and both sides of the border.

Ms. Aldean answered that the topic of whether to incentivize electric vehicle use may be part of a broader conversation, where ultimately it may be decided to not make an exception for EVs.

Mr. Hoenigman asked whether we should make these fees in the future be automatically adjusted for inflation to make them consistent year to year.

Ms. Hill agreed with Mr. Hoenigman and asked if there is any way to make it automatic so staff don't have to put it on their calendar. It's very important to make sure we get every dime to the TTD and don't miss any opportunities.

Ms. Aldean pointed out that there may not be any rental car establishments on the Nevada side of the Lake.

Mr. Keillor added that we're re-examining what constitutes a rental car establishment. Further, if we wanted to make the fee adjustment be automatic, that would require TTD approval as well.

Mrs. Cegavske added that she would like the topic of electricity to be brought up when the rental car mitigation fee topic is revisited.

### Public Comments & Questions

None.

Ms. Hill made a motion to recommend approval.

Ayes: Mrs. Cegavske, Ms. Diss, Mr. Hoenigman, Ms. Hill, Ms. Aldean

Members absent: Ms. Gustafson

### **Motion carried.**

- V. Recommend approval of the California Tahoe Conservancy Request for Release of \$3,700,000 in Excess Coverage Mitigation (ECM) Funds for the Land Bank Acquisition

Ms. Jen Self, TRPA Principal Long-Range Planner, provided the presentation, saying that Kevin Prior of the California Tahoe Conservancy is also on the line to answer any questions.

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Ms. Self reminded the Committee that last month, she and Mr. Prior provided an overview of the Land Bank and the mitigation fund program, as well as an in-depth overview of this acquisition, also known as the Motel 6 property. Ms. Self said that today we're asking you to take action on this item. She then summarized the request, which is the release of \$3.7 million from the Excess Coverage Mitigation program funds. The potential acquisition is a 31-acre site including Motel 6 in South Lake Tahoe and a targeted stream restoration area. The use of funds would be for site acquisition and stabilization, and for administrative purposes. Ms. Self explained that the total amount of the acquisition would exceed the amount being requested today, so other funding sources being used are the California Department of Fish and Wildlife, the California Conservation Board, and others. The acquisition is not complete yet and negotiations are ongoing. Releasing of the mitigation funds would make the Land Bank competitive in their offers. If the funds are released they will be placed in an escrow account and unavailable until after the close. The transactions would be recorded at invoicing and approved at staff level. The use of those funds is in conformance with a jointly adopted MOU between the Land Bank and TRPA. In the event the purchase doesn't go through, all the funds would be transferred back to the Mitigation Fund.

Ms. Self concluded her presentation and asked for questions.

#### Committee Comments & Questions

Ms. Aldean asked whether the offer being made by CTC is likely to be accepted.

Mr. Kevin Prior, Director of Lands at the Tahoe Conservancy, explained that they are still in ongoing negotiations and the status has not changed much yet since last month's update at this Committee meeting. Mr. Prior said they are reviewing their appraisal to make sure it's competitive.

#### Public Comments & Questions

None.

Mr. Hoenigman made a motion to recommend approval.

Ayes: Mrs. Cegavske, Ms. Diss, Mr. Hoenigman, Ms. Hill, Ms. Aldean

Members absent: Ms. Gustafson

#### **Motion carried.**

VI-XIII. Approval of the FY22-23 State of Good Repair Project Lists for the Tahoe Transportation District and Tahoe Truckee Area Regional Transit; Allocation of FY 2022-2023 Transportation Development Act Funds to TRPA, the Tahoe Transportation District, and Tahoe Truckee Area Regional Transit

Ms. Kira Smith, TRPA Senior Planner for Transportation, provided the presentation. Ms. Smith opened with some background on the Transportation Development Act. She explained that the Act, developed in 1971, provides funding from California for transit capital and operations. The program is administered by the Regional Transportation Planning Agencies. The allocations are calculated by population, ridership, and service provided.

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There are three funding sources: 1) the local transportation fund (LTF), derived from a ¼ cent general sales tax; 2) state transit assistance (STA), derived from statewide sales tax on gasoline; and 3) the State of Good Repair (SGR), funding from the Road Repair and Accountability Act of 2017 (SB1). Ms. Smith then explained that the two transit operators, TART (Tahoe Truckee Area Regional Transit) and TTD (Tahoe Transportation District) submit claim applications for these funds and TRPA approves them and recommends approval at the Governing Board. Today we are asking for approval of the FY2022-2023 funds.

Ms. Smith concluded her presentation and asked for questions.

### Committee Comments & Questions

Mr. Hoenigman asked whether unused funds are still held in an account and then used at a later date.

Ms. Smith explained that funds do not lapse at any point, but rather can be rolled over by the transit operator and used from year to year.

### Public Comments & Questions

Mr. Carl Hasty, District Manager of the Tahoe Transportation District, commented that these are very important funds for TTD as they help leverage federal dollars and provide a match source to those federal dollars. He said they are very appreciative of what California provides and allows them to return to the communities, and they ask for the Committee's support.

Ms. Aldean made a motion to recommend approval of: 1) the FY 2022-2023 State of Good Repair project lists for TART and TTD (item VI); 2) the allocation of FY 2022-2023 Transportation Development Act funds (LTF, STA, and SGR funds) to TRPA, TTD, and TART (items VII-XIII).

### Public Comments & Questions

None.

Ms. Hill made a motion to recommend approval.

Ayes: Mrs. Cegavske, Ms. Diss, Mr. Hoenigman, Ms. Hill, Ms. Aldean

Members absent: Ms. Gustafson

### **Motion carried.**

#### XIV. Recommend approval of Amendment No. 1 of the FY 2022/23 Lake Tahoe Transportation Overall Work Program

Ms. Michelle Glickert, TRPA Transportation Planning Program Manager, provided the presentation. Ms. Glickert explained that the tasks and budget outlined in the Transportation Planning Overall Work Program (OWP) are prepared annually and folded into the TRPA Operations Work Plan prepared by the TRPA Chief Operating Officer and reviewed with the Board annually.

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Ms. Glickert explained that as the Tahoe Metropolitan Planning Organization (TMPO) is a recipient of federal funds, they must formally amend the OWP from time to time throughout the fiscal year via resolution from the Board. Preparation of the OWP starts around February for May approval. As such, many of the revenue sources must be estimated based on anticipated work to be completed. This is identified as carryover funding. Once the fiscal year closes, we receive our final budget around September, and amend those funds back into our OWP budget. This amendment addresses the reconciliation of carryover funds. Ms. Glickert showed a slide detailing the breakdown of the budget reconciliation of \$233,464 being brought back into the budget. The amounts for the reconciliation include: 1) \$25,000 for Work Element (WE) 102, TDA Administration; 2) \$86,631 for WE 104, Regional Intermodal Planning to support Safety Strategy, ATP and Equity Planning Studies; 3) \$58,979 for WE 105, Data Management and Forecasting; and 4) \$62,854 for WE 108, Regional Intermodal Planning to advance the final regional funding strategy. These changes will not impact staff budget or priorities.

Ms. Glickert concluded her presentation and asked for questions.

### Committee Comments & Questions

None.

### Public Comments & Questions

None.

Mr. Hoenigman made a motion to recommend approval.

Ayes: Mrs. Cegavske, Ms. Diss, Mr. Hoenigman, Ms. Hill, Ms. Aldean

Members absent: Ms. Gustafson

### **Motion carried.**

- XV. Recommend approval to Authorize Executive Director to submit an application to the California Department of Housing and Community Development for the MPO allocation of Regional Early Action Planning (REAP) funds

Ms. Karen Fink, TRPA Long Range and Transportation Senior Planner and Housing Ombudsman, provided the presentation. Ms. Fink began by reminding the Committee that in September, she came before the Committee to request authorization to apply for the advance for these funds, and now she's here to request authorization to apply for the balance of the remaining funds in the amount of \$567,000. Ms. Fink said the REAP program seeks to accelerate regional housing goals and climate commitments. As the MPO for the region, TRPA plans to use the funds to advance the priorities of the Tahoe Living, Housing and Community Revitalization Working Group. Ms. Fink said there is another competitive opportunity under the REAP program called the Higher Impact Transformative Grant, whose applications can be for between \$1 million and \$10 million, and we're currently working with our partners to draft an application to that program as well and will be coming back here in December to request your authorization to apply for that.

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Committee Comments & Questions

Ms. Aldean pointed out that we had a cash advance allocation from these funds for \$37,000 to pay for time to develop the full application and is assuming that will pay for additional staff time to work through the process.

Ms. Fink said that was correct.

Public Comments & Questions

None.

Ms. Hill made a motion to recommend approval.

Ayes: Mrs. Cegavske, Ms. Diss, Mr. Hoenigman, Ms. Hill, Ms. Aldean

Members absent: Ms. Gustafson

**Motion carried.**

XVI. Principal Financial Group Investment Review

Mr. Chris Keillor, TRPA Finance Director, briefly outlined the topic for discussion. He explained that TRPA holds onto substantial amounts of cash that are not directly available for TRPA purposes and are being held for other people, specifically mitigation funds such as the ones we discussed earlier today, as well as almost \$5 million in project security fees which are returned to project applicants. In addition we get our state monies at the beginning of the year and then spend it down over the course of the year. So we've broken up this money into three pieces: the working capital portion which is invested in the LAIF program run by the California treasurer; also a small amount of money invested with the Nevada LGIP program; and then this group which runs about \$12 million. We haven't done any drawdowns on it since I've been at the Agency. The mitigation funds and securities tend to be stable in terms of inflow and outflow. Originally we were with Wells Fargo; however Wells Fargo has had some issues and they sold off this piece to the principal group. So we now have a principal group account. So I'd like to introduce Bruce Remington of the principal group.

Mr. Bruce Remington, Senior Portfolio Strategist of Principal Global Advisors, provided the next part of the presentation. Mr. Remington opened with an economic and market review. A synchronized global economic downturn is underway after COVID and the Ukrainian situation, as well as the disruption to energy prices. Inflation is not due to Mr. Biden; rather, it is a worldwide problem. The U.S. is in better shape than the rest of the world. Global inflation will only decline at a painfully slow pace. The global central bank is tightening and has further to go. Rates are being raised. It's like taking chemotherapy, it's deadly on the individual but without it you don't survive. So the Fed will continue to be aggressive. This directly hits the portfolio. This is an ugly, difficult market. Equity markets have further to slide. Fixed income investors should seek safety and high quality. Challenged equity and fixed income markets create a positive backdrop for real assets.

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Mr. Remington then briefly explained that both bonds and equities delivered negative returns year to date. September was the largest one-month loss for the S&P 500 index since March of 2020. The second quarter of 2022 was the worst market for U.S. Treasury bonds since 1789, and most of that was due to the spending to counteract COVID. It's a scared market with rising interest rates and a softening economy. Mr. Remington then went on to the history of interest rates and how they've changed in recent years. The start of the shutdown due to COVID was late March of 2020. By September, after six months of aggressive government intervention, bond rates were down, the lowest rates in years. In 2021 they started to recover. Then in January and February of 2022 at the start of the Ukrainian war, the bonds went way down again, having a very severe impact. We have an inverted yield curve.

Mr. Remington then showed slides depicting cash flow and portfolio performance and profile. The beginning market value at three month was \$11,812,158 and the ending market value at three month is \$11,806,049. As of Friday the account is at \$11,787,963. Mr. Remington said that for portfolio performance, compared to the market we are in really good shape. We run short high-quality bonds. The total performance for the quarter, we're down 0.05% year to date. We're down 0.94% net. Our benchmark was down 363. We've had a mix of short high-quality bonds giving us a good coupon. When this whole bloodbath started in the bond market we were positioned as good as we could possibly have been. A lot of that is me working with Mr. Keillor. We hold the bonds to maturity. That has paid off in spades. When we looked at this portfolio one year ago at this meeting we were lagging. We're caught up now. A conservative approach has paid off. Rule one, don't lost money; rule two, do the best you can. For the quarter we were up 0.07%. Year to date we're now down 0.87%, the benchmark is down 3.73. How are we currently structured? For option adjusted duration, we're significantly short relative to the benchmark. When we saw that yield curve go inverted, the vast majority of our bonds were shorter than that, and we didn't get hurt. We're not going to default. The bulk of the bonds we have in this portfolio are treasury and agency. Right now the yield pickup on agency paper is two or three basis points. I'm not going to sacrifice liquidity to pick up two one hundredths of a percent. Until 2005, you could. After 2008, that spread narrowed. Not worth the risk. We're slightly overweighted relative to the benchmark. I've been able to pick up a little yield. For maturity breakdown, we're about 80%. I'm starting to link them to maturities. Buying two or three year bonds. Now is the time to buy them. We have lower exposure to corporates, higher exposure to treasuries, the last of our agency paper has matured and been rolled into treasuries, so we've got a pretty bomb-proof portfolio. For option adjusted yield to worst, that is what would happen if some of the bonds were called, that might reduce our return. The worst scenario right now would be a 76 option adjusted yield. So we're in really good shape. You've been so safe and so careful for so long, and people start to wonder, gee, should we be taking a little bit more of a risk. This bites everyone in the tail. We're in really good shape. The money's there, it's safe. I invested in high quality securities. If we go into a recession and you see interest rates come down, you'll probably get some capital gain. If we see bond rates continue to rise, we may shift the portfolio into higher paying coupon. Eventually, as the inflation genie gets put back in the bottle, you're going to want to hold those high coupon bonds in a falling rate environment. This approach worked the best in 1980 to 1982. We stay short and liquid, so we're in really good shape.

Mr. Keillor added that the investment policy is modeled after the two states, so that caps us at about five years. Also, a lot of this money is mitigation funds, and we pay interest, and that goes to the local jurisdiction that draws down on that. So that's one reason we don't want to lose money out of the pool; we don't want to go to the jurisdictions and say, oh, your money just dropped in value because of the negative interest.

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Mr. Remington added that the bank stocks are sensitive to interest rates. The job that banks have is lending money at a higher rate than what they borrow it at. So for banks to issue bonds at a 3% coupon, and then lend that money out at 5% or 6% as a mortgage or a corporate loan, they pick up on the spread. The problem banks have been having is with inflation below 2%, treasury bonds yielding 1.5%, there's no flexibility for them to pick up any kind of spread. We own the bank bonds, and there we have a fixed maturity, which in this case is very short. We have a fixed coupon. It's not unlike us paying on the car loan. The car is there as collateral. I have to pay the principal and interest on the automobile until the loan expires, and then the bank turns around and lends on another car. In this environment, they're charging a higher rate for the car loan. That's why we own the bonds. Banks are 53% of the short term index. Our representation of bank bonds in this portfolio is reflective of the market.

Mr. Remington wrapped up his presentation, saying the shift to principal has been great. With Wells Fargo, this was an ancillary part of the business, and with principal it's a huge part of our business. Great people. We love working with you.

### Committee Comments & Questions

None.

### Public Comments & Questions

None.

## XVII. Upcoming Topics

Mr. Chris Keillor, TRPA Finance Director, provided the upcoming topics presentation. For future Operations and Governance Committee meetings, on the agenda for December is the TRPA Fiscal Year 2022 Audit. For future Operations and Governance Committee meetings, topics will include the mitigation fee increases in February, probably at the RPIC meeting. Also, the financial policy updates. As for the building improvements, the roof is done, the lobby is done. The one problem is the retaining wall; it will cost us a little more than we expected.

### Committee Comments & Questions

Ms. Hill asked whether there is an opportunity to look at the rent we charge TTD. Is there any opportunity for flexibility in terms of the rental cost?

Mr. Keillor said we don't technically have a lease with TTD, but rather a separate building fund. There's also an additional surcharge for shared expenses, which TTD agreed to. I wouldn't say there's much of an opportunity there. It's pretty stable. We haven't changed anything for at least four or five years. We can look at that. We can bring it back as an informational item.

### Public Comments & Questions

None.

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XVIII. Committee Member Comments

Mrs. Cegavske thanked the staff for their work and their help with these meetings on behalf of Scott Anderson, her Chief of Staff, and herself.

Ms. Aldean said we don't thank the staff enough, and obviously they're the brick and mortar, so we appreciate them.

XIX. Public Interest Comments

None.

XX. ADJOURNMENT

Ms. Hill made a motion to adjourn.

Ayes: [All]

Chair Ms. Aldean adjourned the meeting at 11:10 a.m.

Respectfully Submitted,

Georgina Balkwell  
Senior Management Assistant  
Current Planning Division

*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).*

TAHOE REGIONAL PLANNING AGENCY  
LEGAL COMMITTEE

TRPA  
Zoom

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**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Williamson called the meeting to order at 9:51 a.m. on October 26, 2022.

Members present: Ms. Novasel, Ms. Aldean, Ms. Williamson, Mr. Rice, Mr. Hicks and Mr. Yeates.

Members absent: None.

I. APPROVAL OF AGENDA

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

Ms. Williamson deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Williamson asks for approval of minutes from the September 28, 2022 Legal Committee meeting. Ms. Aldean makes the motion to approve the minutes as presented.

**Motion carried** by unanimous voice vote.

III. APPEAL OF TAHOE TRANSPORTATION DISTRICT/WASHOE COUNTY SCHOOL DISTRICT TEMPORARY USE (TRPA FILE #ERSP2021-0673); 771 SOUTHWOOD BOULEVARD AND 915 NORTHWOOD BOULEVARD; INCLINE VILLAGE, WASHOE COUNTY, NEVADA; ASSESSOR'S PARCEL NUMBERS 132-201-02 AND 132-012-05; TRPA FILE NO. ADMIN2022-0027

John Marshall presented for staff. [Slide 3] He reminds the committee that they are here talking about the permit that TRPA issued to the Tahoe Transportation District ("TTD") for up to two years of summer use of two properties in Incline [Village, Nevada] to use as parking and transit stops for the East Shore Express ("ESE"). As the committee knows, the ESE runs up and down Highway 28 on the East Shore and provides substantial public transportation to beach goers and other recreationalists wishing to access the East Side and to reduce the parking along Hwy 28. The temporary permit was issued by TRPA Staff Bridget Cornell who will be available to answer any committee questions.

The temporary use permit was issued by the Hearings Officer and then a group of 26 Incline residents and concerned citizens filed an appeal. The appeal goes to a number of questions that are addressed in the staff report. On this slide, you can see the two properties – the Northwood and Southwood properties. The Northwood property is the existing Incline Elementary School and serves as the backup parking if the Southwood location, the old Incline Elementary School, is full. The Southwood location provides the main parking and transit stop for the ESE in this area.

[Slide 4] This slide is a graphic from the permit for the Southwood site. [Slide 5] This is the Northwood site, the current Elementary School. What the committee can see here are parking lots that are utilized by members of the parking lot to park and then access the ESE at the designated spot.

The major issues for the committee to consider is, first, whether or not these parties have sufficient interest in these permits. Generally that's satisfied if someone is affected by the permit as issued. The issue was raised for staff because within the appellate papers, there was no demonstration that these folks either lived in the area or were directly affected by these transit stops. The committee may want to hear from them on this issue and then decide whether or not under the Rules of Procedure ("ROP") there's sufficient interest of these appellants to continue with the appeal.

Assuming the committee does find sufficient interest, the first issue goes to TRPA's Special Use Findings. This is a special use as a transit stop within the Area Plan. There are three special use findings and 2 at issue here, on 21.2.2.A and B. The first issue has to do with whether or not the proposed use is consistent with the surrounding uses. The findings are fairly clear from the Hearings Officer that given that these were old or existing school sites, the use of these as a bus pull up and parking lot are consistent not only with the old and current uses but also with the surrounding uses. Next is the special use finding regarding detriment to surrounding properties. Again, as set forth in the staff report, the Hearings Officer detailed his findings regarding why it would not be injurious or disturbing to the health, safety, or enjoyment of property of the surrounding entities. This brings us to one of the appellants' main concerns which is the mobility hub which is not the project before the committee, and the future development of the Southwood site as a permanent mobility hub for TTD to operate the ESE out of and perhaps other transit services as well. That is not what is before the committee today. What's before the committee is the continuation of use that TTD has been putting to these sites over a number of years and whether or not there were the appropriate determinations made for this seasonal, temporary use.

The next issue, folds right along and whether or not the Chapter 21 Use that staff identified which is Transit Station and Terminals was the appropriate designated use. Again, the major concern of the appellants' here is that it shouldn't be identified as a mobility hub, which it's not, or that it should try to identify with the purpose with what was identified in the application. While the application describes what the use is, staff went through the appropriate use chart within Chapter 21 and identified "Transit Stations" as the appropriate special use. Appellants' main concern is whether or not the other descriptions that occur within the record somehow are inconsistent with the use of transit station special use identification. For staff that's not really the legal issue. The legal issue is whether or not it was appropriate to identify this transit use as a transit station and terminal. From the weight of the evidence, it was appropriate and the only identifiable and correct use for what TTD is proposing here.

Finally, there were concerns regarding environmental documentation done for the project. First, that there's a provision of the ROP 6.2 that states that TRPA shall coordinate where feasible with any NEPA or CEQA process that is going on for the same project at the same time. There is no appropriate NEPA or CEQA project identified here. It's in Nevada so CEQA doesn't apply. NEPA may apply but there is not Federal action regarding the continued use and issuance of a special use permit so there is no NEPA process to coordinate with; therefore ROP 6.2 does not apply. Lastly, there were concerns regarding the Initial Environmental Checklist ("IEC") that was prepared. In some of the recent emails, somehow the IEC was identified as being prepared in

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2014. That is just the date of that form. The IECs were performed timely.

The last issue Mr. Marshall talked about were some of the conditions of the permit which is page 138 of the packet. In particular, condition 7 which addresses parking. TRPA Staff understands that, because of the popularity of the ESE, there have been some parking issues on site. Staff has been working with TTD to meet condition 7 which identifies where parking can be allowed. Given that there has been parking in the past on dirt and in areas where TRPA doesn't allow it, and TRPA wants TTD to be consistent with condition 7, staff is working with TTD to establish some ways in which dirt parking can be blocked off and better coordinate TTD's operation with this site so that when there's overflow into the Northwood site, that happens seamlessly. There are several TTD representatives available today who will be presenting to the committee. TRPA Staff believes the Hearings Officer's 2-year temporary permit was appropriately issued and there is substantial evidence to support the conclusions he made.

Mr. Yeates states that he received an email yesterday from the lead appellant, Vanderpool, providing a significant number of photographs and comments as well as his address which is on the street adjacent to this facility. He read the question on standing and had some email correspondence at it and reviewed the materials. Based on the Statement which is just generalized opposition without any real specificity that gave any sufficient sense of the interest in the appeal. Since that time, they have now sent in [sufficient evidence]. Mr. Yeates asks then if this is a time issue in getting such material to TRPA?

Mr. Marshall responds that if Mr. Vanderpool lives in the area and is directly affected by the traffic than TRPA accepts that as establishing sufficient interest. It's a fairly low bar, but appellants have to show some connection to the problem that they're wanting TRPA to address.

Mr. Yeates states that part of his nervousness about this standing issue is in his own experience in his legal practice about how lay people are given some breaks on some of the issues where they don't have an attorney involved. Nonetheless, Mr. Yeates did receive that information directed to all of the committee members that seems to suggest there are traffic issues and parking issues and it was presented by a person that lives adjacent to this parcel.

Mr. Marshall states that this satisfies staff's concern for having sufficient interest in the project.

Chair Williamson states that the committee can determine from this discussion that the appellants have met the requirement to show sufficient interest and therefore standing and can hear the appeal on the merits.

Ms. Aldean asks Mr. Marshall if the appellants could allege sufficient interest just based on the potential impact of the proposed project on the general welfare of the region? Is that too high a bar to clear?

Mr. Marshall states that that brings into question whether there is sufficient interest in the permit itself. This is not a constitutional standing question. It's whether or not, in the committee's judgment, there is sufficient interest of who is appealing an issue and is there sufficient interest in that party to allow them to bring the appeal. The committee can imagine if there's someone who has a vendetta against someone else and they decide to appeal a permit simply because they don't like the permit holder regardless if they have any connection to the subject of the appeal. Ms. Aldean is talking more generally about cumulative impacts. Mr. Marshall states that an appellant could claim cumulative impacts as sufficient interest but these appellants did not allege that they suffered those. However, based on Mr. Yeates' statements,

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the connection between the appellants and the adverse effect they're complaining of has been made.

Chair Williamson confirms with the committee that they're in agreement that there's sufficient interest of the appellants to hear the appeal.

Ronda Tycer of Incline Village presented for the 25 Incline Village appellants to the TRPA Legal Committee and the Governing Board. They are requesting that the Legal Committee recommend their appeal be heard, and that the Governing Board reverse the Temporary Use Permit for the TTD's East Shore Express.

She will refer from now on to the East Shore Express as ESE and to the Old Incline Elementary School as the OES. She will begin with proving their right to have their appeal heard by the TRPA Board before responding to the Staff rebuttal of their appeal.

First, Staff is wrong to recommend the TRPA Governing Board should decline to hear their appeal.

TRPA Rules of Procedure 11.6.1 does not require appellants to show they are "particularly affected," but only that they have "sufficient interest in the outcome of the appeal."

Ms. Williamson confirms that the Legal Committee has determined that the appellants have sufficient interest. Ms. Tycer states that they don't need to all show that they were aggrieved. By right, they were all at the hearings and therefore have the right to appeal.

Ms. Tycer addresses the specific issues mentioned by TRPA in the Staff Report. She refers her responses to sections of the report.

### Section A – Appellants Fail to Demonstrate Standing

She has covered this in her introduction. They have standing.

### Section B1 – The Evidence Supports Special Use Findings

The first finding is — The ESE transit station is an appropriate use for the surrounding area. They disagree. The Staff rebuttal only addresses the "type of use allowed in the zone" and does not address the equally important "nature, scale, and intensity" of use. In fact, the majority of input from Incline residents over the years has been evidence that the nature, scale, and intensity of the ESE is damaging and dangerous to the surrounding neighborhood and the community at large.

[Slides XX-XX] The two-lane road is not big enough to handle ESE traffic. Every ESE bus and tourist car heading to the OES parking lot goes through the stoplight at the Highway 28 intersection with Southwood. As buses and cars turn through from Hwy 28 onto Southwood they go down a steeply curved two-lane road that in a few hundred feet leads past the OES to the Village Center and the US post office. Most Incline residents pick up mail on a daily basis because Incline doesn't have home mail-delivery. So hundreds of residents must go through that same stoplight and down Southwood past the OES every day.

The ESE causes traffic jams on both Southwood and Hwy 28. The ESE entrance to the OES parking lot is just a few hundred feet down Southwood from the intersection. During peak periods, as tourist cars go through this intersection before they can enter the OES, they pull to

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the right to wait along the curb. When cars are backed up all the way from the OES entry to Hwy 28 there is a massive spillover effect so cars on 28 cannot turn right to go down Southwood.

Section B2 – The ESE transit station will not be detrimental to surrounding property. Staff members contend the ESE at the OES does not include physical changes to the proposed location and conclude that it will therefore not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of the persons or properties in the neighborhood. They disagree.

Just because there are no physical changes to the property—as yet—does not mean that there are no negative impacts on Incline residents' health, safety, or general welfare. Nearby residents have provided numerous examples over the years—most recently appellant Aaron Vanderpool. His 87-page formal complaint to TRPA and TTD documents negative impacts to him and others in the neighborhoods. In his complaint he references increased crime, trespassing, illegal use of HOA and business property, public endangerment due to speeding, illegal backing up into traffic, illegal U-turns, pedestrians nearly hit by cars, a cyclist nearly hit, dangerous swerving around cars along the curb waiting to enter the lot, trash, noise pollution, and—against TRPA regulations—parking on dirt.

We believe these evidence-based complaints prove TRPA Staff is wrong in saying there are no injurious or disturbing effects of the ESE at the OES.

Further, Staff members contend that the Vehicle Miles Traveled analysis was a sufficient traffic study by which to conclude the ESE causes no increased traffic impacts. They studied only traffic impacts on Vehicle Miles Traveled and traffic volume. In fact, the ESE negatively impacts traffic, neighbors, and nearby HOA and business properties. These include people parking wherever they find space, loading and unloading recreational equipment and children illegally wherever convenient, and in their hurry to make the bus, making illegal U turns on a 2 way street.

Appellant Vanderpool's photos show endless traffic and parking problems. These negative effects in his formal complaint will be multiplied a hundred-fold should the ESE continue to operate from an expanded OES bus station. Staff's dismissal of their documented traffic concerns and complaints is simply wrong.

Section D – Staff concluded there was no need to coordinate with the FTA or NDOT because there was no NEPA or CEQA Action or Process with Which to Coordinate

Because the 771 Southwood property was purchased using FTA Federal funds via an application for funding in connection with a NEPA Categorical Exclusion Protective Property Acquisition by the Nevada DOT on behalf of the TTD, the primacy for regulatory environmental review considerations rests with the FTA under NEPA. Therefore, per TRPA Code of Procedures Chapter 6.2, TRPA should have coordinated its environmental review of the "change in use" of the property.

They continue to go on record that TRPA Staff misrepresented TTD's past use of the OES for the ESE. The Staff report says that the service has been operating for a number of years on a less-formalized basis. That statement is an obfuscation, vague and incomplete since the past use of the property was that of a 10-year inactive elementary school campus with 8 years of illegal, non-permitted TTD ESE parking and a non-permitted TTD bus transit stop. "Less-formalized" in this case means, "unpermitted," and "unpermitted" means illegal.

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They contend that TRPA's granting of the Temporary Use Permit represented a "change in use," and was, in fact, an intensification of use of the parcel. The original NDOT/TTD Federal funding application stated, "For the last 9 years, Tahoe Transportation District has been using the Property for a seasonal transportation hub," when actually the past use of the property was that of a 10-year inactive school campus with 8 years of non-permitted TTD parking and a non-permitted bus transit stop.

They contend that there was a change in use, and that change was from illegal to legal, which Staff cannot deny.

The Incline residents know the ESE service from the OES has had an overall negative impact on their village core. For this reason, they are uniformly against the TTD operating the ESE parking lot and transit service at the OES in the future.

They also know that TTD and TRPA use the tyranny of small decisions to advance their objectives. This Temporary Use Permit approval is just one small decision following many other small decisions. TRPA has not done a comprehensive environmental study of the cumulative impacts of this Temporary Use Permit.

They contend TTD is wrong to operate the ESE at the OES, and TRPA Staff was wrong to approve the use permit.

They stand firmly on their entire appeal and ask you to do what's right. Reverse the TRPA Staff's Temporary Permit decision. Thank you on behalf of all appellants and citizens of Incline Village.

George Fink, Transit System Program Manager presents for TTD. The ESE was established as part of a systematic approach to addressing the chronic congestion in the SR28 corridor and is part of a larger regional transportation system that's been planned for more than a decade. The ESE operations began as a pilot program in 2012 operating each season from June through Labor Day for 8 years (2012-2019) in partnership with Nevada State Parks. In 2020 and 2021 the service was suspended due to the pandemic. This year the ESE came back as an extremely successful return to service following that 2-year pause. Despite a shorter operating season, only 72 days vs. 77, ridership was 29,161 riders. That's 79% of the 2019 operating season and this particular season was operated with only one bus rather than 2 which was typical before. The ESE parked around 3,188 cars getting those off the road throughout the season at both the old elementary school at 771 Southwood and the existing Incline Elementary School at 915 Northwood.

In the report submitted to TRPA that has the breakdown of all the parking, ridership, days, busses, and all the things that were required by the permit there were 7 recorded comments regarding the season, 6 of which came in during the season and the 7<sup>th</sup> after the close of the season. Aaron's [Vanderpool] comment came in two days ago which would bring the total to 2 after the close of the season. Of the 6 comments received during the [operating] season, 1 was a compliment, 4 were operational complaints related to East Shore, and 1 was an operational complaint related to an ESE bus returning to the yard in South Lake Tahoe. The 7<sup>th</sup> comment was received on September 26, 2022 from Doug Flaherty and contained numerous items.

There's certainly things to be done to improve the service as we go forward. Some of the discussion about backing up on Southwood, the gates can be opened earlier to make sure that people aren't backing up on to Southwood. For parking in unpaved areas on the actual school site, TTD can work to put temporary barriers there to prevent parking on unpaved areas. For the parking attendants, they can do a better job and TTD will do better training to ensure that the overflow lot is used properly. Of course, TTD did have some issues with information from

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Nevada State Parks not being communicated properly so TTD will work closer with Nevada State Parks to make sure that they are telling people coming to the park the correct information and that people are going to the correct place.

Mr. Yeates asks about the last photos Ms. Tycer shared, we're doing this shuttle to reduce traffic by taking people out of their cars and parking them remotely. Like any community at the end of the line, they tend to take a lot of the adverse impacts. Mr. Yeates is concerned about the line [of traffic] and the lack of signage that the lot is full. There should be signage out on SR28 to let people know that the lot is full so that they go to the overflow area. Mr. Yeates states that the permit conditions and the conditions that TRPA General Counsel has pointed to are pretty vague. Mr. Yeates thinks there should be more specificity about how this should be done and where complaints go and how they're dealt with. From the photos, Mr. Yeates is focused on the traffic consequence that is dangerous to bikers and other cars. These things haven't been worked out and there may need to be a better transportation plan worked out for this site. The other issue is the "Pilot Project Approval" and when that was done. Was that actually an approval through State Parks or through TRPA?

Mr. Fink responds that they've tried a couple different ways of doing signage on the street over the years. That's something to continue to work with Nevada Department of Transportation ("NDOT") as well as State Parks. That goes back to better coordination between the agencies particularly with NDOT to be able to allow something like a changeable message sign to direct people where they need to go before it becomes an issue. As far as the parking goes, you can see from the [images of] the parking lots that TTD submitted in their report that what you're seeing there is similar to any event opening up where you have initial stack on that; it is certainly not an all day situation. It's a point source in the beginning of the day and at the end of the day after the initial fill and initial download which is proven out through the data. There are some parking impacts there and what TTD is committing to do is to open the gates earlier so that they can try to alleviate that stack from people trying to get there early. Typically, gates are opened at 10 a.m. with the arrival of the first bus. As for the pilot project approval, Mr. Fink defers to TRPA as to what approvals TRPA had given at that point. Mr. Fink is not aware whether that was through the Park service, TRPA, or neither.

Bridget Cornell with TRPA explains that the pilot project approval was not an approval by TRPA. She believes that is in reference to some funding that TTD got at the time. As Mr. Fink stated, this is part of a comprehensive East Shore Management plan. The pilot project was a test case to see how the shuttle would operate by capturing the residents in Incline before heading to Sand Harbor. If anyone has driven along the East Shore from the North headed towards Sand Harbor in the summer, traffic frequently backs up all the way to Incline Village. That is one of the problems that the pilot project was seeking to address but the pilot project was not previously approved by TRPA. Over the years it was brought to TRPA's attention which is why the permit was brought forward now as a temporary use.

Ms. Tycer mentions that the comprehensive East Shore Pilot plan was designed to decrease Vehicle Miles Traveled ("VMT") and alleviate parking along the East Shore. There is no reason Incline should be sacrificed for this greater good. If, in the 2022 season, the ESE counted 3,188 cars driving into the basin from wherever their entry was to the old Elementary school, then parking and saving 14 miles round trip, that is not going to reduce VMT to save the Lake and it's not going to reduce the bumper to bumper parking along the East Shore.

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Ms. Aldean states that it's been suggested that some of the offsite parking is from an adjacent apartment complex and she wonders if anyone from TTD can validate that? Do they know if all of the cars parking offsite are people who are utilizing the transit service?

Mr. Fink responds that as far as people parking offsite, TTD has control of the old Elementary school but does not have control of the surface streets in Incline Village. Therefore TTD has no idea who's parking where or why [outside of the old Elementary school].

Ms. Aldean asks if the attendant onsite has observed the parking habits? If people are parking outside of the permitter of designated parking and exiting their cars and boarding the express, you know that they're TTD's passengers.

Mr. Fink responds that TTD is not currently tracking where people are coming from as far as walking into the yard. The parking attendants are there more to govern parking not to observe the ridership. If that's something TRPA would like to see in the future, TTD would certainly be open to that.

Ms. Aldean states that she thinks it's important. Part of the problem is that the ultimate solution is not only having parking of this nature available in the Basin but having satellite parking lots outside of the Basin where these people should be intercepted if they're intending to come into the Basin to go to Sand Harbor. It would be nice if there could be poll conducted of the approximately 3,100 people coming in from outside of the area, if they could be intercepted from outside the Basin and transported into the Basin that would be the ultimate solution. This isn't what's before the committee today but Ms. Aldean believes this should be part of the final transportation plan going forward.

Mr. Fink states his agreement and that this is the entire SR28 corridor plan from 2012 that outlined a system that included not only internal mobility hubs and circulation but also external mobility hubs and intercepts. What's important to remember that for any external intercept to work, there has to be a transit system in place within the Basin to move people coming in and that has not materialized in the Tahoe Basin as of yet. These things are incremental and it takes a long time to move things forward in Tahoe but that is the plan. Incline Village is not a "sacrificial" community, it's one part of a larger system and it happens to be the one that is up now. Obviously, Tahoe City has a mobility hub and TTD is moving forward with improvements on SR28 which would include a mobility hub at Spooner Summit. These things are not an "or", it's an "and". We need both the internal structure within the Basin and the external structure to go along with it but the internal needs to be built first otherwise there's nowhere for people to go.

Tara Frank, Transit Planner and Analyst with TTD, refers the committee back a few years to the SR28 National Scenic Byway Management Plan. That incorporates the pilot project and was in partnership with Carson City County, Douglas County, Incline Village General Improvement District ("IVGID"), NDOT, Nevada Division of State Lands, Nevada Division of State Parks, TRPA, U.S. Forest Service, Washoe County, Washoe Tribe, and NV Highway Patrol. It started with the SR28 National Scenic Byway Management Plan with this pilot project which has continued to be the subject of the discussion today, but also included the other mobility hubs which would serve as those intercept lots. It was a part of a greater project to address things from a Regional perspective because it's absolutely recognized that that is necessary. It was planned by all of the partners from the Regional perspective. It comes with funding issues. At the time, it was funded by largely by Federal Highways funding which is now outdated. TTD is looking at transit funding and how that can develop solutions. TTD is working to get those partners back to the table. TTD

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has completed additional portions of that management plan with the bikeway. The other projects in consideration were the Incline Gateway which is the roundabout that was also completed and the NV State Park General Management plan update, among others.

### Public Comment

Chair Williamson states that any appellants who have designated Ms. Tyser to speak on their behalf are not permitted to make public comment at this time.

None.

### Committee Deliberation

Mr. Yeates states that his concern is that even though this is a temporary use and the pilot project prior to COVID and now post COVID, he understands the importance of this temporary use but he's not convinced that the due diligence has been done to the extent required for such a project. Mr. Yeates therefore supports the appeal because he thinks that TRPA should reach out to NDOT and NV State Parks and Incline Village folks to come up with a transportation plan with better signage, how complaints are managed, etc. These are things that TRPA should try to resolve since there's time ahead of the next parking season. Mr. Yeates doesn't think this requires significant environmental review but does require some more due diligence.

Mr. Marshall responds that the committee does have the ability on appeal to modify the permit conditions. If the committee feels that the permit conditions need to be strengthened or made clearer or address something else, they have the options to recommend to the Governing Board to be amended to address their concerns.

Mr. Yeates states that he feels the committee needs more time and doesn't feel that they can toss out mitigation measures. For example, they don't know what NDOT can do in terms of better signage or working with State Parks to have them hand out informational material.

Ms. Novasel states that she wants to bring another perspective to the conversation. When they do pilot programs, there are always impacts. Looking at pictures of this, there are clearly impacts that have not been address properly but she doesn't want to "throw the baby out with the bathwater" and say that this [service] needs to stop. There's a condition in the permit that states that TRPA reserves the right to amend any portion of the permit. What the committee is dealing with today is whether we can find the right language to give TRPA or permittee the ability to make the necessary changes. Pilot programs are how we get to a process that works so Ms. Novasel supports making amendments that gives TRPA and the permittee more direction and authority to improve the service without stopping the process.

Ms. Aldean asks if the appeal is denied, can the issuance of the Temporary permit be stayed in order to address these issues? She thinks that they need to be more inclusive after receiving a lengthy appeal from Incline Resident Diane Becker whose appeal to TRPA was that we involve community members who are experiencing the impact from these projects. TRPA should go to the Washoe County Sheriff's Department to see if they'd be willing to ticket people parked along the roadway. Ms. Aldean states that she thinks more people need to be brought in to develop a more robust enforcement program.

Mr. Marshall responds that first, there was an extensive Hearings Officer process where most of the appellants had input. He states that the committee may also want to look at the life of the

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permit. Right now this permit is for 1 year or season and can be extended to another season. If TTD wants to operate next season, they either need to extend this permit, or the committee has the option to not extend and TTD will need to come back to a new permit for next season with various additional conditions and issues addressed as have been discussed.

Ms. Cornell adds that regards to the adjacent parking, there is quite a few multi-family developments in the area including an apartment complex directly across from the old Elementary school site. Some of the parking impacts are from this apartment complex. There were parking issues while the transit service wasn't operating. Ms. Cornell agrees with Ms. Novasel's comments regarding pilot projects. Part of the appeal of approving something on a temporary basis is an information gathering opportunity. TRPA along with TTD were hoping to gather feedback in these kinds of situations in order to continue to develop the service and support the longer term planning process. Regarding some of the complaints that came in during the season, staff passed those along to TTD and they were responsive. Because the gates were opening as the first bus came in, there were traffic backups. TTD adjusted to open gates early to allow people to park ahead of time.

Ms. Aldean is not comfortable moving forward with extending the permit until these issues are resolved which is why she made her suggesting to hold the extension of the permit pending proper remedies by the TTD and broadening the group brought to the table to provide meaningful input. This is obviously having an impact on the community; at least one of the appellants lives in close proximity and she thinks the committee needs to show some deference to him and other members of the community who may not be involved in the appeal. The other question she has for Ms. Cornell is whether or not the lot is currently closed?

Ms. Cornell confirms that the old Elementary School site is fenced all the way around so the gates are only opened for the purposes of the ESE project. A different part of the site was used for staging of construction equipment unrelated to the ESE.

Ms. Aldean states then for observational purposes this is a good time of year to see how many people are parking offsite and outside of the gates and surmising where those cars are coming from. If they're not parking there to access the transit system, then they are coming from the immediate neighborhood. She thinks this is important because this is a large part of the appellants' argument is that people are not abiding by the rules. There's a lot of additional investigative work that needs to be done to make this palatable. This is why Ms. Aldean suggests that they hold the permit in advance, give direction to staff to cooperate with TTD to investigate the implementation of some more robust control measures and to address in a meaningful way some of the problems that this transit location has created for the adjacent neighborhoods.

Mr. Rice states that he is in support of denial of the appeal. This is something that has been going on for not too long of a period, it's a pilot project, and if we don't build it, they're going to come anyway. The people who have been parking along SR28 and creating the hazards that we are trying to have an effect on are still going to come if we don't allow this mobility hub. He understands the feeling of the locals who live in Incline Village; he experiences the same thing in Zephyr Cove with people going to Nevada Beach and Round Hill Pines. Those people fill up the parking lot so that you can hardly go to the market or get your mail but that's another problem which will be resolved with the transportation hub at the Event Center. He believes that the parking hub here [in Incline Village] is something that's very much needed and he concurs that, since we're going into the slow season, we'll have time to address the signage issues. Therefore he agrees with Ms. Novasel and supports denial the appeal.

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Chair Williamson proposes a motion recommend denial of the appeal but limit the permit to one season and before granting a permit for next season require that the permit include conditions including signage, more robust language to direct overflow parking, opening the gates [to the lot] earlier, better training, better enforcement of barriers to parking on soft coverage, coordinating with NV State Parks on correct information to people parking with the express, direction to staff and TTD to work with the community as we add to these requirements in order to issue the new permit next year.

Ms. Novasel agrees to make the above motion.

Mr. Hicks states that someone should really talk to the Washoe County sheriff on enforcement because if they're not going to enforce the parking requirements, to get assurance before this is a permit condition.

Mr. Marshall addresses that this is a significant issue for a lot of places in the Basin and we're trying to deal with them on a broader scale so he recommends that parking enforcement not be attached as a specific condition for this particular area. Staff can come back to the Board with informational items on what is happening because it's a common issue. It requires work in a coordinated fashion with all parking enforcement agencies, not just the Washoe County sheriff. Mr. Marshall doesn't want to put a condition on the permit that requires the sheriff to agree to enforce before the permit can be issued. The parking issues on this particular site through better use of markings, temporary barriers, etc.

Mr. Hicks responds that he doesn't think the condition should be that the sheriff has to agree but that since this is a pilot project, they should use that pilot project to look at all critical issues affected by this project. He agrees with what Mr. Yeates and other committee members have highlighted about traffic and safety concerns. He recognizes the concerns with the Incline Village residents who have to put up with the issues. He thinks TRPA needs a better understanding of what can reasonably be expected [from the sheriff] in terms of traffic enforcement.

Ms. Novasel suggests adding a condition to work in coordination with law enforcement. Mr. Hicks agrees that TTD should be directed to consult with local law enforcement authorities and to address their concerns and advise TRPA of the enforcement plan for this pilot project in this location. It will help with other pilot projects in other parts of the basin.

Ms. Novasel amends her motion to add the condition to direct TTD to work in coordination with all local law enforcement to develop an enforcement plan.

Mr. Yeates asks Mr. Marshall to clarify how the timing of this permit works. His understanding is that the motion as suggested would be approving something that's already happened in the past year?

Mr. Marshall states that the permit was issued in May 2022 for the 2022 summer season and the appeal is on that decision. This permit could be extended another year but the motion, as Mr. Marshall understands it, is to condition that extension on the satisfaction of enhanced conditions of approval and involvement of the Incline residents and coordination of local law enforcement. Staff will bring the permit through another public process especially given the committee's express concerns about involving the Incline residents.

Mr. Yeates is still concerned that the community has been very vocal about their fear and loathing of the mobility hub or anything else TRPA might possibly do in any transportation plan

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they might want to put together to the extent that they feel TRPA is just blowing them off is not going to help TRPA politically. Mr. Yeates is adamant that something in the motion addresses their concerns, that there is going to be some level of enforcement. It seems similar to what TRPA went through with the 2018 Shorezone plan. They didn't come down heavy handed on enforcement but they got a lot of information out about how the new shorezone plan would be implemented. Nothing like that seems to be in place for transportation. The public needs to think that TRPA cares as they try to do things that benefit the Lake, the transportation program needs to be viewed positively among the Basin communities. Mr. Yeates does not want this to be swept under the rug.

Chair Williamson states that this is exactly what she's trying to capture. Transportation is the name of the game and while they need to continue to solve these transportation issues, they need to hear and take into account the communities concerns, and work to improve this particular project operation.

Ms. Aldean states her agreement with Mr. Yeates. For example, TRPA went to great lengths with Short Term Rentals to involve public and come up with a process that reflected true consensus at the end of it. Ms. Aldean believes that's what the Incline appellants are looking for here in fact, one appellant said specifically that TRPA has become well known for its integrated processes in terms of reaching out to the public. She thinks TRPA fell short on this project. Considering that this site was used for a long time "informally" and without TRPA oversight, this contributed to the community's feelings that TRPA doesn't care or isn't aware of what's going on at this site. This is a large component of an overall scheme to address the need for improved transit in and outside of the Basin.

Mr. Marshall asks for a clearer recommendation to the Governing Board for direction to staff for what process to follow. What he's heard from the committee is that TRPA should not extend the permit until these conditions are met which includes directing staff to take the permit back to the Hearings Officer or should it come back to the Board.

Chair Williamson gets consensus from the committee that they will recommend that the permit comes back to the Governing Board.

Ms. Cornell asks that the committee clarify they're recommending that they'd like the permit revised to incorporate the additional conditions?

Ms. Novasel makes a motion to recommend to the Governing Board to deny the appeal but that staff not extend the permit to next season until it is approved by the Governing Board with additional conditions including improved signage, better training, opening gates earlier, coordination with local law enforcement, and inclusion of community feedback/public participation, coordinating with Nevada State Parks on the correct information, and barriers to parking to prevent parking on soft coverage.

Ayes: Mr. Rice, Ms. Aldean, Ms. Novasel, Mr. Yeates, and Ms. Williamson.

**Motion carried.**

Presentation can be found at <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VI-A-Tahoe-Transportation-District-Washoe-County-School-District-Appeal.pdf>.

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IV. DISCUSSION OF OUT OF BASIN PROJECTS

Item continued to November 16, 2022 meeting.

V. COMMITTEE MEMBER COMMENTS

None.

VI. PUBLIC INTEREST COMMENTS

Doug Flaherty thanks members of the committee and especially Mr. Yeates for their wisdom. He states that no one is opposed to a bus hub, they're opposed to the location. The chair should not have shut down public comment from the appellants because it would have required some sort of crystal ball to understand what they would have said so it could have still been connected to the issue. His comments were going to have been about solutions which were brought up during the hearing. In saying that, he would like the committee members individually to consider what harm it would do, if any, if in that eventual Board decision that they made it clear that the automatic second year would not be part of the process going forward meaning it would be removed from the original permit condition. Also, that would go a long way to satisfying additional public comment and making sure this whole thing is vetted a little more clearly. He also requests that they have a community meeting. There's no harm in it and it would further community input. He doesn't know of any Incline Village resident who's been rude or disruptive during their comments; they've all been very civil.

Aaron Vanderpool states that he was going to comment earlier and wanted to fill in the rest of Ronda's five minutes since she didn't use her whole time but he'll speak now. One of the problems of this project is getting the evidence. It's very obvious to him what goes on here but it takes a lot of time to get the evidence. The pictures [that Ronda Tyser presented] were from only a couple days that he was able to make the time to take photos but he sees the same thing every day [during the ESE operating season]. The videos tell a much better story but just being there tells a big story. One of the big issues that he takes issue with is that this use is similar to the old Elementary school. This use is clearly different. Mr. Vanderpool went to that school and when it was operating as a school there's the wave of dropping kids off in the morning and afternoon, it's not all day or randomly. Everyone knows where they're going, tourists don't know where they're going. Even when there are signs people aren't going to park there. Even when the lot wasn't full he witnessed people parking and driving on HOA property and parking in the business lots and walking in. For any of that, he'd like to see an independent party collecting this data. Looking at this project trying to solve the problem on 28, all you're doing is kicking the can down the road by still allowing this to move forward in this neighborhood. This is a low income neighborhood. The wealth gap's grown so big you have all of Incline empty and then the working class lives here. It's an extra burden to us. As far as the police, he's had many discussions with police officers who have told him they don't have the resources to enforce in his neighborhood. One officer told him that they've basically given up on that neighborhood. He's been standing and talking with a police officer for a car parked under a No Parking sign and the officer told him that he has discretion on giving a ticket and he chose not to give a ticket. Obviously the Basin needs public transportation but this is just terrible. All he hears from the TTD is that there is a larger transportation plan but when you look at the specific site here, it's

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not a good idea. You're bringing the tourists into the low income area and creating these safety and environmental issues and an extra burden on people like himself having to go out and actually prove what's obvious.

VIII. ADJOURNMENT

Mr. Yeates moved to adjourn.

Meeting adjourned at 11:24 a.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "K. Huston". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

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](mailto:virtualmeetinghelp@trpa.gov).*

TAHOE REGIONAL PLANNING AGENCY  
LEGAL COMMITTEE

TRPA  
Zoom

November 16, 2022

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 8:31 a.m. on November 16, 2022.

Members present: Ms. Aldean, Ms. Williamson, Mr. Rice, Mr. Hicks and Mr. Yeates.

Members absent: Ms. Novasel.

I. APPROVAL OF AGENDA

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

Ms. Williamson deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

The Minutes from October 26, 2022 meeting will be available in the December 2022 packet.

III. DISCUSSION OF OUT OF BASIN PROJECTS

John Marshall framed this discussion for committee members because there have been some recent inquiries about TRPA's regulatory relationship to projects that are close to the Basin's borders. This introduction will give the committee and understanding of what TRPA has done and how they've reacted to projects near the Basin boundaries in the past and, particularly, if there are any board members, Mr. Yeates wanted to have this discussion, the committee can talk specifics. Marsha Burch has been handling the Palisades Tahoe redevelopment because Mr. Marshall has a conflict of interest and has stepped away from those discussions. If this discussion gets into specifics regarding Palisades, Mr. Marshall will recuse himself.

The major projects have been the Placer County projects in Martis Valley and Olympic Valley. The way that TRPA looks at these projects is that they are extra-territorial so TRPA doesn't have particular regulatory authority but they do participate where appropriate to protect the Basin's interests in either the approval process or, more particularly for California-side projects, the CEQA process. In the past, TRPA has submitted comment letters (for example, in the Martis Valley development and the Northstar ski area developments) when projects within that area have the ability either through traffic or scenic or other ways to affect the Lake Tahoe Basin environment. TRPA has done that through the CEQA process, writing comments on the quality of the environmental document that the local, California approving agency has prepared. In those cases, that was Placer County, which bring TRPA into a little bit of an awkward relationship sometimes with a member of TRPA's own Governing Board or an important partner. TRPA tries, therefore, to be very upfront with the government agency considering our comments of TRPA's concerns and how those concerns may be mitigated.

Mr. Marshall can talk specifically about what happened with Martis Valley and Marsha Burch can talk about where TRPA is with Palisades development.

Ms. Aldean asks Mr. Marshall typically how early in the process TRPA gets engaged with the partners? After the document has been submitted for review or prior to that?

Mr. Marshall states that TRPA would like to engage as early as possible. If TRPA doesn't feel like they're getting traction then they participate as an interested agency would which is submitting comments on a draft environmental document. Obviously TRPA has lines of communication with partner governments who are close to the Basin borders so they have in the past used those to express concerns. Particularly, with the Martis case, there were some fundamental disagreements with how to implement TRPA's mitigation programs on projects that were outside of the Basin but had impacts in the Basin. That's where there were some disconnect which resulted in TRPA's comment letter stating that the Vehicle Miles Travelled ("VMT") and traffic issues that these projects right against the Basin borders would be generating within the Basin. In particular, using TRPA's standards of significance within the Basin to assess the impacts. It ended up that TRPA's comments were used by the environmental Plaintiffs in the litigation and ultimately by the Court who reviewed to say Placer County needed to have looked at these Water Quality and other impacts from the Basin perspective. While the lead agency has the discretion to choose their standards of significance under CEQA and TRPA's environmental article VII and under NEPA, they do need to take a hard look at TRPA rules and justify why they wouldn't be following them if they choose not to do so.

Ms. Aldean presumes that based on the way TRPA's comments have been treated by the courts, if TRPA engaged as a litigant, they would have standing but they still have an impact on the direction that these developments take from an environmental perspective merely by making comments. It doesn't require legal engagement in order to have TRPA concerns addressed and hopefully incorporated into the environmental documents.

As far as Mr. Marshall is aware, TRPA has never participated as a plaintiff in a near but out of Basin development. Not even as a friend to the court. The documents provided by TRPA have been utilized by other parties in litigation.

Chair Williamson asks if the court gave any indication of how far out that nexus goes? For example, thinking of air quality effects of a biomass facility, all of a sudden you're affecting air quality from further away. Or traffic issues in El Dorado Hills could have impacts "up the hill"; how far do you go? She surmises this is very project specific.

Mr. Marshall says that the short answer is no but that there is a lot of guidance in CEQA and NEPA case law, and to some degree TRPA case law, about the speculative-ness of impacts. The farther out you get, the more tenuous a connection to a direct impact. So, when you get into West Slope, California, or the Sacramento Basin, or Reno, or Las Vegas, it becomes more tenuous in TRPA's ability to say that those developments are impacting TRPA in such a way that they need to participate in some fashion. If there's some huge development someplace that there could be such a notable aggregate impact that TRPA shouldn't do something. But, to date, TRPA has not commented as an agency on either slope development that's not right up against Basin borders.

Chair Williamson asks to confirm that the Martis Valley nexus issue was water quality?

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Mr. Marshall responds that it was a water quality issue caused by traffic. In the initial designs of that development, there were scenic concerns because at the top of 267, there's a plateau and you're out of the Basin but you can be seen from inside the Basin. So, there was concern about scenic, particularly at night, and TRPA felt that should have been analyzed. The developer then moved those buildings back so they were not only out of the Basin but out of the viewshed. After that it became much more about the traffic impacts associated with loading more cars on 267 coming into the Basin.

Ms. Aldean asks then if the allegation or insistence by some that TRPA has somehow been neglectful in not engaging in a more aggressive manner is really unfounded because she's getting the sense that by submitting comment letters and expressing concern about potential Basin impacts, a lot of those comments have been taken to heart either by project proponents or by the courts in the way these projects are reviewed?

Mr. Marshall agrees and says it's a bit of a mixed bag. TRPA was a little late to the game on the Palisades development but that California Attorney General's Office really got what TRPA would have wanted which was the mitigation of those traffic impacts through payment of TRPA's trip reduction mitigation. It was less about the adequacy of the analysis, per se, and more about whether or not the impacts were being mitigated. With Martis, TRPA came in a little earlier and were a little more directly involved with production of the environmental document.

Mr. Yeates would like to point out the need to take the earliest opportunity to get involved. One of the few times he's taken umbrage with Mr. Marshall was over the Palisades (formerly Squaw Valley) project when TRPA didn't provide any comments at all. TRPA was asked by interest groups after that why they didn't provide comments and Mr. Yeates and Mr. Schute didn't have a good answer. As things evolved on the TRPA Governing Board, he came to understand that they serve as more than just TRPA. The Regional Transportation Plan ("RTP") applies, especially in some areas of Placer County, outside of the Basin. TRPA is also a Metropolitan Planning Organization ("MPO") that provides funding and actually funds TART.

That Basin includes TART's overall program which goes into Nevada County. There is a provision in the CEQA guidelines that helps TRPA provide some sense of how far, what is the nexus, etc. Mr. Yeates has provided that to Chair Williamson and Ms. Burch. It says that for a project of aware-wide significance, the transportation planning agencies and public agencies which have transportation facilities, which would include transit facilities, within the jurisdictions that could be affected by a project. Those transportation facilities include major, local, arterial, and public transit within 5 miles. Certainly, the TART operation is within 5 miles of Palisades' proposed project. The point he wants to make is not that TRPA is going to be in opposition to anyone's project, it is the opportunity at the earliest moment for TRPA, TTD, TART staff to get together. That way they can sit down and deal with many of the projects, especially in the North shore, that are trying to address the impact of transportation and traffic in and out of the Basin. These major development projects may not be within our permitting jurisdiction but are certainly within transportation planning jurisdiction.

There is authority from California in the CEQA guidelines for how TRPA should address issues like this. In the Board to Board call with the League to Save Lake Tahoe this came up, they want TRPA to be really involved and Mr. Yeates feels it's appropriate that TRPA should be consulted and should work with Placer County and others on how TRPA deals with whatever traffic counts might be. TRPA is not adversarial. This is different from the Martis Valley project for several reasons. Martis was initially within the Basin and then it was just outside but right up next to the Basin but still visible. On the California side, there is guidance from CEQA because of TRPA's role

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as a MPO that works within SECHOG and Placer County. There are opportunities at the earliest stage of the environmental review process, long before there might be a draft environmental document that draws everyone's attention to sit down and understand how this project fits in to what TRPA is trying to accomplish on Hwy 89.

This law was put in place by the California Legislature because of problems in Southern California where everyone was building auto-malls because it was a good way to get revenue and they built them right up next to one another but the traffic consequences were punted until the state made it a regional issue. In many of the things TRPA does, we have the opportunity to work collaboratively with partners, and it makes it easier to resolve some of these issues rather than leave it for the court of appeals to find a fault with an agency's environmental review.

Ms. Burch give the status of the Palisades Tahoe project. They are preparing to rescind the previous project approvals and they're moving forward with a revised environmental document. She's not gotten a clear answer on how close they are on releasing a draft. The California AG is still engaged and wants to see a similar mitigation requirement and are probably going to want to see an agreement like the one they had for the previous project. That's a long process, a longer process than the applicant was hoping it would be. There's a new AG so it's a different conversation than it was during the previous project review. It's just in the beginning stages of getting back on track for release of the environmental document as a draft and that will provide the comment opportunity and consultation opportunity. In Ms. Burch's view, that consultation should happen before the draft is released and she's working on getting that process going. There's been a bit of a disconnect with the county in terms of what mitigation requirements should apply. In Ms. Burch's view, the court has the opinion that TRPA standard and thresholds should at least be part of the analysis, whether or not the lead agency chooses to use that as the threshold of significance. With substantial evidence, they could potentially use a different threshold but they do need to take into account TRPA standards and thresholds. It's Ms. Burch's suggestion that TRPA does attempt to engage the county prior to the release of the draft environmental document in this consultation role that Mr. Yeates described.

Chair Williamson asks if TRPA would need to provide formal comments before the draft is released or what's the chain of authority once there are actual dates available?

Mr. Yeates adds that as TRPA's been working on the implementation of the RTP, the understanding is that they would work with Placer County and Placer County's transportation agencies, and TART to figure out how to do it. TRPA has projects that are queued up within the RTP to address Hwy 89's traffic problems. One was one that Placer County proposed which was a third lane to allow a bus leaving Truckee going directly to Palisades that would take skiers or summer visitors to avoid the traffic. There are differences today than what that previous Cal AG mitigation measure was. TRPA has advanced the transportation planning process significantly with two bi-state discussions, priorities established within the Transportation plan, including projects on the north shore that are outside TRPA permitting jurisdiction but within TRPA's planning jurisdiction. Those are the kinds of things that should be discussed with Placer County in order to continue working together. It's important to address these transportation issues in a way where everyone is working together. In working together, we may find that there's more funding available which wouldn't necessarily come from a private developer.

Ms. Aldean wonders if there's an opportunity to amend the Memorandum of Understanding with Placer County? If we can all agree that projects that fall within our jurisdiction, from a transportation perspective, if they agree to confer with TRPA as projects come forward, even at the conceptual level, maybe this will become more routine and less of an exception to the rule.

Mr. Marshall says that the existing MOU focuses on project approval and delegation issues. TRPA might be able to expand that to relate to coordination on near basin developments. Julie Regan, as new executive director, will need to get up to speed on this issue in order to provide direction to staff.

Ms. Aldean continues that this could avoid confrontation because it becomes part of the established process. Chair Williamson agrees.

Julie Regan offers that in the last 6-months there have been discussions with Placer County on the new projects they're looking at under the Area Plan on the North Shore. There's a renewed spirit of cooperation with County leadership and at staff level. Herself, John Hester, Joanne Marchetta, and Nick Haven met with their CEO's office on the North Shore with Board chair Cindy Gustafson who should be engaged in this conversation. Placer County is leading the way in terms of Area Plan implementation. These out of basin projects weren't specifically discussed but those topics could be added to a more structured conversation with the County. John Singlaub was Executive Director at TRPA when the Martis Valley project came to the agency and Ms. Regan remembers the stinging headline of "TRPA Takes a Powder on Development". There's been a lot of evolution since then.

Ms. Regan agrees with Mr. Yeates' point about transportation investments. This is the transportation action plan and it's an opportunity to collaborate. That dedicated transit lane project is a \$400 million project but record infrastructure investments are available to pursue collaboratively and not in an adversarial position.

Ms. Aldean comments that the landscape changes very quickly, especially among elected officials. Even though TRPA may have a currently productive relationship, that may change in the future. The extent that TRPA can memorialize some of these agreements and these understandings among the jurisdictions, the better.

Mr. Yeates agrees with Ms. Aldean's idea to establish that relationship regarding out of basin but within transportation planning aspects of what TRPA's working would be very helpful. From a mitigation standpoint, a CEQA document won't solve everything, but if everyone's talking about it you can find the impetus to do what we want to with the RTP. He advised Ms. Regan to include TTD Chair Alexis Hill in the discussions with Placer County.

Ms. Regan will come back to Legal Committee with an update on those discussions with Placer County.

#### Public Comment

Gavin Feiger on behalf of the League to Save Lake Tahoe. He thanks the Legal Committee and Mr. Yeates for this discussion. The League has very similar if not almost identical mission to TRPA. They only get engaged in a few out of Basin projects, Palisades and Martis Valley being the two referenced today. The League strongly believes that TRPA remain engaged in these projects. The transportation nexus is a really good idea. Those are usually the largest impacts to Lake clarity. In that vein, he hopes TRPA has been following the Truckee General Plan update which is also linked to transportation. They're projecting an increase in VMT and a large portion of that is into the Tahoe Basin. The League provided comments on the Truckee general plan which they'd be happy to share with TRPA. Similar to Martis and Palisades, the League hopes that TRPA would look at the transportation impacts of the Truckee General Plan. Finally, the

LEGAL COMMITTEE

November 16, 2022

League encourages TRPA to get involved with Palisades soon, "like now", as they are actively repurposing their proposal to address some concerns brought up by the court. These projects could undermine all the work being done in the Basin, especially around transportation.

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

Ms. Aldean made a motion to move the committee to closed session.

**Motion carried.**

V. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 4

No direction.

VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Meeting adjourned at 9:38 a.m.

Respectfully Submitted,



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](mailto:virtualmeetinghelp@trpa.gov).*

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

October 26-27, 2022

**Meeting Minutes**

**Wednesday, October 26, 2022**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting order at 11:33 a.m.

Members present: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

II. PLEDGE OF ALLEGIANCE

Ms. Hill led the Pledge of Allegiance

III. APPROVAL OF AGENDA

Mr. Hester stated no changes to the agenda.  
Ms. Gustafson deemed the agenda as posted.

IV. APPROVAL OF MINUTES *(September 28, 2022, Governing Board Minutes will be in the November 16, 2022, Packet)*

V. TRPA CONSENT CALENDAR

1. September Financials
2. Inflation Adjustment to TRPA Application Filing Fee schedule
3. Sloodman/Tan New Multiple-Parcel/Multiple-Use Pier, 2050, 2140, and 2200 N. Lake Boulevard, Tahoe City, CA, Placer County, APNs 094-140-032, -033, & -034, TRPA File# ERSP2022-0041

Ms. Aldean said the Operations and Governance Committee recommended approval of items one and two. Fees for service remain high exceeding prior years, this includes planning fees, AIS fees, and Shoreline fees. In addition, all expenditures are within budget.

Regarding item number two, the Governing Board adopted a policy allowing for the annual adjustment of the filing fee schedule based on the Consumer Price Index (CPI) increases or three percent, whichever is greater. According to staff, the present level of filing fees doesn't cover the cost of the Planning Division, as a result, in order to account for inflation, the committee recommend that effective January 23, 2023, that the filing fees be raised by 8.3 percent which is only slightly higher than the 8 percent adjustment approved in the 2023 Fiscal Year Budget. These recommended adjustments will affect the waiver of application fees for affordable housing projects that use bonus units, nor will they impact AIS or mooring registration fees that were addressed in previous board actions. In addition, the committee recommended the approval of non-substantive

clarifying changes to the schedule as outlined in board packet. As a result of discussion at today's meeting, it was recommended as part of the process improvement process going forward, they consider exempting Day Care Centers as they have certain affordable housing projects due to the critical shortage of day care services.

Board Comments & Questions

Ms. Aldean asked Ms. Good to note the corrections to the permit that were discussed between she and Ms. Good.

Ms. Good said on page 84, third paragraph should read the three parcels, instead of the two parcels and then on page 85, under Special Condition two, as well. The conditional will reflect the two mooring buoys that will be exchanged for boatlifts instead of the one under special condition two. On page 86, Special Condition 3.i, again just reflecting that there will be two buoy tags that will be removed for the conversion.

Ms. Aldean clarified that there will be three tags, because three buoys are being replaced with boatlifts.

Ms. Good said yes, that's correct.

Mr. Friedrich said regarding the public access, he sees that the California State Lands approved public access underneath the pier. Oftentimes, these piers are loaded with no trespassing signs giving the impression that these areas are off limits to the public in the public trust area below high water. Will that be made clear in signage or otherwise, that that is still public access through there and no misleading signs in place?

Ms. Good said yes, that's correct and per the Code of Ordinances, that does relate to public access. No trespassing signs would be prohibited.

Mr. Friedrich said we certainly have a lot of them around the Lake in the public trust area, that he'd like to address in the future.

Ms. Gustafson said they are often posted on the pier, meaning the public can't go on the pier.

Mr. Friedrich said and often they're posted at the high-water mark, given the impression that you can't go anywhere in that area when you can.

Public Comments & Questions

None.

Board Comments & Questions

Ms. Aldean made a motion to approve the consent calendar.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

**Motion carried.**

VI. APPEAL

- A. Appeal of Tahoe Transportation District/Washoe County School District Temporary Use (TRPA File #ERSP2021-0673); 771 Southwood Boulevard and 915 Northwood Boulevard; Incline Village, Washoe County, Nevada; Assessor's Parcel Numbers 132-201-02 and 132-012-05; TRPA File No. ADMIN2022-0027

Ms. Williamson said they had a very good discussion in the Legal Committee on this issue this morning. A few points she'd like to put in front of you all. First, the committee decided that it did want to hear the appeal and that it could hear the appeal. Item 11.6 was raised as a standing issue, but the committee decided that it did in fact, have standing, there was sufficient harm, there was sufficient contact with the issue, and so they heard it on its merits. They had a very good discussion that she would like to say centered on the balance between the importance of transportation, and also the concerns raised by the appellants, and from Incline Village. Ultimately, what the committee decided was to recommend to the full Board that they deny the appeal, because the appeal is for the permit that was issued in May for last season, something that has already passed, and instead of just granting the extension to the permit, they have a list of conditions that they want to see brought back to the Board in order to grant the permit going forward. That list of conditions included better signage, better training for people working at the parking area, better enforcement of parking, working with local law enforcement on the parking issues, public participation, working with State Parks on information regarding parking, working to get better barriers, so that people aren't parking on soft coverage, and have staff and the Tahoe Transportation District work with the public and having public participation in this process as before it comes back to the Board. To encompass what the Legal Committee talked about this morning was not issuing this permit going forward until they saw these things come back to them. They recognized it was a pilot program which the point of a pilot program is to make improvements, but they heard a lot of good input from the community as well as from TTD about the importance but finding that balance.

Board Comments & Questions

Ms. Conrad-Saydah said that would be great, given them a number of public comments that they received, that staff clearly lay out that this was a former permit.

Ms. Williamson said the committee recommended to deny the appeal because it was for a season that passed. It was issued in May, and the season is closed now. From her understanding that parking lot is not open for the season. Going forward before they would issue any extension or allow that permit to be continued, they want to see this brought back before the full Board with a series of conditions incorporated into that permit. Those conditions include better signage for when the lot is full or when there's overflow, better training for people that are working at the lot, better enforcement of parking issues, because they don't have control of someone else's enforcement, but them making sure that the local law enforcement knows that parking is high on their list, and asking them if there are ways they can partner to make sure that happens. More and better public participation, better barriers so, people aren't parking on soft coverage, and coordinating with Nevada State Parks on the correct information for parking there and riding. In addition, they were seeing pictures of backup traffic flow, so, opening the gates to the parking area earlier, so, that they're not seeing as much backup traffic.

Mr. Friedrich asked if there was a discussion of monitoring of those conditions, with consequences such if those conditions are not satisfied, and by whose definition will there are consequences for further extension of the permit.

Ms. Williamson said yes, they talked about that a little bit in terms of training for enforcement and better signage at the front end, and that they're dealing with it before it gets to be a problem. And people aren't parking on soft coverage and parking where they're supposed to and part of that was talking to local law enforcement to make sure that everyone knows that this is a priority and to see what they can do to help better enforce some of these things.

Mr. Friedrich said as they're thinking about that, how will they evaluate whether those conditions are being met? Who is evaluating them? and What are the indicators of success? Is the community involved in helping to define these conditions, and if there's not enforcement, will there be consequences based on proven monitoring of those conditions.

Ms. Williamson said one is that this permit is still a pilot program, and they hope to change it, and to reflect what they're hearing. This permit can be extended one year, two years, or no years and the Board will have control over that with clauses in the permit that allow them to extend the permit or not. They have can have it back in front of them every year to see the progress is made and that permit pretty malleable in terms of conditions they want to add or subtract.

Mr. Marshall said the permit is only for one more season. Then they would have to come back for a permanent application, and permit. There is also a complaint section of the permit that allows complaints to be filed with TTD.

Mr. Marshall said staff is fully supportive of the motion and result of the recommendation of the Legal Committee and will not have a staff presentation unless the Board wants to hear on specific issues on the appeal.

Ms. Gustafson said following the discussion at the Legal Committee there were a couple of the appellants that weren't heard under the public comment. She urged the appellants to include all discussion in their discussion now, so that they can continue to follow the protocol that the Agency uses for dealing with appeals. She asked Ms. Tycer that she give her presentation, and if you want to defer any time to the other appellants in that, she'll entertain that then versus coming back under public comment.

Ms. Tycer of Incline Village and am making these comments on behalf of 25 Incline Village appellants to the Governing Board. She's grateful to the Legal Committee for allowing a standing. They are requesting that the Governing Board reverse the Temporary Use Permit for the TTD's East Shore Express.

She'll refer to the East Shore Express as ESE and to the Old Incline Elementary School as the OES. She'll address the specific issues mentioned by TRPA in the staff report. She'll refer her responses to sections of that report.

Section B1 – The Evidence Supports Special Use Findings:

The first finding is the ESE Transit Station is an appropriate use for the surrounding area. They disagree. The Staff rebuttal only addressed the "type of use allowed in the zone" and does not address the equally important "nature, scale, and intensity" of use. In fact, the majority of input

from Incline residents over the years has been evidence that the nature, scale, and intensity of the ESE is damaging and dangerous to the surrounding low-income neighborhood and the community at large.

The OES is the worst possible place for the ESE transit hub with constant traffic on a tortured road. The two-lane road is not big enough to handle ESE traffic. Every ESE bus and tourist car heading to the OES parking lot goes through the stoplight at the Highway 28 intersection with Southwood. As buses and cars turn through from State Route 28 onto Southwood they go down a steeply curved two-lane road that in a few hundred feet leads past the OES to the Village Center and the US Post Office. Most Incline residents pick up mail on a daily basis because Incline doesn't have home mail-delivery. So, hundreds of residents must go through that same stoplight and down Southwood past the OES every day.

The ESE causes traffic jams on both Southwood and State Route 28. The ESE entrance to the OES parking lot is just a few hundred feet down Southwood from the intersection. During peak periods, as tourist cars go through this intersection before they can enter the OES, they pull to the right to wait along the curb. When cars are backed up all the way from the OES entry to State Route 28 there is a massive spillover effect so cars on 28 cannot get through the light to turn right to go down Southwood. She has personally sat through three changes of the light trying to turn right. The ESE Transit Station is not an appropriate use for the surrounding area. Even if the type of use is correct "the nature, scale, and intensity of use" at this site is wrong. These problems will not be changed by signage, training of workers, enforcement barriers, opening gates earlier, or any other TTD band aids. The access road is wrong and can't be changed. The low-income neighborhood can't be changed. TTD needs to explore other Washoe County sites for its pilot program for the ESE. They are fully in support of a pilot program and future Incline Mobility Hub in a different location.

Section B2 – The ESE transit station will not be detrimental to surrounding property:

Staff members contend the ESE at the OES does not include physical changes to the proposed location and conclude that it will therefore not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of the persons or properties in the neighborhood. They disagree.

Just because there are no physical changes to the property as of yet, does not mean that there are no negative impacts on Incline residents' health, safety, or general welfare. Nearby residents have provided numerous examples over the years; most recently appellant Aaron Vanderpool. His 87-page formal complaint to TRPA and TTD documents negative impacts to him and others in the neighborhoods. In his complaint he references increased crime, trespassing, illegal use of HOA and business property, public endangerment due to speeding, illegal backing up into traffic, illegal U-turns, pedestrians nearly hit by cars, a cyclist nearly hit, dangerous swerving around cars along the curb waiting to enter the lot, trash, noise pollution, and against TRPA regulations of parking on dirt.

They believe these evidence-based complaints prove TRPA staff is wrong in saying there are no injurious or disturbing effects of the ESE at the OES.

Further, staff members contend that the Vehicle Miles Traveled analysis was a sufficient traffic study by which to conclude the ESE causes no increased traffic impacts. They studied only traffic impacts on Vehicle Miles Traveled and traffic volume. In fact, the ESE negatively impacts traffic, neighbors, and nearby HOA and business property parking. People hurrying to make the bus park

wherever they find space, loading and unloading recreational equipment, and children illegally as convenient. Making illegal U turns on a two-way street, etc. will not stop.

Appellant Vanderpool's photos show numerous traffic and parking problems. These negative traffic effects in his formal complaint will be multiplied a hundred-fold should the ESE continue to operate from an expanded OES bus station. Staff's dismissal of their documented traffic concerns and complaints is simply wrong.

Section D – Staff concluded there was no need to coordinate with the FTA or NDOT because there was no NEPA or categorical exclusion protective property acquisition action or process with which to coordinate:

Because the 771 Southwood property was purchased using FTA Federal funds via an application for funding in connection with a NEPA or CEQA by Nevada Department of Transportation on behalf of the TTD, the primacy for regulatory environmental review considerations rests with the FTA under NEPA. Therefore, per TRPA Code of Procedures Chapter 6.2, TRPA should have coordinated its environmental review of the "change in use" of the property.

They continue to go on record that TRPA staff misrepresented TTD's past use of the OES for the ESE. The staff report says that the service has been operating for a number of years on a less-formalized basis. That statement is an obfuscation, vague and incomplete since the past use of the property was that of a 10-year inactive elementary school campus with 8 years of illegal, non-permitted TTD ESE parking and a non-permitted TTD bus transit stop. "Less-formalized" in this case means, "unpermitted," and "unpermitted" means illegal.

They contend that TRPA's granting of the Temporary Use Permit represented a "change in use," and was, in fact, an intensification of use of the parcel. The original NDOT/TTD Federal funding application stated, "For the last 9 years, Tahoe Transportation District has been using the Property for a seasonal transportation hub," when actually the past use of the property was that of a 10-year inactive school campus with 8 years of non-permitted TTD parking and a non-permitted bus transit stop. They contend that there was a change in use, and that change was from illegal to legal, which staff cannot deny.

In Summation:

The Incline residents know from years of experience that the ESE service from the OES has had an overall negative impact on their village core. For this reason, they are united against the TTD operating the ESE parking lot and transit service at the OES in the future. They are not against a Mobility Hub in Incline and open to considering an ESE Hub at a different site. They had in the past suggested sites; they are simply against the ESE operating from this particular site.

They also know that TTD and TRPA use the "tyranny of small decisions" to advance their objectives. This Temporary Use Permit approval is just one small decision following many other small decisions. TRPA has not done a comprehensive environmental study of the cumulative impacts of this Temporary Use Permit on Incline Village.

They contend TTD is wrong to operate the ESE at the OES, and TRPA staff was wrong to approve the use permit allowing TTD to do so.

They stand firmly on our entire appeal and ask you to do what's right. Reverse the TRPA staff's Temporary Permit decision. Thank you on behalf of all appellants and citizens of Incline Village.

Doug Flaherty thanked Ms. Aldean for mentioning that all of the East Shore Express visitors that they want to be transported by bus, that should be out of the basin and not in the middle of Incline Village where we dump 3,100 cars during the busy season. There's been enough evidence to show that it really does warrant additional community input on this. They need to bring this back to the baseline of the community itself, and have a community meeting to discuss this, civilly, and also to modify the permit. And this is him speaking specifically for himself and not as an appellant, but to modify the permit to terminate the second year because of the overwhelming evidence that this is unsafe to the community. There's been various items recommended by the Legal Committee to help with that but feels that it needs to go back to a Hearings Officer process. This is the only way that they can assure their committee that you guys are really listening to them.

Mr. Fink, Tahoe Transportation District, Transit System Program Manager said the East Shore Express was established as part of a systematic approach to addressing chronic congestion in the State Route 28 corridor and as part of a larger Regional Transportation Plan. Incline Village is not an and/or with this idea of whether there should be external intercept lots or internal intercept lots. The planning that has been done to date shows a need for both. But there does need to be an internal transit system to support any of the external intercept lots and that's why this is being built out in the way that it is and why you have other mobility hubs around the basin, such as the one in Tahoe City, the one at the Lake Tahoe Community College, and the idea of a possibility of one being located in Incline Village.

The East Shore Express began as a pilot program out of the original State Route 28 Corridor Management Plan in 2012, and it operates each season from early June through Labor Day, from 2012 to 2019 in partnership with Nevada State Parks. In 2020 and 2021, the service was suspended due to the pandemic, and then this year the service returned, and although it was a shorter season with 72 versus the normal 77 operating days, and only ran one bus rather than the two buses from prior seasons. Yet, they still carried 29,000 people, which is about 79 percent of what was carried in 2019. As was referenced, they intercepted almost 3,200 cars throughout the season, parked at both the old elementary school and the existing Incline Village elementary school at 915 Northwood Boulevard which is the overflow lot mentioned in the permit. There was some discussion earlier about how they handle complaints. TTD has an extensive complaint system that's required by the Federal Transit Administration to log everything that comes in as a complaint. They record that, address it, and keep a record of that. As part of the Permit application that was forwarded over TRPA at the beginning of the season. There were seven recorded comments, six during the season, with one coming in after the close of the season, and another one coming in a couple of days ago from Mr. Vanderpool. Of the six comments received during the season, one was a compliment, and four were operational concerns. One of those operational concerns was an issue with an East Shore Express returning to the yard in South Lake Tahoe. It's interesting that most of these complaints weren't vocalized to TTD. They certainly want to engage the community as they go along, and they agree with the recommendation from the Legal Committee and the conditions are all good business practices going forward that they should continue to improve the program as they move into the next season.

Ms. Tyner said she'll repeat what she said before, which is in the 2022 season, the East Shore Express captured 3,188 cars. Those cars drove into the basin and miles to get to the old elementary school. They then parked and got on a bus which went seven miles to Sand Harbor and seven miles back. This is not going to reduce Vehicle Miles Traveled at the Lake. They understand this is supposed to be a link around the Lake, and they look forward to being part of that link. They are simply objecting to this place for a Transit Hub. She continues to remind everyone; they are not

naysayers or nimbies. They are looking for a solution that will really work for both TTD and for the community.

Presentation can be found at: [Agenda Item No. VI.A Appeal](#)

#### Board Comments & Questions

Ms. Hill agreed with the Legal Committee's recommendation. The additional conditions are things that as chair of TTD she can work to deliver, and then as a Commissioner for Washoe County she worked with the Sheriff's office and see what they can do. For the record regarding the parking, and she thinks this was stated during the Legal Committee, many of the people who are parking on Southwood Boulevard are the backbone of our community. They are the workers of our community. They have multiple families living in these apartment complexes and they simply don't have the parking for them. That's something that Washoe County understands, and they are actively looking to see how they can support them and find places for them to park. In addition, the bigger question of workforce housing is something that they're tackling as well to really ensure that they're taking care of people. She doesn't believe in necessarily ticketing folks who are parking on the right-of-way who are workers in our community. That's the only thing that she feels they need to kind of work through on who the people are who are parking on the right-of-way, but the Legal Committee did a really great job of assessing the community's concerns.

Part of the way that she thinks that they can get community input is their Mobility Hub committee meets every month and thinks it'd be fine if they have this as a standing item especially during the season, so folks can give us their concerns. It's certainly something that they can ensure that they have these public meetings that the community is asking for. This is an important pilot program, and they're working with RTC in Reno to see how they can ensure that there are fewer cars going into the basin but that's not going to be addressed with this permit today but is something that they're working on.

Mr. Lawrence said he appreciated the work that Commissioner Hill has done. He's a south Reno resident and knows that there's a lot of folks from Reno that go up to Sand Harbor. He wanted to remind folks that Sand Harbor is one of our State Parks. Not everybody that goes to Sand Harbor is coming up from Reno. They're coming from all around the Lake and all location. So, having Reno to Sand Harbor connection, they've had them in the past, is helpful but it is not a solution for having to move people around and is not the final solution to State Route 28.

He said in the permit conditions there's many conditions about a temporary signage plan that needs to be approved prior to permit acknowledgement, and there's a lot of conditions in there about how was TTD going to handle complaints? Has TTD already submitted the signage plan and been acknowledged, or is this to beef up the condition before the permit is acknowledged with the temporary signage plan approved?

Ms. Cornell, Permitting and Compliance Department at TRPA said the permit was already acknowledged for the 2022 service year. The project was approved at the Hearings Officer in May. They acknowledged the permit with the Tahoe Transportation District over a period of time in June, and they did begin operations in the end of June or beginning of July. It was acknowledged for this year. Her understanding is that the additional conditions that were outlined at the Legal Committee are conditions that will be incorporated into a revised permit that will be brought back to the Governing Board before they agree to extend the service into the second year. When TRPA issues a permit on a temporary basis, that permit is good for one six-month period, with an option to

extend for a second six-month, period. When the temporary uses that are permitted are seasonal in nature, they allow that second extension to be for the second service year. In this case, the initial approval was for the operation of the transit service for the summer of 2022. If it is agreed to that the permit will be extended for an additional season, it would be for the summer of 2023. The feedback from the Legal committee this morning was to incorporate additional conditions to add some additional special conditions to the permit, and that revised permit would be brought back to the full board before they agree to extend the approval for the second service season.

Mr. Marshall said it could be an expansion of an existing conditions. So, they'd looking for example, on the signage one to have the plan in hand rather than a condition to include things like message boards ahead of time. The Board would be able to see that signage plan in advance not as a condition of approval as it comes from staff.

Mr. Lawrence said that's helpful. He saw the permit authorized, but the acknowledgment page didn't have the signature on it. So, it sounds like it's been acknowledged already. Looking through the conditions, the one thing that did strike him regarding the temporary sign plan is it said it should include all temporary signage should be placed on site, but it sounds like there needs to be some more off-site signage to get people around.

Ms. Cornell said yes, that was one of the conditions that was verbalized for an added condition to be incorporated.

Ms. Aldean said obviously, the standard conditions here with respect to granting the 6-month extension is optional by the permittee, they have to advise you that they're interested in extending. But the TRPA has the right to either agree to the extension or decline the extension pursuant to this provision in the permit.

Ms. Cornell said yes.

Ms. Aldean said and that is largely based on whether or not the applicant is complying with all of the requirements of the permit.

Mr. Marshall said but from the direction that the Legal Committee was recommending that the Board give to staff would be that the Board was going to make that call as whether to extend the permit with amended conditions. Staff would bring that back to the Board and then the Board would make the decision whether to extend the permit for the second operating season.

Ms. Aldean said are they incorporating that addition provision into the permit itself. It's a general reference to TRPA which could include the board or staff.

Mr. Marshall said he doesn't think we'll need to change that. What they'll see is amended conditions on the substantive issues that were discussed at the Legal Committee.

Ms. Aldean said given the concern that's been expressed during these meetings, she feels they need to be a little bit more vigilant in terms of visiting the site on a more consistent basis to make sure that the applicant is complying with all the requirements.

Mr. Friedrich said he heard the community say they wanted a community meeting. He's

envisioning that the Mobility Hub process could be one such avenue to say here's our proposed amended conditions, is that a fair assumption? Then any feedback could be brought back to the Board when they decide on the permit.

Ms. Hill said she thinks it's fine if they bring Ms. Cornell's staff report with the amended conditions to the Mobility Hub committee which is already an agenized committee that has been meeting for nearly six months. The community knows about it, and they'll do additional outreach.

Mr. Friedrich said he's sure many alternatives have been explored and if by chance one emerges somehow that hasn't emerged before would there still be a chance to change locations for the next year, in this process, or do you think that's too soon? He's presuming they'll get community feedback on this and then they'll decide, yes or no on the permit with that community input. If the community were to come up with an alternate location could that still be considered at any time?

Ms. Hill said she cannot answer an operational question like that.

Ms. Cornell, Permitting and Compliance Department at TRPA said when TRPA issues a project related permit, it is generally tied to parcels, and in this case, this project and permit is tied to the two affected parcels: the old elementary school site, as well as the current elementary school site. If a new location is discovered and is proposed and considered, it would require a new application. They could not alter the location that's already a part of the current temporary use approval.

Ms. Gustafson said correct. On behalf of those of them who serve on both the Tahoe Transportation District and TRPA, they believe strongly that if the community has a good solution, they want to consider all options. She feels that the Tahoe Transportation District staff has been very involved in this discussion and looked at suggestions that the community is already raised for the Mobility Hub permanent site. The jurisdictions are trying to work with communities to improve the environment but address the problems that they do have.

Mr. Friedrich said Mr. Fink talked about the complaint process and Mr. Friedrich raised this early in the meeting about what is the monitoring protocol and the consequences for lack of meeting the permit conditions? If enforcement's not happening and as stated in previous public comment that the Sheriff's don't have the resources to deal with this or it's just not happening, and things are going on as noted before, despite the conditions. How might a complaint process lead to intervention in these cases and what is the protocol for enforcing the conditions that they'll be considering in the future.

Ms. Cornell, Permitting and Compliance Department at TRPA said if the TRPA permit conditions are not being met, then that does put it on the Agency and their inspectors to follow up accordingly. If there were violations, the normal inspection process would lead to an inspector going on site, reporting on any conditions, giving direction on what needs to be done to address those concerns, and then ultimately, they could issue a stop work order. That's the normal TRPA process but they also have a complaint process written into this permit. They received some comments early on in the 2022 service season, and those were forwarded to the Tahoe Transportation District and the operator, and they did make some immediate changes. For example, there was a backup occurring on Southward Boulevard because the gate was not being opened until very close to the start of the service.

Mr. Fink, Tahoe Transportation District said that any time that there's a concern brought up whether it's from the public or TRPA, this is an operation and they're used to pivoting on the fly. It

just needs to be something that they're aware of and they'll certainly work with the public and TRPA that remedy a situation. Initially, when they started the service, they had the driver that was bringing the first bus up would be opening those gates. They saw a different behavior pattern emerging this year than we did from prior years of where people were trying to arrive early. As shown in some of the photos, there would be a backup on Southward Boulevard until the gates were open. They moved that to be able to open the gates first thing in the morning around 7:30 a.m. They can always work with anybody that comes up with something that they need to do or do differently. The common goal is that they want to have a good service, they want to be a good partner, and a good neighbor in the community.

Ms. Gustafson said her comments are in a broader reminder to all of us that when they have 12 to 15 million visitors coming to Tahoe every year, parking and traffic impacts are epidemic throughout our region, and every one of us faces that. She lives on a street near a public beach that has been discovered, and it is not the way it used to be for her to be able to walk her dogs down to the beach and not worry about cars on both sides. Her husband has become a regular caller to the California Highway Patrol on the weekends trying to get them out to ticket because they are encroaching into the roadway in this situation because the road is very narrow. Those of us who live here and are working on these issues constantly see there are more and more people are coming to the Tahoe Basin, and some are within the basin. She thinks that many people who visit Sand Harbor are coming from the West Shore or the North Shore. It isn't all just running from Washoe County to this State Park, and similarly Emerald Bay, or similarly any of our facilities. As part of a broader picture, it is going to take hard work with our communities and with the users of these systems to really make an impact on these issues. The enforcement agencies are traditionally held by other elected in county government and have priorities as well. She also serves on the Tahoe Fund Board, and they have been looking at how they look at enforcement on a broader regional basis, because if they rely on law enforcement, they have many other competing interests. Can they look at Code Enforcement or some other officers that can take time.

They understand this is a big change, especially in the last 10 years, but certainly in the pandemic, and with climate change, she doesn't see any way around it. Where is there going to be water accessible to our populations in northern Nevada and northern California and what's going to be reliable. They are going to come recreate in the mountains. When they're dealing with one service issue, she reminds everyone to go back to that big picture and be diligent. They need to have a workshop, with the Governing Board on the challenges and enforcement and what they can and can't do. The Tahoe Transportation District is the permittee but are also a partner in solving this.

How can they make sure they're hearing the public but be realistic in enforcement and direct people to the right channels for that enforcement? This is important for the community, and it includes emergency egress and access when people block the roads, but they're doing that because they don't have an overall system that's working to deal with the crowds that are coming. She agreed with the Legal Committee's recommendation. She says, "I don't own this lake, I get to share and dealing with that." Thanks for listening to her passionate plea that they as a board, look at the broader issue, too, and how they partner together to solve it.

#### Public Comments & Questions

Aaron Vanderpool said he keeps hearing about the gates being opened earlier after a complaint, but his photos were from the end of the season in August and September. At this time, the gates were still not being opened to about 9:30 a.m., and there were cars everywhere. We built that sidewalk out to Sand Harbor we're trying to prevent all these parking issues on State Route 28 but

it increased people coming to Lake Tahoe and increased problems. He's lived in Incline Village for 4 years and at his current place for about 16 - 20 month. This is a more holistic issue with his neighborhood on top of everything else. So, you're trying to solve these parking issues elsewhere, but it disproportionately is moving the problems into a low income neighborhood that has high density housing. Sure, tourism and parking are an issue for everybody but this particular site in question is disproportionately affecting the lower income and affordable housing, and this is his last affordable place to live here. The Police don't have the resources for enforcement. He's invited them to attend these TRPA meetings to tell you directly that they don't have the resources for his neighborhood. He'd invite people to come out to his neighborhood. This disproportionately affecting them. There are the rock lined ditches along all the wealthy neighborhoods in Incline to prevent parking next to these mansions, but they increase parking in his neighborhood, and is needed because there's a lot of people in that area but it also affects noise, there's more tourism and parking here. This is a more holistic issue, and it is disproportionately affecting his neighborhood.

#### Board Comments & Questions

Ms. Williamson made a motion to grant the appeal, which motion should fail to affirm the Hearings Officer decision but with the conditions: 1) That the permit is not extended until it's brought back to the Governing Board; 2) The conditions outlined by Ms. Williamson during a report from the Legal Committee be amended or added to the existing permit to address the concerns she articulated.

Ms. Conrad-Saydah asked if they could vote to deny the appeal but then to amend the motions.

Mr. Marshall said no, it would be one motion incorporating the fact in order to extend the permit it has to go back to the Governing Board to do that.

Nayes: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoeningman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

**Motion failed.**

## VII. PLANNING MATTERS

### A. Briefing on Climate Resilience Strategic Initiative

TRPA staff Mr. Middlebrook and Mr. Stock provided the presentation.

Mr. Hester introduced the item. At the Board's retreat in May, they asked that staff that they spend more time getting the Board's input upfront on the initiatives and let you know more about what's going on. This month they're going to be talking about our Climate Resilience Initiative, which is highlighted in our Work Plan more than any other initiative. Both these agenda items A and B relate to it. Mr. Middlebrook will provide a status report on where they are and there are a couple areas where they'll be asking for the Board's priorities. The second item that's carried over from work of the Shoreline Plan. Before the Shoreline Plan was done, staff wrote a piece of Code for public safety facilities for each county and the city to identify sites for those public safety facilities. One of the thoughts behind that was with more extreme drought and more extreme floods they need to have facilities that will get to deep water when the Lake is lower. They took the initiative, working with the Fire Districts, Sheriff's Offices, the Police Department in South Lake Tahoe, and public land

managers to convene a series of workshops with them to jointly identify sites in each jurisdiction. Mr. Stock will be presenting on Agenda Item No. VII.B which is a follow-up on the Climate Resilience Initiative.

Mr. Middlebrook said TRPA has long been a leader in addressing climate change. In 2014 they created their Sustainability Action Plan which set a goal of reducing our greenhouse gas emissions in the region; 15 percent by 2020 which was met in 2018, 49 percent by 2035 and in line with both California and Nevada a net zero goal by 2045. They aren't the only ones that are in the climate planning business as shown on slide 3 there are a number of state, federal and local jurisdictions all have their own climate plans. In the Tahoe Region, collaboration gets things done far better than going our own way. While all of these individual plans are very important for local jurisdictions and states to implement their climate priorities, it's also important to bring these all together into a cohesive strategy across the region.

In March they released through the Environmental Improvement Program and the Tahoe Interagency Executive Steering Committee (TIE Steering Committee) they released the Tahoe Climate Resilience Action Strategy that covers the latest priorities for climate action in the Tahoe Basin and aligned partners around priority projects to address some of those climate impacts from landslides, wildfire, and the ongoing drought. They are taking an integrated approach to building climate resilience, they obviously have the importance of the Lake and Lake Clarity and the habitat that provides for our fish and fauna in the Lake, but also recreation access. Including the forested uplands, as they all know the importance of forest health and protecting our communities. At that core is the communities, the folks that live here, visit, recreate, and the underlying infrastructure, such as roads, power, and fire hydrants that are needed to ensure resilience towards climate impacts such as the Caldor Fire.

Within this Action Strategy there are five focus areas. The first is to build sustainable recreation and transportation systems. Something that was being talked about earlier today in terms of recreation access and ensuring that could be had in all seasons, even when there are shifting weather patterns unfortunately, as we have less and less snow during our winter months. Places like Emerald Bay are still destinations during the winter. Second is reducing wildfire risk and building forest resilience is obviously a major aspect and continue to talk about that daily. Third, increasing watershed resilience in biodiversity. Fourth, upgrading our infrastructure to protect our vulnerable communities which they recently received a briefing from Ms. Smith on our Transportation Equity Plan. They're very much integrating the latest climate science and climate considerations within that equity study to ensure that the most vulnerable and underserved of our communities have the amenities they need. Fifth, advancing science, stewardship and accountability. All these categories are all based off our Environmental Improvement Program.

A couple of examples on how they are turning science into policy and projects. Slide 7: Stormwater Management. When they have the peak runoff, and the season is projected to change. Currently peak runoff happens between May and July with peak in June. Future climate projections show that that peak is actually going to shift to January when we have our peak runoff. So, building the infrastructure system, BMPs, and stormwater systems. On the bottom left is the project Caltrans completed several years ago along US 50 in South Shore, to capture runoff before it goes into the Upper Truckee River. On the right is Kahle Drive, which after many years that project is now fully funded. That is probably one of the most pressing examples of our failed stormwater infrastructure in our built environment.

Slide 8 Here is Logan Shoals where several years ago during a heavy rain event a large boulder fell

on the highway, and it took many years, for the Nevada Department of Transportation to repair that land side slope. As part of the analysis, they've done on climate and highway corridors that exact area was identified as a high risk for landslides. They're seeing today that the climate projections in the climate data that they have are being seen in those areas that they predicted on the ground. The key thing here with our transportation network is it costs a lot less to upgrade our infrastructure beforehand, then repairing those damages afterwards. They also are utilizing our technology through the LT Info platform and the EIP Project Tracker. The projects that are rolled up into the Action Strategy are all in a project list within the EIP Project Tracker. Anyone can explore those projects in more details, and then it's also a dynamic living plan. As climate projects get completed, new ones can be added to that list and that prioritization. So, when they're going after funding pots like the Infrastructure Investment and Jobs Act or the new Inflation Reduction Act and the historic climate money that's in California right now, they have a live up to date project list that all the partners can see which can open up all these possibilities for funding programs.

Climate Resilience Dashboard: They recently received a grant from the California Tahoe Conservancy to update and refresh the Climate Resilience Dashboard. As part of the LT Info ecosystem, there is a sustainability dashboard that currently measures a number of metrics through the environment communities in economy, the triple bottom line. This was created in 2014 along with our original Sustainability Action Plan. As shown on slide 12, they are using metrics reported through project progress in the EIP Project Tracker to tell the story of sustainability at Tahoe. However, since 2014, not all of those metrics are either relevant anymore, or data is not readily available. Within those three main categories they have a variety of subtopics, and 31 overall indicators. Ten of those, either the data doesn't exist anymore, the reporting from those sources has changed, or it's not necessarily relevant. Under this project they're going to be working with stakeholders to reevaluate and re-examine those metrics to better tell today's climate story. They're also going to sync those up and align them with other metrics. For example, the Tahoe Central Sierra Initiative has their pillars of a resilience that cover both natural and community systems and a lot of those metrics overlap with the work they're doing here in Tahoe, and the greater Sierra. California's Governor's Office of Planning and Research has recently released some of their metrics and the metrics they're using to measure resilience as part of their new plan. The state of Nevada also has a set of metrics they're using. They also want to coordinate with the Tahoe Prosperity Center and a lot of the economic metrics that they're measuring across the region. As LT Info is a clearing house and a place to convene all of this data, how can they bring all these different pieces together to tell the story of climate resilience at Tahoe but also tell it in a way that speaks to and recognizes the work that both States and the Federal Government are doing.

There are a lot of case studies that they can use to look at what they want to do in terms of functionality and tools. Some of these include Colorado's housing dashboard which breaks things down at a county level and then Richmond, Virginia, has a really good dashboard that breaks down the greenhouse gas emissions in a very user-friendly manner. They are proposing, the categories to stick with the triple bottom line with a slightly different naming. This aligns with the categories that the State of California identified for their resilience metrics of the built environment, social systems, and natural systems. Also, around that want they want to have ambient climate measures included in the dashboards, such as temperature, precipitation amounts, things that organizations like the University of California, Davis and the Tahoe Environmental Research Center collect and report on to not only can see what's happening to our climate, what being done on it, and those results. At the center of that is that story of climate resilience.

Next will be a digital exercise to get some input upfront about what the Board's priorities are around resilience metrics include. After that, Mr. Stock will be doing an activity here in the Board

rooms.

Presentation can be found at: [Agenda-Item-No-VII-A-Climate-Resilience-Strategic-Initiative-Briefing.pdf](#)

#### Board Comments & Questions

Ms. Conrad-Saydah said she thinks of resilience as moving forward by preparing for the inevitable and ongoing impacts of climate change, whereas mitigation which you addressed earlier is about actually reducing missions. When you're asking them to take on this next discussion, you're calling this climate resilience, but you are reflecting on the mitigation measures and the output of those measures, how do you want them to do this exercise on mitigation, on resilience.

Mr. Middlebrook said on both. At least the trend is resilience has started to be more broadly encapsulating the mitigation, adaptation, and resilience.

Ms. Conrad-Saydah said FYI, they are trying to call that Integrated Climate Action through the US Climate Alliance using all three underneath one umbrella.

(continued)

Mr. Middlebrook said with this information they'll work with a group of stakeholders through a process to develop a set of metrics. They'll come back to the Board with draft metrics for additional input. They'll collect the initial set of data for those metrics and develop a new dashboard that will replace the Sustainability Dashboard on LT Info. Then as project partners report on their project progress and goals, that data will automatically be added into the dashboard.

1) How do you describe a resilient built environment?

- Walkability
- Stormwater Infrastructure
- Future Proof
- Long Lasting
- Livable
- Sustainable Materials
- Coverage
- Green Roofs
- Energy Efficiency
- BMPs
- Wildfire Resilience
- Bikeability
- Housing

2) What comes to mind when to mind when you think of a resilient natural system?

- Healthy
- Biodiversity
- Protected
- Native Species

- Vegetation Management
- Strong

3) What comes to mind when you think of a resilient social system?

- Integrated
- Accessible
- Inclusive
- Affordable
- Diverse
- Equity
- Housing
- Workers
- Family

Board Comments & Questions

Ms. Conrad-Saydah said one thing about the metrics and pillars, and everything else as you look to integrate those, is to try to distill things, to just a few that are most representative of improved quality of life in the built environment, natural environment, and that social cultural cohesion. If you look at the TCSI pillars for example, there are ten around a wheel that don't necessarily show a framework and they did a lot of work a couple of years ago to indicate what the inputs and outputs might be, and what the outcomes might be of those. She would really think clearly about what are the outcomes of the projects that you're putting on the ground and what are the outputs? There are two different things: When you think about those indicators think broadly about the outcomes you're trying to hit, the values you're trying to reach and really narrow down as much as you can. There's definitely an interest from the California Office of Planning and Research. She is blame in part for her time with the State of California and having a ton of these metrics. But ultimately, it's about accountability to people, to taxpayers, the species that we all care about. If they can think about it that way, very strategically from a communications perspective, it's easier to talk about the benefit of the projects on the ground.

Mr. Middlebrook said absolutely. Inputs, outputs, outcomes, is speaking TRPA's language. This is the exact approach they take to the Threshold update and work TRPA does.

(Presentation continued)

Ms. Kubose, Intern with TRPA's presented on her work completed over the summer with regards to climate resiliency, policy, and code amendments. One of main documents that this works supports is the Sustainability Action Plan, and when she was brought on as an intern, there were about 70 amendment ideas that the Long Range Department had come up with initially, and those ideas fell into the categories of Traffic congestion (VMT reduction); Energy conservation; Zero-emissions vehicles; Waste diversion; Sustainable Construction and Development; Water conservation; Carbon sequestration, forestry practices, and vegetation; Adaptation and resiliency; and Affordable Housing.

Ms. Kubose conducted internal and external research to refine those ideas. She spoke with various staff members to find out what were their needs, what were some of the things that they were hoping to potentially see as a code amendment, or things that have come up in their work. She looked externally at jurisdictions across the nation to see what they have done with similar initiatives, code, and other programs.

Slide 22 is the memo that includes the amendment idea, the priority of short, medium, or long term. There are examples which was a result of her external research, survey results, and alternatives of what came from her internal and external research and what's recommended moving forward. Some of those amendment ideas initially, were better thought as projects or partnerships rather than amendment ideas at this time.

The survey was conducted on Qualtrics which was sent it out via email to about 90 to 100 various stakeholders around the basin. The stakeholders fell into these categories of Local Governments and Public services, Nonprofits and community-based organizations, and Private/Development organizations which included architects, engineers, and consultants. The numbers at the bottom of slide 23 shows how many responses were received.

Slide 24 shows an amendment idea, for example, require use of cool materials on a roofing to reduce heat island effect. In the first column they would mark how much effort and resources will this idea report to implement? In the middle, if implemented what type of climate resilience impacts will this idea have on the region? The responses could be not sure, negative, insignificant, or positive. At the right, it asked what is your or your organization's level of support for this idea; do not support, neutral, or support it. This was the main structure for our survey. for all the questions and amendment ideas in the survey. The survey 35 amendment ideas with opportunities at the end of each category to share their thoughts and additional ideas.

Slide 25 Results by Stakeholder Group: Something that came up quite often was focusing on reducing traffic congestion, and that was shared amongst all the stakeholder groups. Other popular ones were to promote water efficient landscaping supported by the NGOs and the private sector as well as promote renewable energy, facilitate the transition towards electric vehicles, supported by the local government sector and private sector, and the other ones were promote zero waste for temporary events, and continue focusing on workforce housing, which was shared with the local governments community based organizations, and nonprofit organizations.

Some of the additional comments and ideas were better public transportation, bus pedestrian and bike infrastructure, enforcement, energy efficiency and possible amendment ideas regarding going all electric was kind of contentious. One comment was that all electric is very costly, it will be met with great resistance and it's unrealistic. Another comment was energy efficiency is the key elements over requiring all electric. There was commentary on banning the use of fertilizers that contribute to algal blooms.

Her memo produced during her internship includes each amendment idea, and research findings, as well as the overall survey results, and more individual comments that were submitted as part of the survey.

(Presentation continued)

Mr. Stock said today's activity will share some ideas for developing climate smart code of ordinances. Staff would like input from the Board on an upcoming work plan for Code Amendments coming out of this climate program that they've heard a lot about today. Ms. Kubose's research produced a lot of amazing ideas of how they can build resilience and more climate smart policy. Those ideas range from policy and code amendments to strengthening and even creating new programs and partnerships with other agencies.

In the first phase of implementing this research, they want to focus on the ideas related to the Code of Ordinances. Staff is coming to the Board at a really early phase of considering and scoping these ideas.

These ideas aren't fully baked yet and is a great opportunity to set early direction and get Board input before staff starts putting these Code Amendments together.

There are six broad themes for Climate Smart Code Amendments. Each member will get six dots to place on the flip charts next to the ideas that they think are most important to focus on.

Ms. Kubose talked about a lot of themes in her research. There are a few themes that they won't be addressing in this activity such as waste diversion. They are not addressing this because it's addressed heavily through Federal and State law, most notably through the Porter-Cologne Water Quality Control Act. Water conservation is similarly a priority of the States, and workforce housing is a major TRPA priority but is being addressed through our housing initiative.

A Climate Smart Code is using TRPA's regulatory authority to support climate smart and resilient behavior and development in the basin. There are three main ways that they can encourage these types of resilient behaviors through the Code. First, is by removing barriers in the Code to performing those behaviors. For example, roof pitch and material requirements can be a barrier to a roof mounted solar panels, and a cool roof construction. They can also create incentives for folks who want to do the right thing. An example would be removing coverage requirements for electric vehicle charging stations. Finally, they can simply make requirements, they can require that people do these behaviors. An example would be to require that businesses provide bike parking and bike racks in front of their businesses. He's not advocating for these ideas but rather are just examples. Code is not the only tool in the toolbox. There are also have non-Code tools. They can support education programs, projects, and partnerships that all encourage resilience and climate smart practices. Today, they are focusing on the Code.

**Traffic Congestion and VMT reduction:** Some Code ideas from Ms. Kubose's research include requiring snow clearing on multi-use trails and sidewalks, traffic reduction measures for temporary events, including requirements for bike parking or visitor travel plans as a permit condition for temporary events, and also this broad theme of an incentives for creating more bike and pedestrian oriented Town Centers. This could include requiring bike racks and EV charging stations, complete street style standards for pedestrian infrastructure; sidewalks of particular dimensions and removing barriers to outdoor dining. This has been an important topic recently as the City of South Lake Tahoe's emergency order has expired so, they're currently interested in finding ways if the Board directs staff to allow outdoor dining to continue.

#### Board Comments & Questions

Ms. Conrad-Saydah-said regarding VMT reduction, these are great ideas, but where do the sticks come in? The types of VMT reduction measures that make parking and driving less palatable than biking, walking, and complete streets?

Mr. Middlebrook said last year, TRPA adopted a new VMT standard and that includes a VMT Impact Mitigation Fee. As part of that tool when developers or project proponents want to develop a project they put in their location, project type, and it creates a baseline VMT. From there they could select that they are planning to install bike racks, and that would reduce the fee they have to pay. There's a lot that's already being done with the VMT which is why this one is focused on some

of the areas where that tool is already not targeting some more of those stick measures for VMT and the VMT Mitigation Fee. Just as with housing, where housing, they've already given direction to the Tahoe Living Working Group on code changes, they want to figure out ways to add to the process and not duplicate. Some of those more stick ones, there are willing to take all those ideas and draw them up here, but they do exist in some other places currently.

Mr. Hoenigman said his question is similar regarding land use which has been covered more in the housing discussions. But about incentivizing development in dense nodes in the downtown cores so that they're walkable and able to be served by transit. To him, that's key. Should that go on the list, or is that part of the housing code changes being worked on?

Mr. Stock said this is part of the Transportation climate and housing nexus. Yes, they need to encourage more density in our Town Centers. and are trying to hit that from all different angles and belongs on the list.

Mr. Middlebrook said all of those housing measures that are looking at that then could be replicated for commercial businesses and mixed use that the housing initiative doesn't necessarily touch. They can use the success on that analysis to expand those measures as the Board sees fit.

Ms. Aldean said maybe this is just a matter of semantics, but the third bullet point is incentivize, walkability, and bikeability in Town Centers. An incentive is not a requirement typically. Then you have a list of requirements, she thinks that's kind of mixing metaphors. If that true incentive, is something that is the carrot as opposed to the stick, and she always prefers to lead with the carrot, and then follow up with the stick. Not to say that these ideas aren't laudable, but thinks that they need to couch them differently

Ms. Conrad-Saydah said also because you're talking about the nexus, it might be interesting to include by reference some of the other areas where all of these are addressed in the report itself and the same in those other reports so everyone can see that nexus very clearly.

Ms. Faustinos asked if there is a way to have a stick that says you're going to be promoting programs which expand bike sharing, E-bike use, etc. In her area, one of the Council of Governments was able to establish an E-bike program where you can get a free E-bike for six months and hopefully that incentivizes more people to be able to use it.

Mr. Middlebrook said yes, they work with their partners, the Tahoe Bicycle Coalition who volunteer and have bike valets at many events throughout the community. Also, on the list is the E-bike charging. The program that was giving E-bikes for free for certain users just received a \$200 million statewide grant to expand statewide. He's watching this as a firm believer in E-bikes and their potential to bring a program like that to Tahoe.

Ms. Novasel said in Colorado, incentivizing for walkable, bikable areas is using nonprofits that work with bicycles to make to get commuter bikes for the communities which is very successful.

Mr. Middlebrook said that's a line between what is a program versus what is a code update. They'll mark it down but then understanding, does the Code contain language that says they must have volunteer programs, or do we just use through their transportation demand management program.

Mr. Lawrence said personally, he finds this a little tricky because the climate is such an overarching umbrella over everything. He gets concerned about keeping things straight as far as the difference

between the Tahoe Forest Action Plan, the Environmental Improvement Plan, the Climate Resiliency Plan, and the Aquatic Invasive Species Plan which all have dollar amounts attached to them and all add up to more than the EIP. He doesn't know where forest health fits in, is the forest health part of the Climate Plan, part of the Forest Health Plan, the EIP? Moving forward, he requested that they get more clear on exactly how all of these pieces fit together.

The first bullet is snow clearing on multi-use trails and sidewalks. He's assuming they mean in urban areas. If this is traffic congestion and VMT reduction, because they had a long discussion about the East Shore Trail this morning and he knows that a lot of folks want State Parks to keep that clear. There's a lot of issues with that and would contend that keeping that East Shore Trail clear in the wintertime doesn't do a lot for VMT reduction. So, maybe some clarification there.

The sub-bullet under the second bullet, Visitor Travel Plan. What is a business travel plan for temporary event? Is it a traffic and circulation plan?

Mr. Middlebrook said snow clearing is something that the Placer County, Tahoe City Public Utility District does snow clearing the winter. El Dorado County and the City of South Lake Tahoe also do snow clearing. It's expensive, so, they do prioritize those areas closer to urban areas, especially connecting to neighborhoods where they know their car free homes are because those folks are the ones that absolutely rely on that trail network in the winter to get to work and activities. So yes, the urban commute trails are more of a priority than some of the more rural recreation trails.

Ms. Novasel said El Dorado County clears from Meyers into town and is becoming more, and more popular people are finding that. Also, between one business to the other, people park their car in one spot and walk from one business to another. That would not happen if they were not clearing those walkable areas in the winter. It does help VMTs.

Mr. Lawrence said he stated that the East Shore Trail wouldn't help with VMT. He just wanted clarification on what type of multi-use trails are they talking about clearing.

Mr. Middlebrook said regarding the question on the Visitor Travel Plans would be a condition for the event host where they would have to identify that they reached out to the local transportation agency to ensure that their event is promoting bus routes, have a bus schedule readily available when they sell tickets, and that they have a bike ballet available. Follow up confirmation on how to travel to and from the event, and that they're coordinating with the local transit agencies in order to make sure that it runs seamlessly.

Ms. Hill suggested that it would be great on that additional requirements for pedestrian infrastructure like sidewalks and way finding. That's really impactful for local governments to see how we can do that and that's something that perhaps could be their bonus allocation every year. You could do the same with the snow clearing which Washoe County is looking at in how to do a better job on clearing their multi-use paths. They are supposed to have a plan that will come out of that. Then finding resources that they could share with other governmental entities on who else is doing snow clearing on these multi-use paths. Are they contracting with a private agency that they should work with like Clean Tahoe that they've worked with because the rest of the Lake has worked with as well. Bike racks can be tough with E-bikes and wants to ensure what they are requiring makes sense, and that they'll be used. Especially with the charging, as well, she doesn't need to charge her E-bike except at home but is not going around the Lake but am going quite a few places during the day.

Mr. Yeates said Mr. Middlebrook gave a good example on VMT on how they were going to use the mitigation fee and it provides the project proponent a range of things to do to reduce the fee, which also benefits VMT reduction. He's trying to figure out the require, require, require, incentivize, require language. In that context require means that you want something from us such as a permit. What is going to be the project? TRPA would ask Placer County, you need to require snow clearing on multi-use trails and sidewalks, what is the trigger for that requirement? That's what codes are for.

Mr. Middlebrook said that is part of what they're exploring and the feedback that they want from the Board. In the City of South Lake Tahoe they do have the requirement that businesses clear their sidewalks of snow. The businesses want to continue operating in the city, they want them to keep the sidewalk clean and has a fine associated with that.

Mr. Yeates said for example, why not put an amendment in the Regional Plan? An area plan which the City of South Lake Tahoe would come in and one of the things TRPA would say is that snow clearing of multi-use trails and sidewalks needs to be part of that Area Plan. That's not a code issue. When someone comes in for an amendment to your area plan, they think in order to help with our overall climate resiliency that South Lake Tahoe, Placer or Douglas County needs to do that. This is where he's trying to figure out if you were coming to the Regional Plan Implementation Committee with a code amendment, what's TRPA's nexus to this requirement.

Mr. Middlebrook said that's exactly what they're trying to figure out with this process, and the feedback is critical. Snow clearing on trails is important especially for those that don't have cars but where is the most appropriate place for that to live? Is it really a code, where's the carrot or stick? Does it belong in our plans? Is it more of a local jurisdictional issue where some of the local jurisdictions are already doing that using their funding. If all the local jurisdictions are already doing it, do they need to make it a requirement? Those are the things they're going to answer through this process.

Ms. Aldean said she's all for removing barriers to expanded outdoor dining and retail but doesn't understand how that addresses traffic congestion. When you go to a restaurant, you're offered an opportunity to sit inside or outside. It's great for the business, and obviously was implemented to deal with the Covid restrictions. She thinks it's a great idea but is not sure it fits within the context of VMT reduction.

Ms. Gustafson asked if it is because most of the time when they've expanded outside, they're in parking spaces that were previously required to be open for parking, and therefore you're reducing, parking, and incentive.

Mr. Stock said that is one of the pieces, using street parking for outdoor dining. The other piece is this idea of street and public space activation as an incentive for active transportation.

Ms. Aldean said that needs to be clarified. If you are putting together a list of incentives, then it should say that you know one of the incentives for putting in bike racks and E-bike charging, is that you are going to be allocated a certain number of outside parking spaces. Use that as an incentive to promote other items on the list.

Ms. Williamson said going to concerts over the summer in Stateline, people don't like using the bike racks with their E-bikes because there's anecdotal stories of someone picking up the entire bike rack with the E-bikes and putting that in a truck. So, the casinos started coat checking E-bikes which

people love. As they're talking about E-bikes, recognizing that value and either having things cemented in recognizing the value of an E-bike.

Mr. Middlebrook said even with multi-family housing, it goes beyond just having a bike rack outdoors, it goes to having to secure bike rack with fencing around it, where it's locked, or where it's indoors.

Ms. Gustafson said regarding the conversation on the transit and temporary permit looking at how they require or incentivize participation by employers in carpool and ride share programs, alternative to single vehicle use. Does it make sense in code or not?

Mr. Middlebrook said the Transportation team is busy developing the pilot of the Commute Tahoe program, which they've engaged some local businesses in that pilot, such as the League to Save Lake Tahoe. They do currently have that a code requirement that employers over 100 employees have a commute program for their work. The Transportation team is working as part of their Regional Transportation Plan on strengthening that program and potentially bringing back, maybe some stronger code language that enforces that.

Ms. Gustafson said for those large employers that can work, but for so many of our small businesses maybe they need an incentive to also participate, because then they could look at those parking locations outside the basin and start having some funding or opportunity to see those used better.

Ms. Novasel said one of the biggest issues they have right now is where you can ride E-bikes. If there can be some code and work with other agencies, but they need to address a universal code for bike trails.

Ms. Diss said as one of the resident parents of young children in the group, she suggested instead of focusing so much on just bikes, E-bikes, scooters, and non-vehicle modes of transportation. She would be able to reduce a lot of vehicle miles traveled if there were like accessible ways to get my children places other than just her car. Having place for people to put wagons, strollers, all kinds of devices that people use to transport humans, wheelchairs, wide enough sidewalks focusing on broadly wheeled vehicles that are not automobiles. You cannot take a baby in an Uber unless you bring a car seat with you, and then you're walking around with it. If you have a stroller, you can go on the bus or whatever, but not if you can't fit the stroller on the bus. Especially for event planning, having a bike valet that you could also leave a stroller would be good.

Ms. Gustafson said micro mass transit, doesn't have stroller access.

Mr. Rice said with all these E-bikes and scooters running around, seems to him that there's a lot of older folks that frequent the basin, and or live in the basin, and not being as agile as some of us used to be, dodging these things can be a real problem. We should come up with some reasonable codes as to where you can or cannot ride them. They come into Douglas County where they have no ordinances about these things at all and find them dumped all over the place. One of his concerns would be regulation this to all these electronic devices of where they can be used and where they should not be used.

Mr. Middlebrooks said the E-mobility devices are definitely an emerging trend and challenge. There are two sides of that coin of managing how people use them but also being able to provide the infrastructure that allows people to use them more safely. If you're only providing one narrow

sidewalk, it does create more user conflicts but if there's a sidewalk with a designated lane, then you can have more of that separation where everyone can enjoy the street and what all of their complete street projects in Tahoe are about.

Traffic and VMT Reduction

Idea	Votes
Rules for shared e-mobility devices	
Consistent e-bike usage rules	
Require snow clearing on multi-use trails and sidewalks	3
Incentives for more density in town centers -Require bike parking/valet -require visitor travel plans	3 1
Commuter programs	2
Promote walk and bike-ability in town centers	3
Promote e-bike usage and programs	
Promote Bike share	
Not just about bikes – all wheeled devices (wheelchairs, strollers, etc.)	1

**Energy Generation:** This topic is where they think they could have a lot of impact through the Code of Ordinances. The first idea is to look at removing barriers to small scale energy generation. For example, they could do more to support metering systems that could offset grid power at important institutional facilities like South Tahoe Refuse or the Lake Tahoe Community College. This could include standards for small scale biomass facilities, wind generation, or solar energy facilities as well. Solarization can also come again up against the scenic standards so, defining preferred materials, reflectivity, and even code interpretations for the scenic rules, as they relate to solar panels, could be a priority. Solar and wind structures also come up against our height standards, so, they could provide additional height allowances for these structures as appropriate. Finally, they could require large buildings and parking lots to include solar. Other jurisdictions have done this in the country and have had some success.

Board Comments & Questions

Ms. Aldean said there is an incentive for some of these buildings to install these solar panels, because it reduces their energy cost. She's not sure a requirement would be necessary. She thinks it's just a code change that would allow them to be installed. How do you do with reflectivity issues? You're talking about amending the scenic ordinance but that's for the unit itself, it doesn't address the glare that can come off these panels.

Mr. Middlebrook said they've been doing some research into that and there's products on the market where you can put a film on the solar panel, similar to like a tinting that reduces the reflectivity. The big thing here is that they're being clear with permittees that this is the standard they're expecting and here's ways they can meet it. It may as simple as providing a fact sheet of things to consider and how to meet the scenic standards. Or it could go further into code changes.

Ms. Aldean said if someone can afford to install solar panels, it will reduce their energy cost. So, she's unsure it should be a requirement.

Mr. Middlebrook said an interim step there too could just be requiring a new construction to have pre-wiring for the infrastructure which is a lot less cost on the project component. Then it makes it less expensive to install it later. It could be the same with electric vehicle infrastructure.

Mr. Yeates said he can't imagine the reality of enough wind at the Lake for wind power. When he was chair, he received a phone call from a person who was excited about doing a wind project near Marlette and what would be TRPA's reaction. The scale is significant and there's no way to hide the wind turbines. For those of us who like birds, there is a serious downside.

Mr. Middlebrook said the giant white windmills that you're used to seeing in the windmill farms out in the valleys, will never be feasible in Tahoe. In terms of this code change, there are some new technologies that are these cylindrical spirals that more small scale for individual homes that could work. We have wind up here but the problem and challenge with wind energy is, we get very gusty wind, and it's not consistent and is not necessarily the best for energy generation. They want to ensure as they are researching it that the Code isn't getting in the way of some of these new novel technologies.

Mr. Yeates said he questions wind. He sees solar and the biomass, just because they have so much as a result of Caldor Fire. Wasn't the Washoe Tribe thinking about opening up a biomass facility in Carson City?

Mr. Lawrence said it's in Douglas County which is a sawmill site now. What's being contemplated is not biomass facility as much as it is a sawmill facility.

Mr. Yeates said that's a fairly significant and industrial thing for the basin.

Mr. Middlebrook said in that example and the wind example scale really makes a big difference. There are some of those small scale facilities that are the size of a shipping container that can generate power. It's not going to generate all of our power but for example, at a transfer station for waste company that is already taking in all of the pine needles and yard debris in Tahoe, instead of trucking it over the hill they could generate enough energy on site given all the other constraints that they have in the basin with air quality concerns and offset some of their onsite energy.

Ms. Gustafson said Northstar Community Services District and the Truckee Tahoe Airport are doing that. They're going to convert the biomass directly to heat the walkways in the Northstar Village and the airport runway. There are looking at it in a very small scale. Code generation, instead of generating the power, because you lose some of that. There are other new technologies coming out all the time for the biomass but really is small scale and moveable.

Mr. Hoenigman promoted biomass because we have so much of it and having just cut down almost 65 dead trees on his property, and there's no use for any of that. It's just going to landfill right now. That needs to be separate because that's part of the forestry health projects. They have to have some place to put all that stuff.

Mr. Middlebrook said if you want to vote for one of these ideas that has the biomass, wind, and solar, if you put your dot right on the one you really like, they can glean that.

Mr. Hoenigman said solar wouldn't work on his house because of too much snow and would destroy the panels and would imagine that's true in a lot of places up here. He reached out to the utility about community solar, and there was no community solar up here which kind of surprised him being in California. That is something that they need to look at, because the panels are going to be much more efficient down in Reno, providing power up here and more efficient than putting it on everyone's roof up here. Another interesting item is the bi-directional charging equipment for electric vehicles. Why build a \$1 billion battery plant when you can just get 10,000 Tesla owners to opt in in and use their cars to store up and then discharge when there's no sun. Any charging equipment that we require or incentivize, he thinks they should be pushing to make it bi-directional as soon as those standards come out.

Mr. Friedrich had a question on coverage for whatever renewable energy facility is deployed or proposed to be deployed. He sees on the next slide there's coverage exemptions proposed for electric vehicle infrastructure, how about for renewable facilities?

Mr. Middlebrook said coverage is covered under the bucket of removed barriers for small scale energy generation. It's coverage for ground mounted solar or height for roof mounted solar.

Mr. Stock said he would add that on, so, they are sure to consider that.

Mr. Friedrich said the City of South Lake Tahoe passed a 100 percent, 24/7 renewable energy by 2030. To do that you need around the clock generation. Renewables does not equal natural gas so, we're talking biomass. Pumped hydro, we have mountains, a reservoir on top, one at the bottom, and you work with the gravity to generate electricity. That's an emerging technology that's being deployed in in more places. We have mountains and we have trees so, these are opportunities. That's another type of technology that might in the future require some kind of code flexibility to deploy. If they're serious about climate, when in doubt, they need the error on the side of allowing renewable deployment. Say solar as a scenic asset, because that means they're fighting climate change, it's not a blight. Just kind of reinterpreting all these things. He's personally in favor of maximum flexibility for all these.

Ms. Novasel said she had a question mark on this one, it drives her crazy. Not just for solar, but for a lot of reasons in our Lake, pollutants and all that. How do they incentivize solar on the Lake? It's incredibly important and think it would solve a lot of other issues other than just solar power.

Mr. Middlebrook said that's really interesting in terms of solar on the Lake. Even tidal wave power generation is maybe something in the Lake if it ever mixes again. A spoiler alert on the electric vehicle chart they do have electric boat charging. Homewood Marina won a Best in Basin award this year for their electric boat charging.

Mr. Lawrence said he's going to struggle on this one with his dots. He likes all of these ideas but does get concerned. We are an environmental agency with a lot of thresholds across the board regarding scenic quality, water quality, and air quality. Energy generation in the basin is something to be looked at, but we have to be mindful of the trade-offs. He could easily say, yeah, incentivizing solar rooftop panels is a good thing. Does one primary residence going to solar a big enough advantage to Tahoe to basically do away with scenic standards? Or height standards? That's where he's struggling. How much does an energy generation in the basin help with our Climate Resiliency Plan. He can get behind biomass. Mr. Yeates brought up wind and philosophically, more diverse renewables is great, but not at not at the expense of everything else. He doesn't see that in the mix. When he hears let's relax the standards, perhaps the environmental document for those could

change, but doesn't want to lose sight of that. They have to make sure that the benefits are going to away the cost of the other.

Mr. Middlebrook said that is exactly the concern of our Permit and Compliance Department has brought up. If one house does it, then all of a sudden, every house does it then where's that cumulative impact. The South Tahoe Public Utility District just approved to move forward with a one Megawatt, a solar facility on some of their land. There's going to be a couple upcoming projects in the region that will help them examine those bigger basin concerns with an actual project to look at and talk through all those policy decisions.

Ms. Williamson said when it says community solar Nevada, you can't do community solar Nevada. You'd have to change the statute but what they do is expanded solar access where you have solar facilities off site, that people that are low income or work or own a disadvantaged business or certain other categories can buy into solar coming off of other places. They're really specific roles. It does exist in Nevada under a different name and has really specific parameters around it already, and this it just came up the last legislative session.

Mr. Friedrich said the more electricity they generate here and store for nighttime usage the less we have to import on transmission lines that are coming through forest. The same sort that burned down countless California communities and was certainly a part of the City of South Lake Tahoe's thinking on their resolution. In an ideal world you would be able to generate all your own electricity locally such that you were less and less dependent on those high fire risk transmission of electricity. That is a fundamental part of resilience in his view and avoiding the ultimate scenic blight of catastrophe wildfire burning down forest. He would think of that in terms of a reason to promote local generation as an imperative. Regarding solar, California does have this solar mandate which took effect two years ago, for all new single-family and multi-family homes over three stories. As Ms. Aldean mentioned before tradeoffs like, if you do this thing with bikes or E-bikes, then maybe you get some allowances with parking. There's lots of things that are put on the table including funding, and they're looking at density, coverage, and height allowances for multi-family. One could imagine packaging that with a solar or energy efficiency requirement. To Say, if you're going to add impacts for more people, more cars, more density, and more runoff, then you have to offset it with renewable energy and efficiency,

Ms. Diss said since there are specific call outs to different kinds of energy, she wants to make sure that they're not excluding emerging technologies. For example, the company she works for is involved primarily in geothermal which she's not suggesting they drill in the Lake Tahoe Basin but they also do waste heat recovery, which is primarily utilized in industrial settings, but can be used on things like hospitals and casinos that generate a lot of heat and send it out into the atmosphere. There's technology to capture that heat and turn it into energy.

Mr. Middlebrook said Ms. Gustafson brought up the example of Northstar and the Tahoe Truckee Airport doing that for the heated sidewalks.

Energy Generation

Idea	Votes
Remove barriers to small scale energy generation	1
-biomass	5
-wind	
-solar	
-storage	
-geothermal	
(notes: coverage, size, bird impacts, pumped hydro, waste heat recovery, don't exclude emerging technology)	
Clarify scenic standards for energy generation	2
-preferred materials, reflectivity, code interpretation	
Community solar/Expanded solar Access	
Additional height for rood mounted solar/wind	
Bi-directional ev charging	3
Require solar on large parking lots and buildings (or just pre-wiring)	1

**Energy Conservation:** They may consider incentives for increased energy efficiency. It could include coverage exemptions or other bonuses for energy, efficient design. For example, building thicker walled structures to accommodate better insulation They could require new construction to be a 100 percent which has been done elsewhere. They could also consider a mitigation fee or additional development rights for very large residences, and this has been tried in other mountain towns most prominently Vail and Aspen have done this. They could align their exterior lighting requirements with energy efficiency and dark sky standards which would be a relatively easy lift for them. They recently had an analysis that said they're close to dark sky, but not quite there.

Board Comments & Questions

Ms. Aldean said somebody sent her a funny photo of a gas vehicle towing a diesel generator re-energizing an electric vehicle. When she looks at 100 percent electric for all new construction, how is that electricity being generated? Is it being generated from solar power, wind power, or generated from gas? She understands our focus is on the Tahoe Basin but ultimately, if you look at it holistically, a lot of our electricity comes from gas. It's a bit of a conundrum. How do you go 100 percent electric and have absolutely no impact on the environment? She doesn't think you can unless it's generated by wind or solar. We need to be more specific about what we need. Her instinct is just to eliminate it.

Mr. Hoenigman said it depends where you are because in PG&E's service territory, he thinks they're way below 25 percent that comes from burning fuel and the electricity is really clean. The thought is over time, the electricity is getting cleaner, but once you put in a furnace or a hot water heater that's gas, they have a long lifespan, and people will keep replacing them with the same. If you get them out now, then over the long term it'll save a lot. Right now, it doesn't make sense in a lot of areas at this time, but over the lifespan of those appliances it makes sense. At the end of the year, California's Title 24 is being updated at the end of the year, and right now if you build it's already LEED or LEED Silver, if you just build a house under current and with the new codes you have to

insulate normally, and sheet the entire building and ridge it and it can't pass if you put in a gas appliance like a furnace or a hot water heater. California has solved our problem on that part of the Lake for us, so we aren't going to have to probably require or incentivize anything there. He has no idea how Nevada is by comparison.

Mr. Middlebrook said he knows some of the local jurisdictions on the California side like the City of South Lake Tahoe are actively developing a reach code that goes even beyond that Title 24. This may be one of those items that the direction they make at this Board for policy is that that's being handled in a local jurisdiction level and our role is more of a support role.

Ms. Aldean said they know what happened to California during the heat wave where the Government asked everyone to not charge their electric vehicles. Given the state of technology today, it places people in a very vulnerable position. At her home, electricity goes off, goes on, Nevada Energy is relatively efficient and reliable. But there are times the electricity goes off, so they installed a gas generator so that we don't lose all the food in our freezer. So, from a practical standpoint it makes sense to have alternative sources of energy and is what worries her about this push for all electricity, because a lot of the electricity is generated from fossil fuels currently and maybe that won't be the case in the future. She feels that they need to focus on the bigger picture, and not just what's good for the Tahoe Basin.

Ms. Conrad-Saydah said yes, yes and there's also a lot of research and data on indoor air quality from gas appliances making indoor air quality worse. There's actually a public health indication for moving to all electric as well and thinking about that gas generation and the public health and air quality impacts. So, the move towards all electric, yes, there are reliability issues that they still have to work out and this longer-term play, the more communities that can go towards all electric the more demand there will be for fixing some of those issues. When you think about some of the public health issues, and they're really large, especially for indoor air quality, it is important for them to do everything they can to move in that direction while dealing with some of those reliability issues. To fair when California responded to that request, they did it. So, there is a collective response and a state of 40 million people responded, and they kept the lights on. Additionally, when she thinks about generation, they're not China, they're not getting our electricity from coal, they are moving clear and cleaner. They're keeping some of these dirty or natural gas facilities online specifically for backup generation and are thinking about long term about how you ensure reliability. The more you can get gas lines out of your house, the more you are protecting yourselves and your communities, to think about the gas explosions they've seen. Moving that direction has any number of benefits from indoor air quality, public safety, reducing infrastructure that they need underground in an earthquake prone state. She encouraged everyone to think about the bigger picture in the longer term.

Ms. Williamson said they are studying the future of natural gas at the Public Utility Commission at the request of the Governor at the end of the last session because there was a Bill pending in Nevada that was going to look at either ending natural gas or fully electrify which it did not pass. It didn't get out of Committee and the Governor asked at that point if the PUC looked at things like stranded assets when you're paying for gas lines that you've already paid for 50 years, how much is that going to cost people? Reliability? Some of their mobile home parks that still rely on propane. It is being studied. There's a conglomerate of six states that are looking at this across the West. She would put Nevada squarely in the study mode, whereas California is in the more implementation mode. This might also be something that their State is just studying at this point. To the point of full electrification, they're not as clean as PG&E right now, they are at about 70 percent natural gas that they still burn. It is something that Nevada probably is going to take a longer look and is good that

they're looking at that to statewide. That's not to say that locally they can't support, encourage and see what's happening across the border and see how California has implemented this, and see some of those issues. Their commission is looking at the California Commission, who also has been studying this. She wonders if this is something that they continue to gather lessons on but that might just particularly be an area where California has taken steps that Nevada is continuing to study in that mode.

Mr. Middlebrook said it could also be an incentive program. The woodstove replacement and incentive program that TRPA helps manage has been a success. They've replaced most if not all, woodstoves in the basin with EPA certified woodstoves. Maybe it's transitioning with the money that was going towards woodstove replacement to electric conversion. Instead of requiring it, rather an incentive program for people to swap out an inefficient gas water heater when it breaks with a new electric pump.

Ms. Aldean said coupled with that, Mr. Friedrich brought up the issue of electric lines above ground. Ultimately, those lines should be underneath the ground, because there's the potential of a catastrophic fire. If the weather ever returns to normal in the Tahoe Basin, and being all electric, if the electricity goes down and you don't have a stove, that could leave people with no heat at all during a massive snowstorm. There are public health issues that also have to be considered. She's encouraged that California has elected at least temporarily not to shut down this last nuclear plant, nuclear plant dangers aside, it's a clean form of energy. Like Nevada and the Public Utility Commission is doing, take a long thoughtful look at the ramifications of what they do before they make a command decision to convert.

Mr. Hoenigman said one thing that they might be able to incentivize that would help would be in home battery storage because that could help in outages and so many different things.

Ms. Novasel said that's a backup energy, source, because we're all trying to do generators now and it's a lot of gas generators out there. So, incentivize the electric ones.

Mr. Friedrich said he's planning to electrify his house and kick gas. He thinks there would be a lot of projects coming forward. The Department of Energy has a cold climate heat pump challenge. Nice thing about electric heat pump is they provide air conditioning, too, so it's getting hotter and could be a benefit. He's guessing they're probably not going to be pursuing this short term as a basin wide mandate so, we'll see how things unfold on the ground, and continue to look at this as the as time goes by. He's intrigued by this excess square footage and energy use mitigation fee. It could have a side benefit of providing more. What would be the base square footage and the excess before?

Mr. Middlebrook said if the Board wishes to move forward, staff wants to do an analysis to understand what the average square footage for homes are here, what the minimum and maximum is.

Ms. Gustafson asked what they are or what they should be.

Mr. Middlebrook said it's a good question. Mr. Stock mentioned some examples where they have maximum square footage, like Vail for example. On the flip side of that, Aspen's maximum square footage is 24,000 and Vail's is 10,000. If they were to pursue this, they would do more analysis on what our current built stock looks like, average energy uses for homes, and then be able to calculate that. It could be incentives like such as if you want to build a larger home you could electrify your

home, therefore, you're not using as much carbon. They would have to do an analysis to figure out what fits in Tahoe.

Mr. Friedrich said it's not hard to imagine this has affordable by design benefit if all houses were built, as 3/2, 1,500 square feet houses rather than monster homes, we'd have a lot more affordable housing, and people wouldn't have to leave the basin. They wouldn't have to cover as much new land for new projects because all the houses are too big to afford. Regarding dark sky, the City of South Lake Tahoe started with municipal lighting where they're moving toward a standard of all dark sky compliant lighting. They have sidewalk lighting going in along Highway 50 with 2200 Kelvin. It's not the bright glaring blue LED, it's a warmer light. There are all kinds of data on the impact of non-dark sky lighting on wildlife and people and thinks this will be an easy one.

Mr. Rice said I don't want to say you can pry my gas heater out of my cold dead hands. Good gosh, folks, we don't have the infrastructure to electrify all of Lake Tahoe. The last time we had an emergency here, there were electric cars blocking the highway because they weren't charged before they got going, and then they got stuck in the traffic with everybody trying to get out of here. Now the electric company during certain hours of the day, are asking people not to charge their cars, dry their clothes, or turn on the oven. We're not ready to go a 100 percent electric and doesn't think they'll be there within 50 years.

#### Energy Conservation

Idea	Votes
Incentivize energy efficient appliances and building standards -coverage or development rights bonuses for energy efficient design -require 100% electrification for new construction	4
Underground power lines	1
Require excess square footage mitigation	2
In home battery storage	
Energy appliance conversion rebate program	2
Update exterior light requirements for efficiency and dark sky	3
Bonus Development rights for energy efficiency	
CA title 24	
Electronic heat pumps	2

**Zero Emission Vehicles:** This is another area where there are a lot of holes in the Code of Ordinances that they could fix. They could incentivize electric vehicle chargers through a coverage exemption. They could also provide other guidelines to incentivize, but also facilitate appropriate construction of electric vehicles charging stations. There are no standards for electric vehicle chargers in the Code. It could include, use guidelines for allowing them as an accessory use to different uses, signage requirements, parking requirements, and snow removal. They could also require electric vehicle charging or conduit for electric vehicle charging in new construction, similar to what they talked about with solar panels. Electric watercraft is another emerging trend that they need to keep on top of. They could provide interpretations for how electric boat chargers would

relate to their Shoreline scenic standards and can set standards for placement and performance of those chargers as well since there is nothing in the Code of Ordinances.

#### Board Comments & Questions

Ms. Novasel said El Dorado County has a dig once policy. If someone's digging a hole, then they put in conduit. So, that would relate to both of those comments. They try to use that as much as possible but it's a tough sale sometimes but makes sense to get that dig once policy going for all the jurisdictions.

Ms. Aldean asked if requiring electric vehicle charging stations for new construction is residential or commercial. For a small house to install an electric vehicle charging station, if they don't have an electric vehicle seems to be a bit of a stretch.

Mr. Middlebrook said it could be either or both. California does have some requirements for the conduit to go in for new instruction, and believes their threshold is commercial businesses and then multi-family over four units. He doesn't believe single-family is required to do the conduit yet. The commercial and the multi-family would be just the conduit.

Ms. Aldean said it would be helpful to clarify that because conduit is different than a charging station.

Ms. Conrad-Saydah added that they should also think about how to try and get co-location on cell towers and chargers. They need to have a much broader push to have universal charging for everything that we do, but at least having universal stations, would be incredibly helpful. Thinking about co-location of charging types in one station, so, they're not looking at a lot of different impervious surfaces for different charging types. You don't want to accidentally incentivize a hodge podge of stations but rather coordinated development, putting them in the right places, and again, different types altogether.

Mr. Middlebrook said yes, please write to your Congressperson to advocate for single port charging standards, and the same for cell phones.

Mr. Friedrich said these are all great ideas. Electric watercraft is a solution to many problems and probably an emerging trend and makes a lot of sense to start thinking about guidelines and standards. Also, expedited permitting for electrical vehicles infrastructure, California has Assembly Bill 1236 that provide requires an expedited permitting system for all jurisdictions. He would encourage the group to look at that one.

Mr. Hoenigman said he doesn't know what the local governments are doing about converting their own vehicle fleets, but that should be something that they put in there. Also, thinking about non-vehicles and all that small stuff that emits a lot of CO2 and pollutants. Gardening items such as lawnmowers and blowers, and snowblowers.

Zero Emission Vehicles

Idea	Votes
Incentivize ev charging through coverage exemptions	3
Expedited permitting	
Facilitate appropriate ev charging -signage, parking, snow removal, use	
Bi-directional charging	1
Require ev charging for new construction -dig once policy	1
Guidelines for electric watercraft -scenic -placement, performance, safety	9
Hydrogen	
Fleet	
Small engines	1

**Sustainable Construction & Development:** The topic of this balance between a local and regional regulation has been coming up a lot and this is in a topic area where they really need to be conscious of that some pieces are more appropriate for regulation by the local jurisdictions, they by TRPA. Mr. Middlebrook brought up the Reach Code that the City of South Lake Tahoe has is working on right now. They could focus on updating TRPA Code of Ordinances to support local initiatives. This could include requiring or incentivizing cool building materials, incentivize area wide green infrastructure in Town Centers, this could possibly be through a fee in lieu of coverage to support a larger scale green infrastructure projects, removing barriers to recycled construction materials. An example could be as simple as a code interpretation affirming that certain recycled materials are appropriate for scenic findings for construction. Incentivizing solar ready or passive solar construction. This could be done potentially by relaxing some dimensional requirements that would otherwise impede passive solar construction in some cases. They could also have the opportunity to extend the grading and construction season in response to longer warm months. Another item would be to standardize their BMP guidelines for roof drip. Roof runoff is relatively clean compared to roadway and driveway runoff, so they could standardize roof drip requirements in the Code and focus that energy more on the polluting sources of runoff.

Board Comments & Questions

Ms. Novasel asked what cool materials are.

Mr. Middlebrook said the most obvious example is when they're talking about urban heat island effect, and heat buildings is white roofs versus having a black roof because it reflects more. That's more of a challenge with TRPA scenic standards of painting roofs white. There is now technology and the materials that these cool materials that are more reflective, so they absorb less heat, are in available in a variety of colors that match with our current color guidelines. It could also be thicker installation on a roof. The way the roof is designed. Roof pitch comes up a lot, they have this very steep roof pitches that have a lot of open space and air that's then heated and is an energy suck. There is a lot of material science that goes into creating materials that send more light back out into the atmosphere versus absorbing.

Ms. Novasel asked if there is a difference between Lake Tahoe's guide compared to an average temperature in Sacramento, for example.

Mr. Middlebrook said when you think extreme heat you usually think the valley, where it's up to 110 degrees. The extreme heat index, as defined in the science, especially through the California adapt tool which has a lot of climate projections defines a Tahoe extreme heat day as 96 degrees. Right now, they average two or three of those a year, and in the future, under climate scenarios, they are going have 14 to 20 of those. While that heat may not be as extreme as the valley, they don't have the infrastructure. For example, many people don't have air conditioning in their homes. It's a combination of heat, relatively hot to what they're used to in combination with the lack of infrastructure such as air conditioning that causes those problems.

Ms. Aldean said they're talking about the use of cool roof materials which reduces the heat inside the house. But are we missing an opportunity to capture that heat and store it for winter use?

Mr. Middlebrook said they want to reflect the heat in the summer and capture the heat in the winter.

Ms. Novasel asked what the materials/technology are used at the Tesla plant and could they incentivize that.

Mr. Middlebrook said those are the Terra Cotta tiles and is one of the materials that the Permit and Compliance Department is starting to see more of and have some of the same concerns with the reflectivity and scenic issues.

Ms. Gustafson said she's also seen in some of the public projects some communities have been using different surface coating on their streets and bike trails to reflect the energy. Is that something they can look at and how effective are they?

Ms. Aldean said in the two final bullets to extend grading season based on new climate science, does that really fit under Sustainable Construction Development? That is a great idea but am running out of dots in this particular category. The other is standardizing the roof drip line BMP design guidelines. Both are good ideas but don't know if they belong under this category.

Mr. Middlebrook said they were put there because they didn't fit perfectly in any of the categories. They limited the dots on purpose to try to force some prioritization. But just because ideas up here don't get dots doesn't mean they're not going to continue looking at them and engaging with stakeholders on them. The discussion has pointed out a lot of areas where there's a lot of differing opinions, and they'll take those ones more serious. But if things necessarily didn't get a lot of votes, but they also got a lot of positive comments throughout this discussion, they'll take that into consideration as well.

Ms. Williamson said even with all these great ideas, what there are talking about removing barriers in the Code of Ordinances. Individual projects still come back before the Board so, it's not like our end all, be all.

Mr. Middlebrook said they may not all come back to the Board for approval, but they would go through the planning process, where all of the checks and balances that are currently in place would still be in place.

Sustainable Construction & Development

Idea	Votes
Require use of cool materials -roofs -Streets	
Incentivize area-wide green infrastructure	9
Remove barriers to recycled construction materials	
Incentivize solar-ready/passive solar -limited coverage and building standard exemptions	2
Extend grading season	
Standardize roof-drip BMP guidelines	

**Carbon Sequestration, Forestry, and Vegetation:** On carbon sequestration, forestry and vegetation they have removing barriers to community gardens and parks and residential lots, forest treatment and riparian zones, and then very removing barriers to green roofs but can move that green roofs over to Sustainable Construction and Development.

For sake of time, he'd suggest that they move that last one aside and have everyone vote now on the five remaining categories.

Board Comments & Questions

Ms. Conrad-Saydah said the is the green infrastructure inclusive of bio swales.

Mr. Middlebrook said yes.

Carbon Sequestration, Forestry, and Vegetation

Idea	Votes
Remove barriers to community gardens and parks on residential lots	2
Remove barriers to forest treatment in riparian zones	5
Remove barrier to green roofs -pitch, height, materials	3

Public Comments & Questions

Molly Armanino said it shows that the TRPA greenhouse gas reduction targets are net zero by 2045. She asked for confirmation that it's not the 2030 goal in alignment with the City of South Lake Tahoe's renewable goal. Why is there a difference between that zero by 2045 versus the City's Climate goal by 2030.

Mr. Middlebrook said the City of South Lake Tahoe's goal for 100 percent renewable energy by 2030, 24/7 is purely the electricity goal. The overall TRPA goal of net zero by 2045 is all carbon emissions which includes transportation, gas, waste, and wastewater. They are definitely in

alignment with all the local jurisdictions in in the various goals and subsets of greenhouse gas emissions.

B. Briefing on the Lake Tahoe Shoreline Public Safety Facilities Planning Process

Mr. Stock provided the presentation.

Mr. Stock said that this planning process looked at locations for dedicated public safety facilities serving first responders on Lake Tahoe. This was a collaborative effort involving TRPA staff, and partners from around the basin. The planning process and results were defined by a working group of first responders operating around the lake, and included representatives from Sheriff's Offices, Fire Protection Districts, State Agencies, and the Forest Service. Once potential locations were identified, outreach to relevant landowners began.

Why a planning process for public safety facilities on the shoreline? This plan is part of TRPA efforts to implement the 2018 Shoreline Plan and Climate Resiliency programming. The plan identifies the need for regionally distributed, dedicated and adaptive facilities, for public safety agencies to respond to emergencies on Lake Tahoe. The Code also allows for some exceptions from design requirements for public safety piers and other shoreline safety structures. At this point, they are ready to take the next step in implementing these elements of the Shoreline Plan and the Code.

It's important to note that they are not getting into permitting in this planning process, instead working with the partners to agree on a broad and proactive regional level plan for facilities looking into the future. First responders are currently mooring their vessels at rented or leased piers that are not designed to accommodate these types of vessels. This can impact response times and make safety vessels more vulnerable to damage.

Sheriff's offices reached out to TRPA leadership about these issues prior to the planning processes. This planning process also plugs into these climate resilience efforts they've been talking about today. We are increasing vulnerable to extreme weather, including storms and drought, which creates risks for those enjoying the lake, and for the first responders who are tasked with keeping everyone safe.

One of the things the working group focused on was making sure that public safety vessels could access water quickly during drought conditions, so in particular the group focused on ensuring access to elevation 6,219, which is considered the navigable depth of the lake during low water conditions.

This plan focuses on ensuring that first responders can continue to respond effectively to emergencies on Lake Tahoe by identifying ideal locations and needs for public safety facilities. To achieve this, the working group developed criteria for analyzing potential sites. They identified potential locations and needs for public safety facilities and looked at considerations for facility development including regulations and partnerships for shared facilities.

Aside from the Coastguard's facility in Tahoe City, current moorings are not formally designed for public safety. This can impact mobilization in an emergency and in low water conditions and can also make vessels vulnerable to damage from storms. Mr. Stock provided a couple of examples:

- South Lake Tahoe and El Dorado County agencies along with the Douglas County Sheriff's Department operate from the Tahoe Keys Marina. This concentration in the Keys means that agencies are not optimally distributed to respond to emergencies on the south shore. In addition, navigation through the Tahoe Keys can slow response times.
- In Douglas County, the Tahoe Douglas Fire Protection District's boat, Marine 2, was severely damaged in a storm last winter. The boat was moored at a pier that was not designed for public safety and left the boat vulnerable to storm surge damage.

Given these issues, it is clear that first responders need dedicated facilities on the Lake.

The working group held their first kick-off meeting in early March 2022, to define the goals and objectives of the process. A workshop meeting in late March 2022 identified evaluation criteria and potential safety facility locations for further analysis. In April 2022, TRPA staff analyzed potential locations based on the criteria. In April/May 2022 small groups representing each of the participating quadrant areas, met to review the analysis and rank the preferred locations. At a second workshop in May 2022 the working group discussed facility needs and key considerations for each of the preferred locations. In June/July 2022 TRPA staff and the working group collaborated on the development of a draft action plan. They shared this presentation with the Advisory Planning Commission in September 2022 and are continuing to work with some of the partners on the meat and potatoes of identifying preferred locations.

Finding preferred locations was both an art and a science. The evaluation (science) criteria, included:

- site availability
- ownership
- environmental and scenic sensitivity
- response time to key locations on the Lake
- protection during storm conditions
- existing infrastructure
- land access
- access to navigable water

Probably more important than the science, was the 'art' piece – the special knowledge and relationships that working group members brought to the table. When combined, the following preferred locations were identified.

The preferred location for Washoe County is still to be determined. They are continuing to work with first responders in Washoe County on identifying a potential site and meeting with site owners. Staff will come back to the Board with that preferred location in the future.

The City of South Lake Tahoe preferred site. The response on the Lake is highly collaborative and does not involve the same jurisdictional boundaries that we are used to on land. Generally speaking, the City of South Lake Tahoe Fire Rescue and Police Departments are the primary agencies tasked with public safety on the Lake. The group selected Ski Run Marina as the preferred location. The marina is centrally located and importantly, has a deep channel that is maintained with dredging, which keeps it accessible in drought conditions. A safety facility at Ski Run Marina would likely require a new pier, but it could be a shorter pier due to improved access from

maintenance dredging. Early in the process, the working group engaged with the marina owner, Mansoor Alyeshmerni, who is supportive of continued consideration of the site.

In El Dorado County, there were very few options, due mainly to the limited access to deep water across the south shore. The El Dorado County Sheriff's Office and Lake Valley Fire Protection District landed on Camp Richardson as their preferred location. The location is close to the highest volume of emergency calls in the area (Emerald Bay and Camp Richardson itself), and the existing pier is sufficiently long to access navigable water. The working group engaged with the marina owner, Bob Hassett, and he is supportive of continued consideration of the site.

Placer County Sheriff's Office, North Tahoe Fire Protection District, and the California Department of Fish & Wildlife, identified the Tahoe State Recreation Area as their preferred site. This is an existing publicly owned pier, centrally located on Placer County's shoreline. The pier will require some renovation, and modification to the parcel will be needed for emergency vehicle access.

Douglas County have been meeting independently to plan an addition to the Zephyr Cove Pier for public safety agencies. The group includes the Douglas County Sheriff's Office, Tahoe-Douglas Fire Protection District, Douglas County Search and Rescue, Nevada Department of Wildlife, and the pier owner, United States Forest Service. This group have kept the wider working group involved and informed and helped other jurisdictions as they move through the process. They plan to have a facility completed by Spring 2024.

Next steps and implementation: After identifying preferred locations, agencies are ready to formalize partnerships around a shared facility and seek initial funding for planning and design. At this point, they are handing the implementation off to the agencies who will be sharing and developing these facilities. After securing funding and design, they should start permit submittal. Attachment C in the packet, outlines the permitting process for TRPA. In addition, there will be several other agencies involved in this permitting process.

He encouraged everyone to take a look at the [storymap](#) link for this presentation.

Presentation can be found at: [Agenda-Item-No-VII-B-Public-Safety-Facilities-Briefing.pdf](#)

#### Board Comments & Questions

Ms. Novasel said this is important to all of the local jurisdictions. Especially after the Caldor Fire, realizing that they need fire safety in and around the Lake. Are they to help with the process of getting this these permits through a little quicker, so that, perhaps they could save a little money? Is there any Federal funding on the horizon to help them put in some of these facilities?

Mr. Stock said they have discussed potentially including these projects in the Environmental Improvement Program which would help with the permitting portion of it. They've also been keeping an eye out for grants. The State of California has the Adaptation Planning Grant which applications are coming up in two months. That pot of money could be applicable for these facilities in California potentially. At this phase, they're handing it off to the agencies but they're still working with them and advising them on where to go.

Ms. Gustafson said there was a fair amount of discussion in Meeks Bay about a potential pier, and when she looks at the West Shore, it's a pretty long distance between the Tahoe City and the El Dorado site. Was there any further discussion about that?

Mr. Stock said the representative from North Tahoe Fire Protection District, Fire Marshal, Brent Armstrong really like the Tahoe City facility for a number of reasons, the main one being the central location in their district.

Ms. Gustafson said she's familiar with that site in her previous career and that bike trail has to wind down to that site. So, when you say a little bit of issue to get vehicles there for emergency response, it would seem to me a pretty big lift to get emergency vehicles down to that pier.

Mr. Stock may have understated the lift for getting emergency vehicles down there.

Ms. Gustafson asked if this is the existing pier at the campground.

Mr. Stock said yes, that's correct.

Ms. Gustafson said State Parks also owns another pier just down that little side street frontage road right on the other side of Lake Terrace Street. That one in particular is right next to the bike trail. The bike trail can be used, but it is not a quick access for emergency vehicles and certainly not multiple emergency vehicles and is 12-foot wide and winds down that hillside for ADA accessibility.

Ms. Gustafson said she agreed with the central location. That's where she was getting frustrated with the Meeks Bay request and others, is not having this plan. She commended having the plan so they can focus their energy.

#### Public Comments & Questions

Brent Armstrong, North Tahoe Fire Protection District and Meeks Bay Fire Protection District commended the staff for putting this together, the collaboration between all parties was spot on and putting together a great think tank to look at all aspects of the public safety piers and all the components that come with it. They really wanted to have something on the West Shore but what was difficult down there is finding the location protected from weather, and then having the staffing available to adequately respond a piece of equipment out of there. They partnered with the Placer County Sheriff's Office, US Coastguard, and State Parks to figure out what would be achievable in the event of a response, and ultimately the majority of their staff being Tahoe City, and being somewhat centrally located at least through the North Shore and West Shore to be able to have a strong response collectively through all partners at that Tahoe City location. Yes, they would love to have something along the West Shore, but ultimately came down to not having a good weather break, accessibility always being a difficult because of a lot of private land ownership down the West Shore, and just not being a feasible location. Secondly, yes, the elevation gain was is pretty steep getting an ambulance down to the shoreline or to get crews onto a vessel in Tahoe City was of concern but thinking it through with the existing bike path, there would be a restructure that would make it to be a vehicle access only for first responders that they could drive on that that portion of the of a path and park at the bottom and get onto a vessel, then come back and offload either there at that location or to a waiting ambulance at a nearby offloading facility. If the patient was in the West Shore, they wouldn't necessarily come all the way back to Tahoe City, they would go to the nearest location where they could get that patient offloaded onto a staged ambulance or aircraft.

He commended Mr. Stock and staff for all the work they put into this and approached this with an open lens.

VIII. REPORTS

A. Executive Director Status Report

1) Tahoe In Brief – Governing Board Monthly Report

Mr. Hester said staff has added the 30/120 on permits to the monthly report.

After the Governing Board meeting on December 14, we'll be holding a reception to recognize some of our retiring Board members.

B. General Counsel Status Report

Mr. Marshall said tonight's reception for the executive director candidates is not a public meeting. It's a social event which means no deliberation amongst Board members.

Mr. Marshall said last week they had the oral argument in the Ninth Circuit on the Garmong v. TRPA case. Their outside counsel did a great job. The panel gave the attorney for Garmong a pretty hard time on how they had drafted their complaint, and the number of causes of action, and the failure to allege the critical cause of action which was the judicial review of the Agency's decision to issue the permit for the cell tower. Reading the tea leaves, it seems like we're in pretty good shape to get the case dismissed. The worst case they would give leave to amend to just assert a judicial review claim on that decision. They've already filed the record in the case and then they would just brief whether or not the Board made a rational decision when it granted the permit for that cell tower.

Ms. Aldean said she felt sorry for the appellants counsel because he was defending a brief that he didn't prepare and put him in a kind of an awkward position. She agreed with Mr. Marshall in that for all intensive purposes it seemed to go well. The judges asked a lot of questions and she's hopeful.

Mr. Marshall said we've been sued again. The Dobbins' applied for a buoy off their property in Glenbrook. They sued TRPA and the Glenbrook Homeowners Association (GHOA). They have sued TRPA over the determination to deny their buoy application. They have sued GHOA over ownership to that lot that sits in front of their property which is a Quiet Title action. They filed the case about a week and a half ago or so in State Court in Douglas County. Usually in in these cases, they'll remove the case to the District of Nevada that way there's one Appellate Court that sits above California and Nevada, the Ninth Circuit, and we get uniformity of opinions if they keep everything in in Federal Court. They can remove, because our Compact is Federal law and have Federal question jurisdiction over the TRPA causes of action and the pending jurisdiction over the State law.

Ms. Aldean asked why the State of Nevada wasn't also named as a defendant since they declined to issue a permit for the buoy as well.

Mr. Marshall said since this is a lawsuit by a disappointed applicant, so, our usual indemnification special condition is not triggered here and will be handling this case in house with guidance from Debbie Leonard on any litigation strategy questions they feel are appropriate.

Mr. Marshall said in the Harrosh v. TRPA case is the two neighbors fighting over a pier permit. The Johannessen's received the pier permit and the Harrosh parties were opposed because it was adjacent to their property. Harrosh sued TRPA over the issuance of the permit about one year ago. They filed a partial motion to dismiss including claim one, and that has been sitting with the Federal Court in the Eastern District of California for quite some time. The Johannessen's finally got their Army Corps permit, they acknowledged the TRPA permit, and two days ago they commenced construction on their pier, basically driving piles, because the season for constructing piers is the opposite of the season for grading, because of fish habitat and fish concerns. The Harrosh parties went in and sought a temporary restraining order that same day and later that day, the Court issued a temporary restraining order which requires the Johannessen's to stop construction. They didn't really have a big dog in the fight, TRPA does have some interest in integrity of our permits. It's now set for a hearing on a preliminary injunction for the remainder of the lawsuit. The hearing will be November 8, 2022. What is interesting about this is, the Court, in its temporary restraining order found that Harrosh was likely to succeed on claim one of their complaint against TRPA.

For issuing temporary restraining orders or preliminary junction, you gauge the strength of the claim versus the potential injury, you sprinkle in considerations of public interest, and the judge makes the decision whether or not to enjoin the activity that is being contested. Here, the judge stopped the pier construction based both on injury and likelihood to succeed on the merits of claim one. Claim one is that TRPA processes violate the Compact in two ways: One, if you remember, like earlier today, on an appeal, if there is an appeal of a grant of the permit, it's like, the action is coming to the Board to revoke the permit. The permit has already been issued by the Hearings Officer as a result of delegation, to the Hearings Officer, or delegating to staff. When it gets to you there is an inverse situation where to revoke a permit you need five votes in favor of the appeal. Instead, if it came directly to you, like a project would come to directly to you, the project would need to get the permit, five affirmative votes. The Harrosh parties alleged that our processes violate the Compact which requires that projects, get a five-nine super majority vote from the State that the project is located. The vote on the appeal was four votes voting no on the appeal and one vote abstaining. Although, there was no votes in favor of granting the appeal there wasn't 5 votes in favor of the project. In that situation, the question is, is that consistent with the Compact? The underlying issue is whether or not we can delegate projects to either the Hearings Officer or the Executive Director, because a permit will be issued without a five-nine vote or is it just the fact that there was an appeal, and it came to the Board and the Board did not have five affirmative votes for the project, and therefore that violated the Compact which requires a five-nine vote.

It's a bit conflated or technical here, so we don't know exactly what the court was saying. It was just one line in the in the courts order. It's a TRO but it appears to them that the Court has done some work on the motion to dismiss that they filed a while ago and it's probably a good indication of the Courts anticipated result on our motion to dismiss which would be to deny our legal rounds, which basically say that you can't state the claim, because both these are legally appropriate ways of dealing with our workload, both the delegation and treating an appeal is as a revocation instead of a permit issuance in the first place. Hopefully during the preliminary injunction stage, they will get a little more feedback from the court on what she meant in this particular one sentence that we can't really parse based on just what it said. It's a very important ruling, it only affects right now, this particular project, so, they're not planning on changing anything but oftentimes in these situations you want to try to figure out how to lose the best if you're going to lose. From our position, it's better to lose on the appeal rule than the delegation. If that's what's really concerned the court, they want to make sure that it is restricted, and she understands the relative importance of the issue to us. That will be our interest in this next round of briefing on the preliminary injunction.

Board Comments & Questions

Ms. Aldean asked if it was customary for a conservative judge, someone who doesn't want to inflict harm on any of the parties to issue a temporary restraining order if there's any ambiguity, and whether or not she did an exhaustive analysis of the issue that's being disputed is unknown. She may just be waiting for us to brief, so that she has a better and more thorough understanding of how our processes work.

Mr. Marshall said generally yes, that there is a tendency to maintain the status quo, which in this case was no pier. Because then if you don't enjoin the activity, and it turns out later that it was improperly granted, the structure is there. He personally would not have commenced construction but that's not his choice. But here they've already briefed the issue, the legality of TRPAs delegation and the revocation position on our motion to dismiss. That's what gives them more pause, it's balancing, you could have a lower degree of success on the merits if you're relative harm is higher. They are a little concerned that the judge was pretty up to snuff on what the legal issues were on the claim one. It's important to us to go in and try to parse out the court really meant.

- 1) The Compact's open meeting law requirement, Article III(d)  
*Agenda item will be deferred to a future meeting.*

IX. GOVERNING BOARD MEMBERS REPORTS

None.

X. COMMITTEE REPORTS

A. Local Government & Housing Committee

No report.

B. Legal Committee

No report.

C. Operations & Governance Committee

No report.

D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

E. Forest Health and Wildfire

No report.

F. Regional Plan Implementation Committee

No report.

G. Ad Hoc Executive Director Search Committee

No report.

XI. PUBLIC INTEREST COMMENTS

None.

XII. RECESS

Ms. Aldean made a motion to recess.

Ms. Gustafson recessed the meeting at 4:15 p.m.

Thursday, October 27, 2022

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 8:05 a.m.

Members present: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

II. ADMINISTRATIVE MATTERS

A. Executive Director interviews and selection:

Mr. Hester introduced Steve Worthington and Cliff Moore; Prothman Company who was the search firm hired to help secure the new Executive Director.

Mr. Worthington distributed the comments from last night's reception to the Board for their review.

**Interview Questions for Executive Director position:**

(Note: All candidates must be asked the same question. Follow up questions may be asked based on candidate response.)

**Note:** You may use the tool below each question to note key points about the candidates' response to the questions. Rate your opinion of each response to the questions for its relevance and thoroughness using the five-point scale below. There is space provided for comments/notes.

1. (Cindy) What are the motivating factors that made you apply for this position? What is your interest in Lake Tahoe and the Tahoe Basin?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

2. (Alexis) If you have had experience in working with a board of directors or similar governing body, how often and in what ways have you communicated/interacted with the directors in order to keep each member informed and engaged?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

3. (Vince) What priorities would you establish during your first six months as Executive Director? First year? (follow up) And, what would you define as success for that first year?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

4. (Bill) As the new Executive Director, how would you assist the agency in developing and framing a long-term vision and strategic plan?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

5. (John) Over the past few years, Lake Tahoe has experienced an explosion in tourism, second homeownership, and traffic and congestion relating to recreational activities. What are your thoughts on managing sustainable recreation? Do you have much experience as it relates to management of people and the environment?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

6. (Ashley) Describe a situation in which you were able to build consensus among disparate parties, including those traditionally underserved.

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

7. (Barbara) What is your experience in dealing with or balancing the needs, wants, demands, differences inherent with a multi-state, multi-county, multi-jurisdictional organization with varying and often opposing public, private, governmental, environmental, political and other advocacy interests?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

8. (Shelly) What is your experience in overseeing and managing an Agency’s financial health? And how would you ensure that the agency is financially healthy?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

9. (Hayley) Please discuss your thinking about hybrid working schedules and, if the agency continues to offer remote working options, how you would manage staff, motivate them and provide training and development opportunities?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

10. (Sue) Give us an example of how you would communicate or implement a major change in policy. Have you ever implemented a significant change that was difficult for staff? How did you handle it and what was the outcome?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

11. (Belinda) Sometimes land use decisions are controversial and disliked by some segments of the community. How do engage a broad segment of the community in public policy to achieve equity? How do you deal with controversy among community members and work to resolve this type of conflict?

1	2	3	4	5
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Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding
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Notes:

12. (Jim) As you may or may not know, the TRPA has Memoranda of Understanding with a number of public and quasi-public agencies. If one of these MOU partners fails to comply with its obligations under its memorandum, how would you handle the situation especially if the noncompliance could potentially interfere with the success of an important TRPA initiative?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

13. (Bud) Why do you think you would be the right person for the job?

1	2	3	4	5
Not Relevant/Thorough	Somewhat Relevant/Thorough	Adequate	Very Good	Outstanding

Notes:

14. (Jessica) Do you have any questions for us or anything that you would like to add?

- Feedback from Panel Interviews: Panel 2 – Mr. Moore

Becky Bradley

Strengths: Her answers during the interview matched her resume. For some panel members that was refreshing because she's done what her resume said that she's done. The agency that she works with currently works with 62 different local governments. Her work is very complex and in order to solve problems she has developed a skill set to bring together district groups to solve problems. She's confident in herself, she knows what she's good at which is land use policy and she likes that work. She's dedicated to staff development and helps staff grow by allowing them to take on project lead duties. She's transparent in her work and she used an example of posting all the flipcharts that the staff had done looking at strategic plans and projects, goals, and timelines. Then taking the flipcharts and posting them all around the Agency, including the Board room. She mentioned several times equity and diversity and is a focus for the agency she is currently working for. She was seen as accountable to staff, to the Board, and the community and as a pragmatic problem solver.

Concerns: There were a few concerns mentioned although, they weren't full consensus of the panel. She didn't say why Tahoe is special and when answering questions about the work which led to a question among panel members about her passion for this particular job. Some of her answers

to questions were simplistic, not very deep or not very many examples. There was a question about her ability to adapt on the fly, would she just design a process and stick to it without making adjustments along the way. There was a sense that her skill set is more tactical rather than strategic. There was a feeling among the panel members that she might have done more specific research about the Agency and specific projects. There was a sense that she would be more successful managing internally, especially on the planning side but there was a question about her ability to be successful with all the requirements of the job.

- Feedback from Panel Interviews: Panel 1 – Mr. Worthington

Becky Bradley

Strengths: Management experience, deep planning knowledge, and a planning nerd (meant in a good way). She has MPO planning work. She was perceived by some to be a leader, to use leadership, she referred to her team often and spoke of it in the terms of “we.” She appeared very politically astute and savvy. Had a good deal of public outreach work that she talked about. Her multi governmental work in watersheds was also seen as a strength. She talked about personal growth and had some specific plans about how that’s applied. She’s experienced with growth pressures in the communities that she’s worked with. She appeared to be proactive in how she approaches issues. She has fund raising experience and takes pride in that. She demonstrated a good deal of humor as well. They felt that she was professionally accomplished, and she brings new eyes to the Agency and its mission.

Concerns: One of the answers which had to do with current challenges for the Agency didn’t get answered. There was a question about what is your greatest professional success and some of the panel felt that was a little soft. It was a story about an underserved population getting access to a trail system to help address a number of needs and how it was put together through a private sector investment in coordination with public investment. She seemed to be naive about the power that this Agency has. It was felt that she didn’t understand the Agency’s role. Didn’t hit on recreation as a driver for transportation demand and her experience in recreation planning was viewed to be weak. She similarly to panel two didn’t really demonstrate for Tahoe but did demonstrate a passion for the work. She was more motivated by the work and challenge than it was the location and that she had a love for this type of work.

- Feedback from Panel Interviews: Panel 2 – Mr. Moore

Mark Wardlaw

Strengths: The panel suggested that his strengths were intelligence and is well experienced in management and planning. He has an approach for leading a team that he has tested and been successful with. He was calm, measured, thoughtful, and engaged. He created the impression among the panel that he wouldn’t get rattled when there was a difficult problem or issue to address. He wants to have role with an Agency that makes a significant impact. His closing statement was very strong which helped improve the overall panel impression especially about his passion for the work because up until that moment, there were some individuals on the panel that felt that he was a little bit too calm and measured and not excited about the opportunity. He’s vested in a method for making a tough decision which he said he’s tested and has proven to be successful for him. He likes to get out and walk around the Agency and talked to people at all levels. His management by walking around approach. The panel noted that he really wants this job.

Concerns: He was a bit reserved, a bit too controlled, hard to read, and didn't display a passion for either the region or the work. When asked what he might improve on, he noted that some staff that he has worked with might say that he was too involved in their daily activities. He talked about having an open door for staff, but staff didn't often come in and is what led him to the approach of walking around in the agency. There was a sense among the panel that he was more of a problem solver than identifying a good pathway forward and new opportunities for an agency.

- Feedback from Panel Interviews: Panel 1 – Mr. Worthington

Mark Wardlow

Strengths: While this was said humorously, there was some seriousness to it, he's a man from Nevada and carried some interest. He has some impressive experience in management in complex organizations. He brings calm, he has a management style referred to as empowering and inclusive. He used a term "creating tiger teams" which was issue driven teams, not project driven teams and that team focused on that particular issue. He has a strong planning background. He demonstrated quite a bit of interest in organizational development and with a team orientation. He operates with strong relationships. It appeared that his answers were honest. He understands the "why" which Mr. Worthington was told that was reminiscent of Ms. Marchetta. He seemed to know the core issues. The group was left with the impression that he had strong negotiation skills.

Concerns: He has done quite a bit of development work and may be his focus. The set of experiences within the past 20 years are somewhat the same. They could be a little more breadth. His calm demeanor was a strength but may also be a weakness and may demonstrate a lack of passion. The question was also there that if he had enough presence to go toe-to-toe with some of the other agencies or individuals. Related to that was there "fire in the belly."

- Feedback from Panel Interviews: Panel 2 – Mr. Moore

Jeannie Ward-Waller

Strengths: She's smart, articulate, thoughtful, authentic, introspective, confident yet humble, likeable, and self-aware. She knows what she likes to do and she's good at it. She's well aware of the local challenges and issues even though she's not from the Lake Tahoe area. She apparently did a lot of research on the Tahoe Region and the Agency which the panel found very effective. Her current position in the Transportation unit at Caltrans was seen as a positive with some carryover for the work that this Board and Agency does. She has significant experience in working with and through government agency processes which indicates a knowledge of the Council of Government system. She has good experience in formal and informal public speaking settings. When responding to one question, her overall view was that she was looking for a way to get to "yes" and that positive attitude came across in the panel and they were impressed with that. She would come in with a view of learning from the Board, staff, and stakeholders before making any changes in the organization. She's supportive of staff but she gave the sense she could be tough and make a difficult decision when necessary. She's currently managing a division that has over 600 employees.

Concerns: A question about dealing on a regular basis with a Board of Directors, does she have that capacity? It's not part of what she does on a daily basis. Given her subject matter expertise, which is engineering and her work for Caltrans, would the environmental community find her credible as an executive director of the Agency. There was some back and forth with the panel talking about that. She is very much an outdoors person; she mountain bikes, skis, and hikes and there was a sense that her personal attributes might offset any negative feelings that the environmental

community might have about her professional background. A question about her outreach and engagement style, she talked a lot about one-on-one and would that work with the many partners and stakeholders that this Agency works with. Would she be able to move off of transportation as a focus and look and act more broadly in the context of this Agency.

- Feedback from Panel Interviews: Panel 1 – Mr. Worthington

Jeannie Ward-Waller

Strengths: The panel felt that she had a great presence. She was calm and confident, grounded, thoughtful, and she showed the Tahoe passion. She made a comment about listening to all voices, not just the loudest. She also talked about her funding efficacy experience. She is experienced in testifying in front of a legislature at the Transportation Board. For some panel members, taking on Caltrans culture change which was a movement to a more sustainable approach of transportation was seen as a big kudo. She enjoys big challenges, she's a policy nerd. She found it was important to be vulnerable as a leader. She demonstrated good leadership. She brings an outside perspective to the Agency. She's willing to ask basic questions and admits to having a leadership coach. She appeared humble, brought humility, problem solver, potential to grow, and not a "muted" person.

Concerns: She has a transportation focus and work experience is not broad; five years with Caltrans. Previous work was in advocacy for non-motorized transportation in a couple of different venues. Does she have the fortitude to handle the public questions. Lack of land use experience and perspective. Her board and commission work similar to panel two. She experienced the Transportation Board but that may be not as much other board work. Breadth of experience was another question.

- Feedback from Panel Interviews: Panel 2 – Mr. Moore

Julie Regan

Strengths: Enthusiastic, passionate, genuine, driven, and very experienced in the work and the Agency. She understands the diverse nature of the community and the inner workings of the Agency very well and she's willing to be introspective and reflective about the direction of the Agency. She reported and thinks the panel agreed that she still has the "fire in the belly" after 19 years with the Agency. It was noted that she has advanced communication skills. They used the words fluent and articulate when discussing the role of the Agency. She knows how to communicate those goals and mission to the community and to the Agency both internally and externally. One of the panel members noted that she's always out in the community and has helped turn the community perception of the Agency into a very positive one. It's helped that she's been through a restructuring of the Agency. She's seems well versed and adept in engaging a wide array of stakeholders from the Federal Government to the local community groups. She has the ability to meet groups where they are and start that relationship at whatever knowledge based the community group has. She's seen as very collaborative, and the community was impressed that one of the answers to her questions she talked about studying other similar communities in other states that are recreation dependent. That was seen as opportunities for adapting best practices that she learned about by studying other communities.

Concerns: There was a tension between process and decision and the panel wondered if at times there was a lack of willingness to act in the moment. She didn't talk much about other outside partners or the need to align missions with other external partners. When discussing the annual summit as a strategy, she didn't go deeply into her role of managing the summit, starting or

operating it. She said both her best trait and her challenge was her enthusiasm, that raised the question about her ability to make a difficult decision in some panel members.

- Feedback from Panel Interviews: Panel 1 – Mr. Worthington

Julie Regan

Strengths: Knowledge of the Agency. Her passion, energy, well-spoken, knowledge of the political realities, vision, proven record. Julie has been beside Joanne and deserves some credit for the Agency's accomplishments. Command of the Bi-state legislative process which doesn't happen easily. She can hit the ground running and represents the Agency very well. When she speaks the legislature listens. Aware of the previous work and history of the Agency. High expectations of staff. The staff likes working around her, very approachable. She knows people's names. Leads by doing, continuity and leadership, positive approach and attitude. Able to commend effectively, works at a high level, has established relationships, and grasps of the economics of recreation and housing.

Concerns: Not a fresh set of eyes. Aspirations on a larger stage may distract from the Agency's actual mission. Not a seismic shift, meaning they're not changing the landscape significantly with this. More candid comments were desired to be heard. Some felt answers were deflections. Rounded off the corners of some of the comments about the Agency, putting the best light upon them. Desire to be on the world stage may be a distraction. Technical skills and communication are very good but knowledge of other pertinent areas may be limited. Leadership background didn't come through. How will she take the blows of interagency (the word is disfunction) but assumes it's interaction. Being thoughtful and not reactive. Clarity of vision is a question. Didn't hear much of her own professional development. Management experience is with a small group.

Additional comments:

Comments from Panel 1 at the end of the interviews: There's recognition that the Board has four qualified candidates each bringing different characteristics and skills. The Board should select the one that meets their objectives best. They all have skills, which skill set is going to get you where you want to be.

Background checks were completed that included driving records and criminal records that were available in the usual public format. They verified education and degrees. Prothman also collected confidential references on the candidates with the exception of one.

**Interview - Becky Bradley**

Ms. Gustafson: Good morning Becky. You've found the hot seat. Thank you for being interested in the position and for being here today. Steve Worthington will start off with a few remarks and then we'll start our questions.

Mr. Worthington: We have 50 minutes together. There are 14 questions. I'll be giving some time checks.

Ms. Gustafson: What are the motivating factors that made you apply for this position? What is your interest in Lake Tahoe and the Tahoe Basin?

Ms. Bradley: Good morning everybody and thank you for inviting me this morning. As a

professional planner for over 20 years, you don't often get an opportunity to work in a place that writes and sets policy, has an investment strategy, but then also has some opportunities to implement, especially with environmental policy. As far as I know, those opportunities don't exist in hardly any place in America, and that's what attracted me to apply to the position. Also, it is absolutely beautiful here, and the fact that that's celebrated at every turn is incredibly important. I think that I could do really well in this environment, and really well for you.

Ms. Williamson: If you've had experience working with a Board of Directors or similar governing body, how often and in what ways have you communicated, interacted with the directors in order to keep each member informed and engaged?

Ms. Bradley: Sure. I work for a similar agency to the Tahoe Regional planning Agency now. The Pennsylvania version has a little bit more limited authority, but it's actually made up of two separate boards under 2 separate bylaws. There's a Metropolitan Planning Organization board, and then there's the Bi-County Planning Commission, which also serves as a municipal planning commission for communities that choose to use us in that role. The Bi-County Planning Commission is 37 members. The Metropolitan Planning Organization board is 19, technically 17, because I am a voting member on both. In order for us to function on either board, you have to maintain good relationships with everybody. The board ultimately decides how you are going to spend your money. They help set policy and make decisions, so they have to be an active partner in the development of the policy, the work plan, the budgeting, and it's our job as staff, to ensure that the board has everything they need to make those decisions. In order to do that, I now talk to our Bi-County Planning Commission Chair at least every other day, and almost all of the members at least once a month.

Mr. Hoenigman: What priorities would you establish during your first six months as Executive Director? Your first year? Also, how would you define success for that first year? Well, first is to become very up to speed on the laws that govern both the Nevada and California pieces. That I would need to work on immediately. I think you also need to build relationships with folks like yourselves, as well as community stakeholders and the staff. Also, on the administrative side would be understanding the budgeting process, timelines, deadline, and other internal things such as grants and any ongoing work program components. I think another key piece is really understanding what the priorities are right now. What need to be accomplished, where you are in that process, what are your plans for the next 2 to 3 years, your mid-range, and then your long range. Especially since you are a Metropolitan Planning Organization, and you have significant need for continued and enhanced investment in your infrastructure system. It's always a key piece on the metropolitan planning organization side, to figure out what those needs are, how you're developing your process for that long-range transportation plan, and how that's translating into your investment portfolio.

Mr. Yeates: As the new Executive Director how would you assist the Agency in developing and framing a long-term vision and Strategic Plan?

Ms. Bradley: Do you have a strategic plan now for the agency? I apologize that I don't know. If you do, it's important to open that up, see where you are in that process, talk to all of your staff and other key stakeholders, to see where you are in accomplishing that, how it's working, and then figure out together where you need to go next. In any regional agency, you have to be a collaborator - that's imperative to being successful.

Mr. Friedrich: Over the past few years Lake Tahoe has experienced an explosion in tourism, second

home ownership, traffic and congestion relating to recreational activities. What are your thoughts on managing sustainable recreation? Do you have experience as it relates to managing people and the environment?

Ms. Bradley: We have similar issues in the Lehigh Valley, but honestly not to the scale that you have them. At the end of the day, we are by and large a day trip location, plus we've had a massive population growth. So, we have huge housing shortages and massive growth in industrial, which has created a whole new freight profile that has just decimated our road and bridge network in the Allentown Bethlehem Eastern area. So, I have experience - a little different inputs, but not dissimilar results. So, from that perspective, you have to figure out what your priorities are, and decide where you need to work on those specific pieces. If you're starting to see traffic in more areas, I'm assuming that you guys have a traffic count program, a highway performance management system program through your MPO? That's a great way to get a handle on your congestion, your safety, and other things. And from that, you really have to look at your investment portfolio, and what your partners are doing to see where you can manage those traffic pieces. I understand that you already do have some things in that that regard, but when you have immediate change you have to go through and say, "okay, did this make sense?"

As for the second piece on the recreational side. The area I'm from now is also rich with natural resources. It's a combination of very urban, very suburban, exurban, and very rural and naturalized. So, we have the Appalachian Trail that runs along the top, and two major blueways, the Lehigh and the Delaware Rivers. So, recreation is an absolutely imperative piece of what we do, as well as being in a major hawk and eagle migratory path. So, there are all sorts of air quality and forests things that we have to manage on top. You have similar things, but just scaled up with the ski resorts. You do have some land use control, so you know where a lot of these facilities are now, and where they could go if they are to expand, and you have to figure out how that matches up with your infrastructure and other things.

I have also had a lot of experience on the second home piece. In my current role, we've worked very closely with local governments who set their own zoning, subdivision, and land development ordinances in Pennsylvania. Our work on short-term rentals included setting up laws to manage them, and to address issues. Some communities have adopted rental housing licensing programs. When I was at the city of Eastern I actually set one of those programs up, as well as a rental inspection program. That actually turned out to be one of the larger money makers at the city, and helped offset some unfunded mandates. So, there are ways to manage it, but you need the enabling legislation, the desire, and the staff, to be able to implement those programs.

You really have to approach the second home piece from a point of regulation. You do have some really great things in your regional plan about adding more mixed-use or more density in your housing. Driving around there are some opportunities for ADUs, but that could spur more second home rentals and tourism. There has to be a way to think through that, because you do have some housing affordability issues. Based on average or median income of the area on both sides of the state line, there is a need for more attainable housing at various income levels. So how can you add those ADUs responsibly but do it in a way that doesn't increase some of the issues that you're already seeing with the vacation economy.

Ms. Conrad-Saydah: Please describe a situation in which you were able to build consensus among disparate parties including those who had been traditionally underserved.

Ms. Bradley: I had a chance to talk a little bit about this yesterday in the community meetings. The

city of Allentown is a tale of two cities. We have a 165-mile commuter, corridor trail that is actually an environmental management strategy to protect the Lehigh River from development. At one point the river was privately owned, so it had very little development along it. But there are some places in the city of Allentown where there are significant brown fields that had just been vacant for decades, and separated the poorest communities in the Lehigh Valley from access to schools and other things. It wasn't a good situation, but the Delaware and Lehigh National Heritage corridor, which is both the outdoor recreational strategy, and also the commuter corridor strategy, to move people and protect the Lehigh River runs through that area. So, we had to figure out how to connect this massive three-and-a-half-mile gap in the system. The issue was that the people in the neighborhood were completely under-represented in any sort of conversation with our parks and recreation team, the Lehigh Valley Greenways, which is managed through our State Department of Conservation and Natural Resources. The City of Allentown struggles financially, and with staffing and other things, so they were in, but didn't know how much they could contribute. The suburban community of Whitehall Township said they just didn't know what to do. So, we pulled everybody together because we have to close that gap. There's a whole host of reasons to do it, and it has significant importance. But nobody was really sure what to do. So, we just said we at the Commission have a little bit of extra time, we're a convener, we're a collaborator - let's see we can just get everybody at the table and figure this thing out. We did and ultimately it turned out that they made us responsible. It was great because we're used to managing federal dollars. We identified what was the Tiger Grant program, which then turned into the Build Grant program, and then the Raise Grant program through USDOT today. It took us six years, because in order to apply for the 21 million dollars which we were ultimately awarded last year, we had to come up with a 34 million dollar match. We could not take it off the Transportation Improvement Program because that's largely federal funds, and you can't match federal funds with other federal funds. No one really had the money, so we put together a 34-million-dollar private sector deal utilizing the value of the Lehigh structural steel property, supporting that preferred developer which the city of Allentown had designated to help with land acquisition costs. No one thought it was possible it did take six years, but that's not really that long, long a time frame, especially with the amount of match that we had had to raise.

Mrs. Cegavske: What is your experience in balancing the needs, wants, demands and differences inherent with multi-state, multi-county, multi-jurisdictional organizations with varying and often opposing public, private, governmental, environmental, political, and other advocacy interests?

Ms. Bradley: That's a really good question. During Hurricane Sandy, the port of New York and New Jersey was just absolutely decimated. It is the major East Coast port, and we're part of the northeast megalopolis. So, literally the grocery store chains had all of their warehousing destroyed, there was no electricity, and food shortages were starting in Manhattan. So those grocery store chains started moving into an area that was a little more coastal zone safe, and that had a little bit more climate resiliency, but still had good access to the port. So, they started coming into the Lehigh Valley, and that was fine for a while, but then everything else started moving into the Lehigh Valley as well. In just the first 9 months of this year alone the Lehigh Valley Planning Commission has reviewed over 19 million square feet of new proposed industrial. And it's not just warehousing and logistics, although that is a key component of it.

We already had an active industrial economy and that's symbiotic with logistics. Then, we all start shopping on our phones during COVID, and you just see how it's snowballed. As a result of that there's a direct connection between the bi-state agency of the Port of New York and New Jersey, and the relationship with the Commonwealth of Pennsylvania in that agency, as well as the huge land use impacts in the Lehigh Valley.

We have a traditional agricultural economy, that was settled back before it was even the United States of America, and there's a strong sense that we need to protect those open spaces in the business of agriculture, because it is being jeopardized by an influx of even international capital, coming into the industrial base of our region. So that has created a significant amount of dialogue on a whole host of levels across state lines, as well as locally. At first this was okay due to the need for jobs, but now there's over three jobs per person available in the Lehigh Valley. So that's creating new commuter corridor patterns. So, a long story, but a good way to tell you that I deal with that every single day. We've organized six separate multi-municipal, comprehensive, planning efforts which are very similar to your specific area plans. Those are essentially strategies for groups of communities to manage that intense amount of industrial development, and the influx of people coming in that that also need housing.

That then allows those local governments to zone across a set of communities for the uses that they need. Otherwise, they have to zone for every conceivable use. As you can imagine, we are very used to going to public meetings where over a 100 people are angry because their state law is requiring those local township, borough, and city supervisors, to accept development that they do not want, and cannot support. We have all kinds of training with Pennsylvania Municipal Planning Education Institute training on State law where we train their local planning commissioners, zoning hearing board members, zoning officers, and others. It's a multi-part process that includes broader public outreach campaigns through our NPR station. You have to look at it as a multi-part strategy, and you can't stop - you just have to make it part of the ethos of your organization, or people don't feel heard, and they will only become angrier. If they are heard, you can usually get them at the table to start to work towards solutions together. You are not going to convince everybody, but you can certainly work towards some broader goals.

Ms. Aldean: What is your experience in overseeing and managing an agency's financial health and how would you ensure that this agency remains financially strong?

Ms. Bradley: Currently at the Lehigh Valley Planning Commission, we have a valley transportation study. I'm the Chief Executive, so I've been managing their budget alongside our Controller and Director of Administration for a little over 9 years. A key piece of that is making sure that we have appropriate revenue to run the operation of the Commission, but also growing our budget to slowly increase our staff in a responsible way to address our challenges of growth. When I started at the agency, we were okay financially, but we had a 4-million-dollar pension gap, and we're a self-funded pension plan as well, as a self-funded health insurance system. As a result of that, and a host of upcoming retirements, we were going to be in trouble if we didn't shore that up. So, I worked with our Director of Administration to close that pension gap and leverage the income from the land development process, as well as going out and getting individual municipal contracts to do work that helped implement our regional plan, to bring in revenue.

We got a new pension investment financial advisor, so we could get more return on our pension plan, but still kept a very conservative interest rate of 6%. Ultimately, we were able to close that gap with 1 million dollars a year in four years. But with the market the way it is right now, we probably going to have to figure out how to take some money out of other funds, including an increase in our revenues from subdivision and development reviews to put a little bit more into the pension again. That's just an example, you have to monitor it, you have to make sure that your revenues and expenditures are matching up. How I like the budget is to very realistic on revenues, and also be planning to under spend, because that means you're never in a situation of loss. That requires a lot of my time working with our administration team to make sure that that happens,

and a big chunk of my time is spent on the fundraising aspects of our organization. That's meeting with partners to see where we can come up with joint efforts, applying for grants, working on fees for service contracts, and those sorts of those sorts of things.

Ms. Hill: Can you please discuss your thinking about hybrid work schedules? If the Agency continues to offer remote working options, how would you manage staff, motivate them, and provide training and development opportunities?

Ms. Bradley: I think every government/business/company, across probably the world at this point is working on those issues. I think that we all learned that there is a lot of potential in a hybrid work environment, and different jobs require different things. There are people that work in regional planning agencies that are out doing traffic counts all the time. They might be starting work at 5:00 a.m. in some instances, and wrapping up their day early. So, we're used to dealing with different types of schedules, and with different types of needs based on jobs. I think you have to go through your job descriptions to make sure that those job descriptions actually align with what people are doing, and should those job descriptions be changed. I think that's the first place you have to start, because we've all started to do different things as a result of the pandemic, and have started to reassess what our priorities are. So, making sure that those line up with where the agency needs to go is part one. Then once you've got those job descriptions organized, you can start to figure out where and how hybrid makes sense, based on those specific titles. You have to involve the staff in that piece.

Right now, I'm working through a second total compensation study. When I got to the Lehigh Valley planning commission, we hadn't looked at salaries, job descriptions, roles, or even the organizational chart since the early 1990's. It took a while to work with the board, but we decided to move forward with the best practice of reassessing what we do every five years. That helped us get to the point where we can start to develop a formal hybrid work policy. I've talked to the federal government about this, who actually has a whole formula for figuring out a level of need inside the office, remote work, and other things.

Again, getting the staff involved in that process is important because it affects them personally. There are also things that they need. One of the big things that I think is very important is to have a workplace that's equitable for everyone. People at different points in their lives are going to need different things. Young families have different types of stresses on their lives, versus people at other points in their lives, when maybe the kids are off to college and don't necessarily need to have the same amount of time at home, and can make more independent choices for themselves. So, you have to understand where people are in their life cycle and work within that. I think that's very important as it relates to childcare, and other things such as night meetings and the like. You have to have a place that represents your community, or you don't have an agency that represents the community well. So, you need to look at those things, and then develop policies around it.

What we have right now at the Lehigh Valley Planning Commission, is we do Thursday team talks, where everybody is in the office. That day we do training, we talk about work plan, we have book club that the staff has put together. That's really helped us learn more about the language of equity - how to speak to the community, and even how we talk to each other about those sorts of issues. Because of the stresses of this new world that we live in, we put together a wellness program where we do office yoga, which is voluntary, but most people stick around for it up to 4 days a week. We worked with our insurance company to get treadmill desks, standing desks and communal places where people could work, because the need for just a desk if you're not going to be in the office all the time has also changed, so that's changed our office space needs.

Ms. Novasel: Please give us an example of how you would communicate and implement a major change in policy. Have you ever implemented a significant change that was difficult for staff? How did you handle it and what was the outcome?

Sure. When I got to the Lehigh Valley Planning Commission, my one and only job at a regional commission, we had a separate bi-county comprehensive plan from the long-range transportation plan. So, we had a land use and environmental strategy that was separate from our infrastructure and investment strategy, and it said just be consistent with each other, but had absolutely no real mechanism for the two boards to communicate with each other, or even understand where we needed to go. Now, the policies weren't necessarily misaligned, but they didn't really respect the intent, or even the facts of each other. Again, we had a lot of people working at the commission that had been there a very long time, 40 years in some cases, and they had been used to working under these very distinct programs. So, we just had to sit down and say, where do we think we're being effective, and what are the things that annoy you the most about these plans, and what do you want to change? They were pretty great, because the people that have been there a while know where the issues are, so it's just a matter of getting them to communicate. It's the same with board members who have been on the board for a long time, or people who've been very active in the community for a long time. We did a series of strategy labs on different topics that the staff identified. It was things from, what do we do about electric vehicles, what does that even mean? To things that were more bread and butter, like land use, housing, education, and health systems. We invited all those major stakeholders along with the board, to whatever strategy labs they could make. We documented everything, and at the end of the day we realized that we all really wanted the same things, and decided to write it into policy that made sense.

We decided to merge the two plans, and that means both boards have to agree to it, plus both County Commissioners and County Council are 2 different forms of government, plus the Pennsylvania Department of Transportation and USDOT have to agree. It took about a year to make sure that everybody was okay with us moving forward with the merger, but we did it, and it really has turned out to serve as a great benefit. We now have a single vision for the region. The community understands and were part of developing that - it's not a prescription, as much as it is a major policy document that sets the general direction for the region. Then other things puzzle piece into that, whether it's efforts that we do, or efforts that the Chamber of Commerce is working, or other conservancies that are absolutely critical to implementing some of our environmental work. It's really been a success. Because you have to update your long-range transportation plans every four years, we're in the process of kicking off that update now. Everyone says, we still like the policy, but we want to add some stuff related to Covid, we want to enhance some of the Greenhouse Gas Emissions reduction targets and other things. So, the good thing is that people have stayed with the plan, and bringing that county plan in with the federally required long-range transportation planning cycle has allowed us to be more nimble, as the community and society changes. I think that was a real success, but it wasn't easy.

Ms. Faustinos: Sometimes land use decisions are controversial and disliked by some segments of the community. How do you engage a broad segment of the community in public policy to achieve equity? How do you deal with controversy among community members and work to resolve this type of conflict?

Ms. Bradley: Okay, land use - that's never easy in any context, but that's the thing that gets planners out of bed in the morning. You have to be crazy enough to deal with land use to be a planner, right? Things are inherently going to be controversial because we're dealing with compound, complex issues. We understand how everything comes together, how one decision

affects another. You're going to get calls from people who don't like decisions that have been made because that's what's in your statutes - it's just going to happen. But being able to explain why is important. Having had a chance to talk to some of the staff last evening, I realize a lot of that happens very well here already. It does bubble up in public forums frequently as well. Again, being able to respond - being friendly and letting people know that they've been heard. If you do find that you have an issue where a policy isn't working, then you have to talk about what we can do to solve that. Is it really a situation where your statutes or codes need to be amended? Is it an issue with the plan and work on those things? I mentioned to you about the massive growth in freight where I am now. It's not uncommon that I've had to stand up in a room of over a 100 people who are absolutely furious about the fact that a farmer sold the farm plan to put in a 5,000 square foot industrial building, and then 3 months later, a 1 million square foot industrial building is coming in next to that, with no utilities etc. You just have to tell them what the law is, and also give them the tools to utilize the law to manage the situation to the greatest extent possible. And if they know that you're a partner, and they know that you care, and they know that they're being taken seriously, and that you're getting them the training and the tools they need (whether it's as a citizen planner or whether it's a local elected official or a county elected official or an appointed official in a local government).

The legal community is also a fantastic resource in that regard. Right now, we contract with multiple lawyers, who have multiple specialties, whether it's on land use, or environmental law, or housing or other things. Some of those folks are actually on our board, and are able to do things here and there, pro bono for the commission. Building those networks so that can happen is good.

On the equity piece, the place I work now is incredibly diverse. It has a huge Lebanese Syrian population. With the issues in Syria, there's an incredible number of new immigrants coming into the region, plus there's the traditional issues of under-representation and race and culture. We have a huge Spanish speaking population, largely Puerto Rican, but also from a lot of other Caribbean islands that have come to the Lehigh Valley. They were actually recruited to come into the Lehigh Valley when Bethlehem Steel was still in operation. So, we've had these real issues of inequity for a long time. You just have to start working with those communities. Again, the staff sat down and said, we don't necessarily know how to address this, but we need to become more culturally competent because we have all of these different things that are happening.

The first book we read in the Book Club was 'How to Be an Anti-Racist', by Ibram X. Kendi. It's really a fantastic book that is not only philosophical, but is a personal experience, and it really gave us some insight that we didn't have. Then we read 'Color of Law', which is also a fantastic book, and more of a history book on the policy of America, and housing discrimination. Finding out and utilizing those tools, not only as a staff, but then providing those opportunities out to the community is important. I know our public participation strategy has altered, and it needs to alter. We go into the communities now, instead of just inviting people to lunch.

If people are working third shift, they can't come to your meetings, and so you have to go to them. Now we're showing up at community festivals with a giant chalkboard cube. The kids love it, the parents love it, and the community loves it. We ask open-ended questions, and display posters that that describe things that are going on, and get a lot more feedback. There's a lot of tools like that, and it's not as much sitting in a conference room anymore.

Online tools are also great or 24/7 access. We don't issue giant plans anymore - we put all of the appendices, and all the research behind our work, on one single web page. So, people can actually do custom searches, custom analysis, and look at things at any point in time. We're constantly

improving those tools to make them more ADA accessible. You just have to have that commitment, because as a society, we have substantially changed and we need to learn, and we need to grow and if we're supposed to as a regional agency represent the community as a whole.

Mr. Lawrence: As you may know, the TRPA has a number of Memorandums of Understanding with public and quasi-public agencies. If one of those MOU partners fails to comply with its obligation under the MOU, how would you handle the situation especially if the noncompliance could potentially interfere with the success of an important TRPA initiative?

Ms. Bradley: Number one, that's not uncommon, especially when dealing with metropolitan planning. Hopefully, people are talking to the person or agency involved the MOU, and understanding what their situation is, so you don't find out about it at the last minute when you can't do anything about it. But if they're having capacity issues or financial issues, or other things, and they just can't do the work, you really have to look at what you can pick up, can you work with another agency? A current example from where I am now is that we just became the Transportation Management Association (TMA). The folks that were working on it just couldn't handle it, and it just made sense for us to take over that that role. But you're not going to do that with everything, because you don't have the capacity or financial resources to do that.

If it's something bigger, you're going to have discuss that internally, and with the board, and you just have to find a solution. If there isn't a solution, you have to figure out how you deal with it. Sometimes things fail, but if it's going to have grave consequences, especially when you're dealing with federal funding you can't let that that happen, you have to find a way to work through that.

Mr. Hicks: Why do you think you would be the right person for this job?

Ms. Bradley: First of all, I've managed a similar agency. I say that because I've managed a Metropolitan Planning Organization, but also a two-county planning commission. That's what I what I do now, but the way that you're structured is similar to the role a city would have in Pennsylvania. I managed the department of planning codes and development for over 8 years at the City of Eastern, and helped with the revitalization of that place; protection of flood plains, development of the region's first sculpture trail, which was just a flood plain protection project to be honest with you. The strategy in the Lehigh Valley is to grab all of the stream corridors, and put them into some sort of open space preservation, not only for flood plain repair and buffer management, but also active recreation where it makes sense to create those connections between more urbanized and suburban places in the Appalachian Trail, and then places down into Philadelphia.

In managing the Department of Planning and Codes, I got to do planning, I got to write their zoning code, their subdivisional land development ordinance, their flood plain ordinance. I got to help up set up and manage their historic district commission. I did some complete streets work, and worked on two road diets, which was fantastically fun and fantastically complicated. But that's the piece that I enjoy. If you don't like to solve problems, you can't be in any sort of plan planning role. I also manage the day to day of the Building Codes Department and the Health Inspection Department. So, you can imagine how tough that can be. You have to be able to be fair, and you have to be able to say yes when you need to say yes, maybe when you need to say maybe, and no when you need to say no. I've built those skills in my time at Lehigh Valley, and I think I could bring that leadership to you.

I'm very proud of the fact that I'm an excellent financial manager. Anything that I've led, whether it was the department of planning and codes, or major initiatives, have always come in on budget or

under budget. I think that's an important piece in this business - you're dealing with the people's money, it's not arbitrary. You have too much of a microscope on you, and you cannot mess with that, because that's the public trust, and once you've lost that you can never get it back. So being able to manage the policy, the implementation, and the finances is critical to any role as the Executive Director of a regional planning agency. I believe I could bring that to you, and I believe I could do that well in an absolutely fantastic environment with such a professional group of people. I have been very impressed by that at all turns along the way these last few days. I was already excited about this opportunity, but I'm even more excited now.

I just wanted to thank you again for inviting me here and giving me this opportunity. It's really a remarkable place, and you really are a remarkable group of people, and I hope I get the opportunity to spend a lot more time with you in the future.

### **Interview - Julie Regan**

Ms. Gustafson: Welcome. You've found the hot seat. Thank you for being interested in the position and for being here today and going through this whole process. Steve is going to start off with a few remarks and then we'll start our questions.

Mr. Worthington: We have 50 minutes together. I'll be giving some time checks. There are 14 questions.

Ms. Gustafson: What are the motivating factors that made you apply for this position? What is your interest in Lake Tahoe and the Tahoe Basin?

Ms. Regan: Thank you, Madam Chair, members of the Board, the public, and staff. I'm Julie Regan, currently the Deputy Director and Chief of External Affairs here at TRPA. What is my motivation? If my blue jacket didn't give it away, keeping Tahoe blue is my passion, my heart, my soul. I think we had some really good conversations yesterday at the panels as well as at the reception last evening. I tried to really open up my heart to say, this job means the world to me. This Agency means the world to me, the lake means the world to me. I'm committed to furthering the triple-bottom line where the lake, the community, and the economy all together win. I couldn't be prouder to be a part of this incredible team. I am passionate about leading us into the future. I'm motivated because I think we're facing some of the biggest existential threats we've ever had as an Agency in our 53-year history. I'm motivated to continue the success we've had as an Agency and to bring out the best in our team. My interest in the Tahoe Basin? From eloping here in 1993 to being a proud member of what we call the Boomerang Club—you leave but you always come back—I left back to the East Coast and was recruited by an advertising and public relations and government affairs firm. I was 30 years old at the time. It was one of those opportunities you don't pass up.

My husband and I decided we didn't want to spend 30 years back in Delaware and we wanted to back pursuing our passions. I came back to Tahoe recruited for this position by the community when TRPA was at a pretty dark period. My interest in the Basin is making sure we protect it for the benefit of all today, but also those who come after us. I'm inspired by the way the Washoe people have taken care of this land for so long. Now it's our turn to be those stewards and pass that ethic on. I also want to say to the staff I spoke to last night at the reception, I know you all are listening now, I hear you. This has been a really challenging six months. A lot of sleepless nights.

Our team has been going through a really courageous time. I couldn't be more proud of my team, of my colleagues on the Senior Management team that have stepped up to keep this Agency

moving forward and accomplishing so much in this interim period. It is a time of high anxiety and I heard that loud and clear. I hope our discussion today can address some of those because there is no Agency if there's not a great staff and we don't have a highly qualified staff and retention program. We have amazing talent here, it's second to none, and that's part of what's driving me to lead this Agency going forward.

Ms. Hill: If you've had experience working with a Board of Directors or similar governing body, how often and in what ways have you communicated, interacted with the directors in order to keep each member informed and engaged?

Ms. Regan: Thank you for the question, member Hill. I have a lot of experience working with this Board over the last 19 years. Having been an integral part of the Executive Team for many years, we operate in a team fashion. While I've had multiple responsibilities with this Agency over the last 19 years, a prime part of my role in External Relations has been in working with boards. Communicating early and often, having regular check-ins, having agenda review discussions. The reason we have an agenda review group is because in the early days we had a different system of how things came to the Board and we found it would be much more productive if we did more advance work and if we had a discussion, particularly with the leadership, the Chair, the Vice Chair, and the Committee Chairs. I would continue that but also take it to another level. A fifteen-member board is diverse—intentionally, set from the Compact. That's a management challenge.

I've come up with some ideas I'd love to discuss with this Board should you give me the honor to do this job. Having office hours on Mondays before the Board packets, for example, is one tactical idea because things always come up at the last minute. So making myself available, having that regular time, especially in this Zoom land we're operating in. When I was the Chair of the Barton Hospital Board of Trustees—it's one of the main philanthropic organizations in this community—I got some best practices of regular check-ins with management staff attending the operational board of directors, regular lunch meetings. I'm a big fan of coffee meetings. My door's always open for coffee; I've been drinking way too much of it the last three months because I've been talking to a lot of people. Absolutely doing the traditional method of meetings and structured conversations, but also unstructured I find are sometimes important. I'd want to sit down with each Board member and meet with the Advisory Planning Commission members as well.

Mr. Hoenigman: What priorities would you establish during your first six months as Executive Director? Your first year? Also, how would you define success for that first year?

Ms. Regan: Thank you for the question. Within the first six months, my number one priority would be to sit down with every staff member at the Agency—we're about 70 staff members right now—in the first six weeks. About 25% of our staff have onboarded during COVID. A big chunk of our workforce doesn't have and never had regular interaction. A huge priority right away would be to meet with staff, have team meetings. And at the same time, with our Board, with the APC, and with our partners and stakeholders. We have the benefit of having many interconnected groups: the steering committee that represents all the interconnected members of the Environmental Improvement Program, heads of the Forest Service, the two states, local government, the science community, the Washoe Tribe, the private sector. I would make a point to sit down with all of them as well and have some conversations around priorities for the Agency.

Right now we're doing an environmental scan. You've heard reports of that from our team. Preparing a nice data set that we could vet with the Board over the next six months and have a couple of different retreat workshops. I see this happening in public session, but also in a different

way. The public space is one important vehicle and platform. But to really get into the future planning of the endeavors that we need to take on, we need to structure that a little bit differently. A world café model where you have tables and move table to table and try to vector into a consensus approach. That's my job here and what I believe in, building consensus around that future. So in the first six months I'd identify those opportunities and then within a year, have an updated strategic vision. In partnership with Joanne Marchetta in her early years as Executive Director, I helped build the Strategic Plan of 2008-2009 where we interviewed hundreds of community members, every staff member, charted the course of partnership building and the hedgehog concept. We need to take the opportunity to open that up and say, what is the collective future? Because it's not just up to the leader of TRPA to say that. It's up to this Board, the community, our staff, our partners, and all the interested stakeholders. Within a year, have an updated strategic vision that's vetted, embraced and celebrated. Defining success would be metrics. Obviously, our ultimate metric is are we meeting our mission as defined in the Compact, our environmental standards, our threshold carrying capacities. With our six strategic initiatives, we have metrics which I'd absolutely want to fold into measures of success. Thresholds take potentially generations to achieve. Lake clarity, we know will take decades. Defining success would be a collective endeavor but would ultimately hue to our regional plan implementation, our environmental goals for the region, and then interim goals along the way based on a shared common agenda.

Mr. Yeates: As the new Executive Director how would you assist the Agency in developing and framing a long-term vision and Strategic Plan?

Ms. Regan: Thank you, Member Yeates. For the long-range vision, I believe that in my tenure in the Agency, we have been working towards that vision together successfully since the update of the Regional Plan. We're coming up on the ten-year anniversary, 12/12/2012, and this December we'll be celebrating ten years of an update of that Regional Plan. That was a shared vision that was hard-fought. Literally thousands of people engaged in a revitalized future for Lake Tahoe that embraces the achievement of our environmental goals and revitalizing our community.

I don't think that overall vision has changed, but new threats have entered the picture. I think we should calibrate that that is still the vision, look forward together, have those structured conversations. I've been reading about collaborative process, looking back at some of our best examples and using them as laying the groundwork for how we can move forward together. Even with the conversations yesterday, there's still a lot of points of view under that vision, and that's where we have to be thoughtful with our approach—bringing in facilitators, having some outside partners to give perspective, making sure it's not just us in a vacuum making declarative statements about the vision for the Basin. No one in Tahoe achieves anything alone.

We've learned the hard way that partnership is our method of success. I don't think anyone wants to go back to the days of a top-down approach. But collaboration is difficult and requires constant care and feeding. It would be my commitment in the long-range vision to make sure it's collaborative, yet defined. We need a deadline, a task list, measures. Strategic planning isn't what it used to be. There's so much uncertainty in the work, the environment, in society. We have to embrace change in a more robust fashion and build that into our systems and look at it as a systems model.

Mr. Friedrich: Over the past few years Lake Tahoe has experienced an explosion in tourism, second home ownership, traffic and congestion relating to recreational activities. What are your thoughts on managing sustainable recreation? Do you have experience as it relates to managing people and

the environment?

Ms. Regan: Thank you. This is a topic of great interest right now. We've been leading this discussion on sustainable recreation. Even before COVID, TRPA and the Forest Service were co-chairing a working group under the umbrella of our Environmental Improvement Program to tackle this topic because numbers were already ramping up. Then COVID happened, the rest of the world shut down, and everyone wanted to get to the great outdoors. Front and center, working in the partnership is the best answer to this question.

What we've been working toward in the last year or more is trying to get to a shared vision around destination stewardship. What does that even mean? How does that work in an area that is 90% public land and we welcome public access. How do we not lose the resource in the process? How do we not love the place to death? That's the essential question. As part of my doctoral degree at the University of Nevada-Reno, I've been doing deep thinking on that, looking at examples from all over the world, places like Iceland and Italy and South America and Cuba. The whole world is struggling with this, with the advent of technology and easy bookings and Airbnb and affordable air travel. It's people with disposable income, it's Baby Boomers with bucket list travel, and adventure travel millennials, the two biggest demographic clusters of our society. So sustainable recreation is an important topic that needs to be thoughtfully approached and linked to topics like transportation and congestion management and technology and trails and litter and human behavior.

The most exciting part of this topic is it takes Tahoe into a new space of being thoughtful about socioeconomic research. We are world-renowned for our research on forest health and lake clarity and ecosystems management. All of the so-called hard sciences versus the soft-sciences or people sciences, which is the most difficult science of all because changing people's behavior is very difficult. It's an exciting area for us to be a leader in partnership. We have 16 core members right now of the Destination Stewardship Collaborative. Workshops were all around the Basin the last two days. We had a couple hundred people that came out to tell us what they're thinking about this program.

So, my experience in people management and recreation management has been here at the Basin in 19 years of working at TRPA. I've also worked in resort management at Sea Colony, the largest resort in the mid-Atlantic region. All the way down to a power outage on July 4<sup>th</sup> when everyone's ice cream is melting in their refrigerator, and they blame you and want their vacations refunded. At the tactical level, but also at the 30,000 foot policy level of how you harmonize an economy that is dependent on tourism in Key West, Florida where I lived, but at the same time protecting that resource. I think the answer is engaging our visitors in the solution. What we've been hearing from surveys and focus groups and discussions with stakeholders is that people want to support the lake, they want to be engaged with their own dollars in travel tourism that supports our \$5 billion regional economy. How do we engage and enlist those visitors to be part of the solution and protection of these beautiful public lands. It's an ongoing area and crosses into the transportation space.

Ms. Conrad-Saydah: Please describe a situation in which you were able to build consensus among disparate parties including those who had been traditionally underserved.

Ms. Regan: Thank you for the question. I just had about 30 ideas that came into my mind because that is really what I have been doing here for 19 years. The beauty of Lake Tahoe is that everyone loves Lake Tahoe and wants to protect it and be a part of its enjoyment. The challenge of Lake

Tahoe is there are many, many voices to manage, different viewpoints and philosophies. That's the heart of the Compact. The interstate Compact really set up the structure to harmonize interests of not just the two states, California and Nevada, but from the Federal Government by Congress's consent and our six local jurisdictions, each of which are very unique and individually directed as you all know. And our local community and private sector.

When I say community, it's not just the local Basin community of 60,000, but also the 15 million people who visit, most of whom drive from nearby, as well as the tribe and all our other partners. Disparate interests are what we reconcile every day. Our staff do it as a matter of course. I was talking to a Board member recently who was commenting that we don't say no to a lot of projects, and I said that's because our staff do it every day. When someone calls, such as a billionaire from Texas that wants to put in a 20,000-person structure in a sensitive wetland, we're getting the word out that Tahoe is a special place and different from other areas.

But my biggest example would be the Regional Plan update and the negotiations around the Compact. We've discussed with this Board how the stakes were so high and the possibility of California and Nevada leaving the Compact. From 2011-2013, we were updating the Regional Plan and rebuilding trust between both states, which had come to a head at a very difficult time. Working with the team and our staff, my role was to be a negotiator and a broker. That helped facilitate coming back together, recommitting to the bi-state partnership and Compact, and the partnership came out stronger than ever. There were differences of opinion. I was looking at the addition of the Compact that was amended in 2013 through state legislation but also through Congress through the act of 2016 containing the Lake Tahoe Restoration Act, and there were provisions that changed, and one was that economic considerations should be in the planning process. That gave the legislative intent that we need to consider these factors more explicitly.

So, to the second part of your question with underserved communities, it's something that's in front of us right now with land use policies and housing. I think TRPA has been working on a journey to better engage the underserved communities. One thing my team did early in the process was translating into Spanish. That was ten years ago. We did fact sheets, meetings at the family resource centers, walked those communities, and did a lot of community engagement around the Regional Plan update. But it wasn't enough, and what we've seen lately is we need to do more.

We are embarking on an Equity Plan. We have a staff committee that's been meeting for two years under the leadership of Victoria Ortiz and Katherine Huston and many others. We have around 25 staff engaged in this, looking at all our policies whether it be our Transportation Equity Study, or even our platforms such as Zoom. We switched to Zoom because other platforms are not as good. We have more accessibility for our hearing impaired, for those who have difficulty navigating technology. We're also looking at our permitting. As you heard from Arlo Stockham months ago, our permitting process is very complex. Rightfully so, because we have a great resource to protect. But primary English speakers can't even navigate the permit system, let alone people with disabilities or people who don't speak English. So, we're looking at all those right now. It's intensive and laborious, but something we're committed to doing.

Mrs. Cegavske: What is your experience in balancing the needs, wants, demands and differences inherent with multi-state, multi-county, multi-jurisdictional organizations with varying and often opposing public, private, governmental, environmental, political and other advocacy interests?

Ms. Regan: Thank you, Madam Secretary, for the question. It's a great follow-up to the last question because this was intended with the framers of the Compact. Our bread and butter is

conflict. If you think back to how we were formed, we are in the Nevada tradition of battle-born. That's the Tahoe legacy all the way to the U.S. Supreme Court. Conflict is in our DNA. What we've been working towards for 20 years now is to move that conflict into the era of epic collaboration. My experience is working with the teams, not only Team TRPA but Team Tahoe.

This is the heart of my work from the early days of even just being present and showing up at community meetings, on the ex-officio seats at all the local Chambers of Commerce. No one attended because no one had time before I came on the scene. So, I made myself available, going to the Tuesday morning breakfast clubs at 7 in the morning. That translated not only to the local community but all the way to Washington D.C. One of the things I'm very proud of is building a legislative affairs platform and program and making that a success with the funding we've achieved. We've amassed 1.5 billion dollars in restoration funding for the Environmental Improvement Program in the last 11 years. That shows confidence from the Federal government, both states, local government, and from the private sector which matches dollars through philanthropy and from homeowner and boat inspection fees. My role has been to lead that team, all the voices, so we don't go to Washington with ten agendas. That did not portray our community well. Part of my role was using the interagency executive steering committee as a platform.

Now we have an annual priority list that we submit to Congress and also to our state partners for funding. What makes Tahoe strong is the diversity of opinions, knowledge, and expertise. We had to thread the needle with the Regional Plan on issues of trust with both states. We had to work through that with the Shoreline Plan and with air quality with both states and harmonizing those different Federal and state and local laws. We'll have to do it again with greenhouse gas emissions and how we calculate many of the measures we track. Trust is a key ingredient. Progress happens at the speed of trust. Communication and working together over time on a common agenda and a shared vision.

Another example is Nevada has a legislative oversight. California doesn't have such an animal. One of my first initiatives with the team was to take that legislative oversight, which was really a grilling session, a negative environment, to an advocacy arm of the legislature. It took about ten years of working with legislators and delivering on constituent requests and transforming those members who are now champions of Tahoe. And those members are residents of Southern Nevada. We're now building champions in the California legislature. We're getting new members next year. We've been doing that with the California-Tahoe Alliance and others. There are differences of opinion but it comes down to developing trust and having those conversations around that shared vision. It's something I feel passionate about and where I feel I've added some value here to the Agency.

Ms. Aldean: What is your experience in overseeing and managing an agency's financial health and how would you ensure that this agency remains financially strong?

Ms. Regan: I really appreciate this question, Member Aldean, because we didn't get into it in the panels or at the reception last night. This is my background in the Real Estate world where numbers mean everything. I had to learn how to run a budget. I've worked for two investor-owned companies. We have a very complicated \$22 million budget at TRPA, and only roughly \$7 million of that is more flexible funding in the General Fund, and our payroll is \$8 million. When you think about where we're at and how we disburse the funds, it leaves very little room for discretion. An example is when I first started, we went through a couple of different directors of Finance at the Agency because they said, this budget is crazy, and it didn't work out until we had the wonderful addition of Chris Keillor to the team.

So, I had to take on that responsibility for Joanne Marchetta who did not come from that Finance background. I had to learn all the different grant funds. Luckily, I had a Real Estate background and had run my own business and worked in resort management. It let me add some value to the Agency at a time when we needed it because we were going through the Great Recession and also, sadly, a workforce reduction. I had to help our management team make those hard decision of how to cut expenses.

Thankfully now our finance team is par excellence. We are the fiscal agent for the invasive species program. Something that I've worked on, with the Forest Service, we are now the fiscal agent for \$5.5 million in Tahoe Restoration Act funding that just came from Washington, and we just signed the agreement. It took years to build the confidence of the TIE steering committee, our executive partners of the EIP, and the Forest Service. Because we have an incredibly talented finance team that has had clean audits, we are looking at how we can get money on the ground quick because America has two trillion dollars to invest in infrastructure. Thank goodness we've built this legacy of fiscal soundness that we can help be part of the solution to get those funds on the ground. As an example of my work to build that credibility, one of my priorities if I get this position is to ensure that the financial soundness we've built continues. How do we grow and support that team to give them what they need? We just tried to hire a new grants manager, who declined the position because our retirement isn't competitive with the state PERS system. That is a huge concern. Having the talent on-staff gives the support to build the financial acumen that we need.

We need more resources to maintain the staff that we have in light of the great resignation. People have other options. We're not in the PERS system. Right now California is looking at a \$7 billion shortfall in the General Fund. Nevada is still coming back from COVID. This is an opportunity for us to think creatively about how our budget is funded. It's not a traditional budget, it's not one source. Everyone assumes we just get money in the President's budget. We don't. So we want to work with our Operations and Governance Committee going forward to strengthen the financial health of the Agency.

Ms. Williamson: Can you please discuss your thinking about hybrid work schedules? If the Agency continues to offer remote working options, how would you manage staff, motivate them, and provide training and development opportunities?

Ms. Regan: Excellent question. Every staff member I talked to at the reception last night asked me this question. It is top of mind. The hybrid scenario has been so valuable for our staff. It's flexible, particularly for our staff with young families. At the same time, we've lost some connectivity. So, my commitment would be to work with our team and customize solutions that fit because it's not a one size fits all. I would be committed to maintaining a hybrid environment because I think it offers great productivity benefits and great satisfaction benefits for our staff, but also do something that would encourage people to want to come to the office.

I've been thinking a lot about this and appreciate the question. Taco Tuesdays—Steve Biddle caters a mean taco lunch. Workout Wednesdays, Field Day Fridays staggered throughout the month to get people back into camaraderie and bring them into the Agency at a time it works for them. Not every week, but we could stagger these throughout the month to give people some certainty of engagement. Right now, it's very ad hoc, and so you don't end up having that robust dialogue.

We can't overschedule this because that's not the nature of work these days, but I would be committed to working with the team to maintain the flexibility but at the same time, try to get a lot more engagement to make sure folks are connected, because we've lost that.

I want to get people out in the field. We've initiated three field tours with our Advisory Planning Commission, TIE steering committee, this Board, the Meeks Bay Restoration tour. Getting out into the field opens eyes. When you look at a plan on paper, it doesn't compare to when you see it on the ground. So, getting the entire staff out into the field a couple of times a year would be something I would be committed to in order to strengthen this hybrid environment.

Ms. Novasel: Please give us an example of how you would communicate and implement a major change in policy. Have you ever implemented a significant change that was difficult for staff? How did you handle it and what was the outcome?

Ms. Regan: Thank you for the question. Absolutely. Major changes in policy at the public level, whether it be the Shoreline Plan, or the Regional Plan update, that is certainly what we are very good at communicating. I have a wonderful External Affairs staff that we built from the ground up and they're quite good at engaging with the external community. On the internal side with policy, I've been involved in many changes. Changes to the partnership ethos. We called it the Hedgehog Concept, a laser focus on partnership. That was difficult for some staff. Some folks who were working more on the regulatory side, the permitting side, that was a shift to think outside of those exact terms. We did it over a learning journey, bringing in professional development and speakers, having offsite time together to talk these things through.

To be honest I see that as the biggest shift for us going forward, moving from a culture of more of a regulatory hammer, which we needed to have in more of a slow-growth, not-ruin-the-Basin era in the Agency, where we've been moving into this collaborative shift. But we have to take that to the next level because the threats are on our doorstep, whether it be wildfire, invasive species, climate. Shifts in policy internally can be difficult, but we are building a learning organization, where we have Lunch and Learns, we have leadership roundtables which are going on right now with Joanne Marchetta. She's been leading these workshops and asking, in the face of uncertainty, how do you cope? How do you manage? Having opportunities for staff to talk and listen and be heard. People embrace change differently. Some run right into it, some take a minute to reflect, and some like what they're doing just fine. Maybe those are all right answers. It's just a matter of bringing the team together, and luckily, I'm a coach. That's what I've been doing for the last 20 years here. I lead by example, I get on the field, but I think the leader has to get to the top of the bleachers to see the whole field. That's what I do as a strategist. But also have staff be part of the change.

Ms. Faustinos: Sometimes land use decisions are controversial and disliked by some segments of the community. How do you engage a broad segment of the community in public policy to achieve equity? How do you handle controversy among community members and work to resolve this type of conflict?

Ms. Regan: Thank you for the question. Controversy is what we do at the Agency. We've been doing it for the entirety of our existence. The strategy that didn't work was, here's the policy, take it or leave it. We don't do that anymore. Not that we did that intentionally. It was just the times were different and the approach had to be different. People have changed, times have changed, conditions on the ground have changed.

We build the table where people are, going out in the community and having open houses and going to farmer's markets and talking to people, not just in the Basin. We did workshops in San Francisco, Los Angeles, Las Vegas, Reno and the Carson Valley when we were updating our Regional Plan. We're doing that with Destination Stewardship, with Transportation Equity. We found that a lot of people without cars could not evacuate during the Caldor Fire. So, we partnered with Tahoe

Transportation District, the family resource center, the Tahoe Coalition for the Homeless to understand that part of the population that is underrepresented and underserved. We now have improved data to show, here are the community support services we need to activate when something like that happens again. Again, in partnership. We aren't a lead in evacuations, but we certainly have a role with transportation funding and planning to support that endeavor.

I think we're being much more intentional in this space of going to where people are. I reached out to the Washoe Tribe chair, Chair Smokey. He was reelected for a second term, he was the first leader of the tribal council in 20 years who has been reelected. We're also engaging the tribe on the Meeks Bay restoration, the Destination Stewardship program, and many other endeavors. Our staff is passionate about this. This is an area that will allow leadership in the ranks of TRPA to shine and grow, and I want to empower our team to build those bridges in our community. It's critical. Nearly 40% of our community is LatinX. Those folks are not able to come to a TRPA Board meeting in the middle of the day, so we have to go to them.

Mr. Lawrence: As you may know, the TRPA has a number of Memorandums of Understanding with public and quasi-public agencies. If one of those MOU partners fails to comply with its obligation under the MOU, how would you handle the situation especially if the noncompliance could potentially interfere with the success of an important TRPA initiative?

Ms. Regan: Thank you for the question. In 30 seconds or less, we've experienced this many times. We assume a positive intention; the Area Plan framework is working within the local jurisdiction partnership. Mistakes happen. We sit down as partners and colleagues, and we work it out. When I say mistakes happen, these aren't egregious. We didn't build a Costco overnight and forget to permit it. Those things aren't happening. But the framework is working, and we want to do more. We want to build the MOU partnership that we have. It takes constant communication. Brandy McMahon from our staff, all of Compliance and Planning, work diligently with our partners. They are engaging daily on a minute-by-minute basis. We do joint workshops with the jurisdictions to ensure that we work together and will continue to do so.

Mr. Hicks: Why do you think you would be the right person for this job?

Ms. Regan: Thank you for the question. Right person, right time. I feel like this is my calling, to do this job. I love this lake, I love this agency, I love this staff. I want to lead this staff. No one leader has everything. I certainly have work to do. I've worked on myself in Strengths Finder training. We're doing that for all of our staff, doing strengths assessments and pairing teams according to that.

So I recognize that I always have room to improve, but I do feel like right leader, right time. I have the history and can build on the progress that we've made. But having a new vision that embraces the challenges of the time including fire, invasive species, modernizing our land use system—that falls under housing, land coverage, responsible recreation and transportation. Those are the big ones. That's not to diminish other initiatives. I feel like my knowledge, my relationships, my understanding of the Compact, the two states, the Federal government, the local governments and the private sector really uniquely qualify me, and I'm fire in the belly to do it. I'm jazzed. I'm ready to go. I think that is part of what sets me apart—the foundation. But also my national network for landscape conservation on the national level. Being on a board at the national level for seven years. I see opportunities for us to grow and evolve in new ways.

Ms. Diss: Do you have any questions for us or anything that you would like to add?

Ms. Regan: Thank you for the time. I just wanted to wrap up by saying I appreciate this. I appreciate your thoughtfulness. I know this has been difficult on you, on our staff. I have no further questions for you, other than to say, I hope that you will look to the future with an open mind. I know that we've all been though a lot together. Internal candidates often have the benefit of relationships, but also the detriment of being seen in one dimension. I hope that you can open up your hearts and minds to seeing the potential that we would have together, and the potential that our staff would have to be a part of that endeavor.

Historically, in years past, there has been a divide between the Board and the staff. I would love to erase that. I would like us to all be together. Obviously, we have roles. You have policy governance responsibilities, you're charged under the Compact, you took an oath. But we are one team, and I would hope that we could work together collaboratively to chart a better future for this lake, not only for the environmental measures, but for the community as well. Because we all work together in that triple-bottom-line model. I have a leave-behind for you. The Caldor Fire was contained fully a year ago last week, and so this is the power of partnership right here in my hand. This is an ember from my backyard in Christmas Valley. I have one on my desk and I've been giving them around to different partners and the Fire Service, and I have one for each of you. A thousand structures were lost in the Caldor Fire, as Sue knows very well, and others, but not one home in Lake Tahoe. That's the power of partnership. So just to put on your desks and remember why you're serving. I appreciate your service. Thank you.

**Interview: Mark Wardlaw**

Ms. Gustafson: Good morning Mark. Thank you for being interested in the position and for being here today. Steve Worthington will start off with a few remarks and then we'll start our questions.

Mr. Worthington: We have 50 minutes together. There are 14 questions. I'll be giving some time checks.

Ms. Gustafson: What are the motivating factors that made you apply for this position? What is your interest in Lake Tahoe and the Tahoe Basin?

Mr. Wardlaw: Good afternoon Chair and Members of the Board. I think that this is truly an amazing opportunity. For me, in my particular career, I have a practice of redevelopment, land use planning, development, permitting, regulation, conservation planning, sustainability, and climate action planning.

The opportunity to work for a mission-based organization focused on protecting and restoring Lake Tahoe and the forest, while at the same time creating and supporting, thriving and sustainable communities - that's magic to me. That is what my career interest is always been. I studied Urban Design Planning & Architecture at the University of Utah and Arizona State, and I've been able to work in that field throughout my career. This would be the apex of that career opportunity.

Ms. Hill: If you've had experience working with a Board of Directors or similar governing body, how often and in what ways have you communicated, interacted with the directors in order to keep each member informed and engaged?

Mr. Wardlaw: Thank you. I have extensive experience working with planning commissions, with elected city councils, with the Board of Supervisors as an elected body, and have been the face of my department in the county, which was about 240 people with a budget of about nearly \$50

million. In that work I would support and staff each of the hearings. I was responsible for the Planning Commission, and responsible for the work with the City Councils that I've worked with, as well as the Board of Supervisors. Throughout the process of a given project, I've practiced holding informal briefings and updates of a given subject as it has progressed, and for those projects where it might be a redevelopment project involving confidential negotiations, I've supported closed session meetings with those elected officials. So, I've been doing that generally throughout the length of my career, and in my 20+ years of Executive Management.

Mr. Hoenigman: What priorities would you establish during your first six months as Executive Director? Your first year? Also, how would you define success for that first year?

Mr. Wardlaw: Thank you. I think in the first six months it's incredibly important to 'on-board', to learn the stakeholders, to learn the agency partners, and to learn the board in the community, and to understand what's going on - the status of the programs, and the strengths and weaknesses of the organization and its programs, issues, and opportunities. Coming into an organization where you don't know and start fiddling with dials and trying to make changes can be rather haphazard.

So, understanding that, and truly becoming effective as quickly as possible, would be my six months goals. That would include individually meeting all of the staff members and getting to know them and their personal and professional goals, and where they are in the organization.

Within a year, I think it would be the measure of success to have gained the trust and confidence of the Board - to understand where the programs are, and for those issues that are coming forward, that they're staffed appropriately, and the Board is able to consider them and act on them. And that if there are issues that need to be addressed within a short period of time, that they have been addressed, and that there is progress that needed to be made in that first year, and the platform and direction for the continuing thereafter has been set. I think the measure of success is community and stakeholder support, and a great evaluation at the end of that year from the Board of Directors.

Mr. Yeates: As the new Executive Director how would you assist the Agency in developing and framing a long-term vision and Strategic Plan?

Mr. Wardlaw: One of my particular skills is vision, in understanding and setting vision within an organization in a different place. And in doing that, understanding the place, the concerns, the opportunities, and the priorities. I believe that working with the board to understand, for example, the Climate Action Program as a strategic initiative, is important in understanding priorities. And then to develop those work programs, and align the resources to meet those program priorities, and then ensure that they're monitored regularly, and that progress is made.

I think that in many organizations with boards that are perhaps smaller than yours, it can be difficult to set priorities. I think you have a lot of consensus and clear direction at this point in time. But sticking to priorities, and being fairly unwavering unless there's some important issue that would cause some change. So that would be important. I'm open and very experienced in facilitating and listening to working directly, and supporting Council or Board in this type of fashion.

Mr. Friedrich: Over the past few years Lake Tahoe has experienced an explosion in tourism, second home ownership, traffic and congestion relating to recreational activities. What are your thoughts on managing sustainable recreation? Do you have experience as it relates to managing people and the environment?

Mr. Wardlaw: I'll start with your second question first. Yes, I have extensive experience in managing tourism and economic development activities. With the town of Mammoth Lakes, I started there in 2005 and left in 2012. One of the key focus points, the goal of that community was to become a more sustainable destination resort. The shoulder season in Mammoth is very different than the shoulder season here, meaning that your peak season is much more intense than what Mammoth has right now.

So, we established a fundamental framework that involved communities, key stakeholders, and the major players and appointed/elected officials, not only of the town, but of the other special districts that were in the organization, to develop a destination resort strategy to align the resources, programming, and priorities of all of those different entities.

We made significant progress, and once approved, that became the approach to manage and implement those priorities. The results of that effort, from its closure in 2012, remain in place today. Mammoth is moving forward with significant affordable housing programs. Facilities now being completed, include an ice rink, a conference center, and a new joint-use civic center. So that approach to building consensus with all of the community was essential.

In terms of experience with sustainable tourism, Mammoth Lakes is one example, but another example is Culver City, where they had lost their downtown. The tenants had left, there was no housing, and the city itself had lost its economic engine. So, in both Mammoth and Culver City, our focus was identifying the sustainable comedy economy.

At one time, Mammoth had a particular measure of people that was not based on anything other than headcount, and so we changed that dynamic to understand what it would take for us to become sustainable. How many people did we need to see from an economic growth condition, and what could be physically supported by the community and its facilities and infrastructure, but also what would work within the community? What would be appropriate, non-invasive, or not super impactive to the community and its infrastructure?

We had an urban growth boundary which was useful and helpful, but we changed the metrics of our 'people at one-time' counts to focus more on the direct impacts associated with higher occupancies, such as water use and water availability - that was one of the key driving factors. We then devised that destination resort strategy to start to build the mechanisms that would bring people.

Ms. Conrad-Saydah: Please describe a situation in which you were able to build consensus among disparate parties, including those who had been traditionally underserved.

Mr. Wardlaw: That's a great question. I think I'll go back to Mammoth Lakes and building on the destination resort strategy. When I arrived, they were in the process of updating the general plan, and it was essentially a very ad hoc document. It was unnecessarily thick, so we deconstructed that process and created, with the planning commission and with specific stakeholder group, through workshops.

We facilitated and refined the values and vision of the community to get to the salient points to achieve a general plan. It included the standard land use etc. That's the point of origin for a destination resort strategy. It required us to really understand the different neighborhoods in Mammoth, and each was unique and different in context, setting, form, pattern, intensity, and

function. I facilitated workshops with visioning boards and sticky dots - we made it a very visual experience about what kind of place do you want to be? What does it look like? What does it feel like? How does operate in summer, shoulder, and winter seasons? In that effort, and other implementing efforts, such as our affordable housing programs, we proactively reached out to our Hispanic communities, and we found that even though we noticed public hearings, held public workshops, we did not see that population in those meetings, and we figured out that we had to go to them. We had to have interpreters where necessary, we had to meet them in their spaces and bring them forward. One of the key issues for our population, not only with the underserved, but also with the service industry, is affordable housing.

We identified a particular single-ownership neighborhood of about 25 acres that was a focus for resident workforce housing neighborhood. As a result of our efforts, that has been purchased, and now a 450-unit project is being developed, and it's going to be implemented in phases with the districts, the city, and the Mammoth Mountain ski area.

Mrs. Cegavske: What is your experience in dealing with, or balancing the needs, wants, demands and differences inherent with multi-state, multi-county, multi-jurisdictional organizations with varying and often opposing public, private, governmental, environmental, political, and other advocacy interests?

Mr. Wardlaw: Thank you. So how do I manage chaos? I think that is really inherent in the work of community development, and I'll use some examples from the County of San Diego. The county of San Diego is really rather large. It's nearly 3,800 square miles. It has a diversity of suburbanization, adjacent to cities, all the way to vast, open desert mountain ranges, lagoons, and it's also one of the most biologically sensitive areas in the country if not the world. There are also so many disparate interests - growth, no growth, not in my backyard, preserve all lands, nothing should be developed, everything should be developed. So, in addition to being big and diverse in landscape, it's also complex with the stakeholders.

There's easily more than a 100 different agencies and stakeholder groups. You have to work with 18 different municipal jurisdictions, and you have about 18 tribal authorities, 26 different distinct communities, and a host of environmental, climate change and economic development-based groups. So that's quite a mix of people. We had a lot of different work programs that touched all of them. One of them was our climate action plan that was developed and adopted in 2017. In that effort, and aligning it with our habitat conservation plans, we had to include all of those different groups and hold outreach and facilitation. My efforts have always been to start early in informing public participation. In all of those efforts it involves a host of agencies – Caltrans, United States Fish and Wildlife Service, California State Fish & Wildlife Service, United States Forest Service etc., and in many of the special districts that are included in the county that didn't have the wherewithal to implement some of their own climate action plans. So, we had extensive outreach. We were always fact-based, and then through the process we made sure people understood that you could rely on us to represent your views as we go through the process, consider your views as we start to develop options and recommendations, and you'll hear back from us regularly, and frequently.

We also emphasize the importance of the triple bottom line - environment, economy, and community. In the delivery of our services, we explain our approach – we'll be upfront, honest, ethical, and will listen to you, and then take the information that you provide in your interest and objectives, and continue to move forward. And then, as we progress in the formation of completing analysis and findings and then developing options, we gain input from all of those groups, including our own appointed and elected bodies and in our community planning group structure of about 20

different community planning groups.

Then, as we would come to the decision-making aspect, we would make sure that we represented the views of those people, so that the Board or the other decision makers could understand and make their own determinations. We included in our work, not only our analysis, but if it was essential, the costs and return on investment of any significant decisions, so people would understand what is required to approve or and implement any of those options.

And then the last thing I'll say to this is, building relationships is important. You have to be accessible, available, meet with people, talk to people, and have an open door. I personally do that. I had regular meetings with the endangered habitat league, standing meetings with my peer departments, and meetings with the building industry association, and many other groups. That point of contact, and the regular relationship made it possible for us to have trust, respect, and to move forward.

Ms. Aldean: What is your experience in overseeing and managing an agency's financial health and how would you ensure that this agency remains financially strong?

Mr. Wardlaw: Great question, I think I'll use the County as a good example. Finance and budget are important. I think it's built primarily from the operational priorities of the organization. Understanding and knowing what the mandated service requirements are, and then what the optional and priority service requirements are - and understanding how much those cost. What is the sense of the staff requirement? How many staff people do we have? What is the work program? And then turning that into an operational budget. In the county we practice a general management system, in which we first understood the priorities of the board, and then the legal requirements, and then we staffed them. We also prepared 5-year forecasts so that we could look at where we are today, but also project what we would expect to see, or could likely occur during a 5 year look ahead. We identified risks and how we would mitigate that risk. All of that was part of our long-term budgeting program. Once the long-term budget was formed, we set up a two-year budget, and then operated within identifying the deliverables, how we would report and measure our progress and success, and keep tabs on our expenses and revenues. So, a very thorough approach to budgeting.

We were also very careful in costing. For example, in our permitting revenue, we were a cost recovery agency, so we had timesheets. We would understand the scope of work required for any given permit, and build in complete cost recovery. There was no subsidy from the general fund through that effort. In some cases, permits such as an ADU permit might be incentivized, but we could account for that.

We were big picture forecast all the way down to financial details, and we had regular monitoring, and quarterly reports within the organization.

Ms. Williamson: Can you please discuss your thinking about hybrid work schedules? If the Agency continues to offer remote working options, how would you manage staff, motivate them, and provide training and development opportunities?

Mr. Wardlaw: Thank you, Haley, that's a super question I think we all know Covid, so we all see that remote work actually functions. I follow the Harvard Business Review and keep fresh and current on leadership and operations. The discussion now is, is it all or nothing? Is everybody back? Is it all remote, or is it hybrid? And I think each organization is going to have to find its own way with its own hybrid program. For us, we're a public service industry. We have public service requirements

so I think that must really be hybrid for a couple of reasons. One is customer service, and two 'culture is king'. For people to understand the organization, to grow within the organization, and to learn - that's most effectively done face to face. It requires safety within the organization. I think we'll continue to see Covid variants come our way, and its important to be conscious of that.

I think hybrid needs to be organizational. It's probably not an ad hoc and random schedule of remote and hybrid, because for people to integrate either as teams or the organization, that really wants to be institutionalized and regular. On the other side, remote work is valuable. It can be very equitable to people in their own unique conditions, whether it's childcare, or distance traveling, educational & personal growth requirements, and I think that's all very important. It is also a form of I think Greenhouse Gas reduction with trip reduction. I think hybrid is the wave of the future.

Ms. Novasel: Please give us an example of how you would communicate and implement a major change in policy. Have you ever implemented a significant change that was difficult for staff? How did you handle it and what was the outcome?

Mr. Wardlaw: So much work in our sector is policy, and whether it's policy that's affecting development or transportation, or policy that's affecting the organization itself, it's still policy. I'll give you an example from the County. I was brought on as the first director of the newly reformed Department of Planning and Development Services. It was previously the Land Use and Planning Department, and after a series of audits and extensive customer complaints they decided to make some changes.

The key challenge for us was, how do we achieve organizational development, and culture change so that we're providing services to our customers, as directed by the Board of Supervisors. When I started to get a sense of how we could move forward, I set up five ad hoc tiger teams to focus on particular subjects. We had one focusing on our mission - why are we here, and what are our values? We had one on project management - how can we improve service delivery more effectively? We had one on workforce development - how should we train ourselves and grow? What should we focus on? We had one on performance management, and others on technology.

In this effort, we set up through this group a vision value mission statement which was by this entire 250-person group in an extraordinarily positive way. One of the key elements of that was customer service. Whether you're an applicant coming in for a permit, or you're just looking for information, or you're trying to acquire and build a preserve area.

In terms of service, and using the project management as an example. We had some significant issues in our permitting procedures. Some of them were slow, and people could not reach particular project manager or get information about their current permit. So, we worked to identify - how do we serve our customers effectively and efficiently, and how do we, as a case manager, wrangle everybody else, not only within the county but also the outside agencies. How do we bring them into the fold as part of the team? Through that we made systematic organizational changes that then turned into policy. And as we then began our workforce development programs, we learned that we need to onboard, and introduce this program and how we operate within the whole organization and department.

We could take the same approach and apply it to land development policy. Essentially hands on, understanding what the issue is, what the objectives are to achieve through that policy, and then how do we get knowledgeable about what's going on? But the issues are in detail. How does everybody get on board with solutions? And then how do we link that? At the end of that one-year

effort we had completely turned the ship around. The Board of Supervisors was now confident, and trusted the work of the department. And we won an award from the CAO.

Ms. Faustinos: Sometimes land use decisions are controversial and disliked by some segments of the community. How do you engage a broad segment of the community in public policy to achieve equity? How do you deal with controversy among community members and work to resolve this type of conflict?

Mr. Wardlaw: I would say that's about 75-80% of my entire career. Whether it's a particular redevelopment project, a downtown sports arena, developing a new climate action plan, processing a permit for 2,000 residential units and a master plan community. It's very similar in that effort. I think that the key is to gain public input at the very beginning, to let people know what's coming, and let them know how and when they can participate, and how they can affect the outcome of a particular effort. The community needs to know that they can trust you, and that you're accessible, and that your staff will listen to them and incorporate their input as best they can into that overall effort. They also need to know that you, the professional organization, are going to do your best in fact-based, open and honest way to come up with your best work. Not everybody might be happy with some of the recommendations the staff ultimately makes. It is inherent in our field that there are interest groups that are never completely satisfied, and there'll be an opposition forever. I think that the ethic of describing your work, being fact-based, clear, concise, based on best practices and research, and focused on that triple bottom line and for the good of the public - so that there's not just one sector in that triage that's benefiting. But that there is community benefit, environmental benefit, and economic benefit, versus just one alone to the detriment of the other two. That ongoing process is fundamental, because otherwise people feel like they've been seduced and abandoned. At the very end, when you come to the board for consideration and approval, they will all be there, and they need to see that their words were heard and incorporated. The key to success, I think, is doing good work in building as much community support for your effort. And that support is the measure of the listening to them and incorporating their ideas.

Mr. Lawrence: As you may know, the TRPA has a number of Memorandums of Understanding with public and quasi-public agencies. If one of those MOU partners fails to comply with its obligation under the MOU, how would you handle the situation especially if the noncompliance could potentially interfere with the success of an important TRPA initiative?

Mr. Wardlaw: Not uncommon. I'll share this as an example - in San Diego County in the late 1990's, the California Department of Fish & Wildlife, the County, and the City, set up a multiple species conservation program. It was a leading program across the United States, and it was triggered by the identification of net catches of endangered species. That habitat conservation program became a fundamental building block that was geared to establishing a connected preserve for that species. In partnership with those agencies, it allowed the county to assemble land with them, to share financial resources management, and also allowed development projects to move through a kind of mitigation program.

It worked great for a very long time, and then in the mid-2000's, the relationship started to break down, and the agreement started to flounder. We actually reached a stalemate, and went our separate ways. I decided to reach out to my peers, and the Parks and Recreation Director and myself set up a regular meeting to rebuild that relationship so that we at the executive levels could support our staffs in solving the problems and disagreements. By having that emphasis on partnership, and understanding the value of the program and the project, we were able to get

everybody back to the table, and we became then much more amenable to listening to one another, and finding places where we still had mutual agreements.

We found that, over the years, the operational staff had lost their way about the terms and agreements, and understanding of what the agreement was really about. So, we rebuilt and re-committed, and it allowed us to then proceed with the establishment of our second of three habitat conservation programs.

Mr. Hicks: Why do you think you would be the right person for this job?

Mr. Wardlaw: That's the hardest question, and I've actually given great thought to that. I'll start on the soft side - my wife and I hike, we fish, we ski, and we love the outdoors. So, the place itself is very attractive to us. We really want to live as long as we can in a place that we love, so that's one piece.

The second piece is that I've spent a lot of time reviewing your documents - your vision, your initiatives, what you've accomplished, and where you're headed. I think that my particular background and experience is a very good fit for what you're trying to achieve. You have substantial work completed, your plans are in progress, and what I would bring is a deep experience in redevelopment - actually building projects. Whether it's infrastructure, parking facilities, affordable housing, mixed use, destination resort facilities. I know redevelopment, finance, and negotiations. I'm also extremely practiced in land development, and in the negotiation of complex projects.

I'm a critical thinker, I'm actually kind of visionary. I look at things with the understanding of environment, economics, getting that tenant into the space, preserving the character and actually strengthening the image of a particular community place.

I think that my management leadership experience is worthy. I've led large organizations, I've turned around organizations, and I have successfully coached and mentored many people.

For me, it's a dream place and a dream job.

Ms. Diss: Do you have any questions for us, or anything that you that you would like to add?

Mr. Wardlaw: I have two questions for you. First, is there anything in particular that's not expressed in the in-depth documentation that you provided about the position, that you would like to see, that's different than what you've seen in some of your previous executive directors. My second question is, is there anything else that you want to ask me that we haven't covered?

Ms. Gustafson: The questions we asked are reflective of the priorities and issues that the agency is facing and what we want to see in an executive director. I wouldn't say it's different, or apart from what we've seen with other leadership models. It truly is our priorities as of now, and where the agency is at.

Ms. Aldean: Just speaking for myself as a member of this board for every 20 years, I've seen an evolution occur over that 20-year term. I have served with multiple executive directors. Our last executive director took this agency in a different direction. It was the agency that everyone loved to hate, and we were a regulatory agency where we were perceived as heavy handed, even though in many cases we were just implementing the law and the rules that we were bound by. There's

been a huge culture change within the organization. TRPA is now well respected. I spoke with one of our staff members yesterday at the reception, and she said she's been working for the agency for a long time. She was wary about wearing anything that would identify her as a TRPA member when she went to the grocery store etc., because invariably somebody would lodge a complaint with her about an action taken by the Agency.

I think we've come full circle in that respect, but I don't describe this as a maintenance position. There are a lot of things that have been accomplished that I personally would like to have retained. That doesn't mean that there is not room for more innovation, so I think it is honoring what we've achieved, and sustaining what is worth being sustained. And then looking to the future with some more innovative and possibly experimental ideas.

### **Interview - Jeanie Ward-Waller**

Ms. Gustafson: Welcome. You've found the hot seat. Nothing like having to interview in this larger group. Thank you so much for being interested in the position and for being here today and going through this whole entire process. We're thankful to have you here. Steve is going to start off with a few remarks and then we'll start our questions.

Mr. Worthington: Jeanie, thank you for being here. We have 50 minutes together. I'll be giving some time cues. There are 14 questions.

Ms. Gustafson: What are the motivating factors that made you apply for this position? What is your interest in Lake Tahoe and the Tahoe Basin?

Ms. Ward-Waller: First of all, Board, thank you so much for having me. I'm honored to have come so far in this process. I appreciate all your time and want to honor all your staff and partners' time. Yesterday's reception was really fun and gave me a sense of how important this role is to your team and the whole community. The job was recommended to me by some close friends. That always helps to start with a reference and a recommendation.

This is the kind of job that would be a good fit for me. I've spent the last ten years in Sacramento working at the state policy level trying to influence systems change, which has been incredibly rewarding and satisfying, but also a little bit disconnected from the work on the ground and serving communities directly, from seeing the impact of your work and how that comes to fruition. So, I was really intrigued by this role because it seemed much more directly connected to the communities in the Basin.

I also am a big fan of Tahoe. I've been coming up here regularly for ten years. I'm an athlete and outdoor adventurer, as are my two trail dogs. I have a deep love for the environment and the mountains. Perhaps most importantly, this job seems like a huge challenge, a chance for me to grow, to work with all of you, and learn about the state of Nevada. Some aspects of this job are areas that I do not have subject matter expertise. The bi-state Compact, the nature of the work this agency does is going to be a huge learning and growing experience for me. I love a challenge and don't shy away from complex issues.

Ms. Hill: If you've had experience working with a Board of Directors or similar governing body, how often and in what ways have you communicated, interacted with the directors in order to keep each member informed and engaged?

Ms. Ward-Waller: I've worked with and helped staff a number of boards and commissions in different capacities in state government. I've also been on boards on non-profits on the other side of the table as well. What's really important is to build relationships and understand the individual members and their perspectives. Often boards are volunteer roles so it's important to understand what motivates each member to be part of the organization or agency. When I present to boards, I want to be able to recognize how the issues I'm presenting are relevant to individuals. I think that makes it more valuable and more personal. Also understanding the whole group, how you interact and build consensus, knowing what we're trying to achieve collectively.

Mr. Hoenigman: What priorities would you establish during your first six months as Executive Director? Your first year? Also, how would you define success for that first year?

Ms. Ward-Waller: I'm going to have a lot of learning to do. I would humbly spend a lot of time in that first six months getting to know all of you, the staff, the partners. There will be a lot of learning and relationship building. I would need to respect the expertise of those who've been in the work, so I think that would be my priority for the first six months.

For the first year, I would hope to be starting to understand the areas where there are opportunities to move the work forward. In talking to the partners and staff yesterday, transportation seems like an area where there's a big priority and an opportunity right now given that there's so much state money in California and Federal funding is flowing. I know that TTD and others are working on that already. I would want to lean in because I do have expertise there.

Also, housing and redevelopment of properties around the Basin is a huge pressure. Those would be the areas where I'd really want to focus. In the first year, I'd want to build some momentum around those issues. All of these issues touch climate change. It's probably the biggest pressure, and I recognize that in the Strategic Plan of the Agency. That would be a guiding light, those are urgent pressures. Having clear goals in what we want to achieve in the next five years. Also, building off the Strategic Plan. This all very much resonates with me in terms of what we want to be focused on.

Mr. Yeates: As the new Executive Director how would you assist the Agency in developing and framing a long-term vision and Strategic Plan?

Ms. Ward-Waller: I've done quite a bit of strategic planning. I think that this Agency does already have a strong Strategic Plan, so keeping that plan current and focused on the opportunities ahead seems really important. I don't anticipate doing a wholesale change to the plan, but rather focusing on what are the near-term priorities. What's important is bringing all the key voices, key partners, Board members, staff. Engaging a broad group, taking a look at communities that have been underrepresented in our process that we want to do targeted outreach to. Equity, affordable housing issues. Often the folks most impacted in those areas are not the ones who have opportunities to engage in those processes. So, I'd want to work with the staff to think about where we can go farther, do more. The staff would have a good sense of that, so I'd want to lean on their expertise.

Mr. Friedrich: Over the past few years Tahoe has experienced an explosion in tourism, second home ownership, traffic and congestion relating to recreational activities. What are your thoughts on managing sustainable recreation? Do you have experience as it relates to managing people and the environment?

Ms. Ward-Waller: The first thing that comes to mind for me are the transportation issues related to the influx of folks coming to the Basin from around the region and around the mega-region. A lot of second homeowners have moved up here during the pandemic because of the flexible working options. I think that's a very important constituency to engage, to understand how having different travel choices might impact how they come to the Basin and move around when they're here, where they choose to stay while here.

From a transportation perspective I think there's a huge amount of opportunity there. I'd also want to engage the folks who have moved up here recently and are now residents, to understand their travel needs. There's no easy answer or one way. There has to be a comprehensive strategy, a suite of strategies to managing the influx of travelers and the impacts of that. Transportation has a huge impact on the environment, from greenhouse gas emissions to air quality to noise. I've spent the last ten years creating policy more supportive of sustainable transportation that provides a good quality of life, makes communities more livable, and also protects the environment and planet.

Ms. Conrad-Saydah: Please describe a situation in which you were able to build consensus among disparate parties including those who had been traditionally underserved.

Ms. Ward-Waller: The best example I can give in response to this question is my work as an advocate in Sacramento. I worked in two different roles: the Safe Routes to School Partnership, and also the California Bicycle Coalition Policy Director. In both of those jobs, I spent all my time building coalition. Advocates are only effective in Sacramento if you're working as a collective developing shared priorities.

A very specific example is building collective around Senate Bill 1, which is the increase to the gas tax, which passed in 2017. That was a two-year-plus effort to get that bill passed, so my work spanned that whole time. I was engaged in leading a coalition not just of transportation advocates, but environmental groups, environmental justice organizations, housing—a very broad coalition of partners across the state. We were very successful. We had as many as 100 groups at the peak of the campaign trying to stay on the same side of the legislature.

We were successful in getting a lot more public transit and transportation funding into that bill, which I'm very proud of. What we were not successful in was getting funding set aside for disadvantaged communities, which was a very important policy priority to our coalition. Because of that, we stayed opposed to the bill until the end, which was a really difficult position to take because we'd already succeeded in getting several of our priorities into the bill.

There were folks within our coalition that were divided. I was under a lot of pressure to support the bill. But we felt it was important to take what at the time was a strong equity position. I feel pretty certain that if we were having that conversation today with the national and statewide conversation around equity, it would be a different conversation.

Mrs. Cegavske: What is your experience in balancing the needs, wants, demands and differences inherent with multi-state, multi-county, multi-jurisdictional organizations with varying and often opposing public, private, governmental, environmental, political, and other advocacy interests?

Ms. Ward-Waller: I would say that all of my experience working in state government—at Caltrans, which has been the last five years of my career—really speaks to this. The state partnership advocacy at the national level working with other states, we often do through national organizations. California is an incredibly complex jurisdiction with 52 counties and 500 cities and

about that many transit agencies too. Balancing diverse interests when working at the state level is inherent in the job. It has been my role at Caltrans to really push change.

Caltrans is at a place where we're moving away from being an agency that's primarily focused on civil engineering and building big infrastructure. We still will do that, but we're moving towards managing the system much more effectively. How can we maintain the system we have and manage the impacts on climate and the environment? In my current role overseeing the Planning and Research and Multi-modal Programs, it's been my role to look to the future to see what kinds of changes need to be made and pushing that change at the policy level. Often, our partners, be they local agencies, private interests, environmental stakeholders, are not happy with the change. Change is hard. You're always going to have people on both sides. Balancing those needs and being open to listening to concerns and evolving and being flexible has been a huge part of my job and would be critically important in an Agency like TRPA as well.

Ms. Aldean: What is your experience in overseeing and managing an agency's financial health and how would you ensure that this agency remains financially strong?

Ms. Ward-Waller: The financial and budget side has been a big part of my job at Caltrans in my current role. I have five divisions that are in my portfolio and almost 600 staff now. I've been very involved in the budget especially as our workload has increased. Because of the Federal infrastructure bill there's been a lot of additional work that's come to Caltrans.

We not only implement a lot of Federal funds, but we support local agencies. We pass a lot of the Federal funds to the local agencies. We've been engaged in a very robust process of trying to get an accounting of the increased workload, working with our partners in the administration of the finance side to justify and increase the budget, increase the staffing to my program. In addition, I've been trying to put much better practices in place around tracking and accounting for the resources that we use today. We're a huge bureaucracy and we have many outdated systems for keeping track of our resources. We have 12 district offices across the state, which also have staff that get resourced through my program. Working with those offices, our board, the finance team, has been a huge amount of work to get our hands around the finance side.

Ms. Williamson: Can you please discuss your thinking about hybrid work schedules? If the Agency continues to offer remote working options, how would you manage staff, motivate them, and provide training and development opportunities?

Ms. Ward-Waller: I do think telework has in a lot of ways increased the quality of life for a lot of people. Having the ability to be at home, to not have to commute, to have more flexibility around childcare and all of the demands of life. In my current role, we did an employee survey before the pandemic and then again about a year in, and employee satisfaction had increased, largely because of telework.

What that told me is that we've got to keep it going and continue to give people that flexibility. There are some good things that attract people to government jobs, and there are some downsides. So, it's pretty hard to recruit. I heard that last night, that there are some real challenges to recruiting staff here at TRPA. Continuing to provide that flexibility is important. That said, there's a huge amount of value to being together in person. Being face to face, having difficult conversations—the nature of that is very different than when you're on Zoom. So, offering hybrid options—giving people the option to still be virtual but encouraging people to be in person—and maybe having one or two days a week where we schedule meetings on certain days.

Maybe some people work more productively at home, or maybe some don't have a good office space at home. I'm not going to ask people to come in only to be in a cubicle on Zoom all day. That doesn't make sense. It needs to be logical and work for folks. Certainly, I'd want to talk to the team to see what works, and then work with the leadership staff to implement that.

Ms. Novasel: Please give us an example of how you would communicate and implement a major change in policy. Have you ever implemented a significant change that was difficult for staff? How did you handle it and what was the outcome?

Ms. Ward-Waller: At Caltrans, our Executive Team, which is about 25 people, over two years ago undertook a change to our approach to highway investment, which really was about, we can't keep expanding our system, we can't keep widening our highways, especially in areas that are most impacted by air quality, especially with displacement of homes and businesses and noise and all the impacts of the highway system on the environment. So, what are we going to do instead? Also, the policy mandates at the state level were requiring us to do this. We have to consider climate change, we have to consider VMT impacts.

It was something we had to do, but there were a lot of concerns about changing that, and a real lack of understanding about how to do it. That goes all the way down the chain of this agency of about 22,000 people. Making a change at the policy level in Sacramento only goes so far. You have to institute that change into all the policies, procedures, standards, practices of the agency, train your staff all the way down the line. Policy change is only the first step. It took us about 2 years of regular dialogues with the board, with our next-line managers, lots of wordsmithing, lots of, you know, how is this going to be received by different people? And also external engagement. Lots of partners and projects were impacted.

It takes decades to get a transportation project from planning to construction. Some of the biggest questions were around, how is this going to impact X, Y, Z project? The change is ongoing. Even after the policy approval, we continue to work on individual projects. You need to work towards buy-in. Some things you can do through mandates, this is the way it's going to be. But to really be successful long-term, you've got to create the buy-in. As with any big change, you're going to have folks who are already on board, you'll have folks who follow, and then you're going to have folks who are resistant. In some ways I think those changes are almost generational until they're fully adopted.

Ms. Faustinos: Sometimes land use decisions are controversial and disliked by some segments of the community. How do you engage a broad segment of the community in public policy to achieve equity? How do you handle controversy among community members and work to resolve this type of conflict?

Ms. Ward-Waller: Land use is incredibly hard. I've heard from speaking with some of you how land use issues can really bring folks out to speak to you about land use changes. Transportation projects can be incredibly controversial as well and people really come out and get fired up. I find that the individuals who are the most vocal are not necessarily going to be the folks who are the most impacted.

So, I love that your question focuses on equity. At Caltrans I've really been a strong champion for equity, making it part of our Strategic Plan, part of the values of our agency. I created the first Office of Race and Equity at Caltrans. It is growing, and I'm really proud of that work because I think it's really changing the focus of Caltrans. The engagement with folks who are underrepresented is a

huge amount of additional work. We cannot do traditional public engagement, such as noticing a meeting the traditional way and expecting folks to show up and voice their concerns. That does not work for most people. It works for folks who have the most resources and are probably the loudest voices, but often that's a real minority of the community.

I think it's important to build relationships with community-based organizations that can reach folks that do not have the ability or time or capacity to engage. Sometimes that involves going door to door and talking to people in their neighborhood on their terms. It's a lot of additional work. To give an example, the transportation programs, both at the state and the Federal level, now are very focused on reaching communities that have been harmed by the transportation system. Because of that, the amount of work that my agency is doing is more than double the amount of work that we might traditionally do to engage.

You have to be very committed and bought in. I think it's really important to hear all of the voices and rely on community partners. I think one of the most important things for individuals that are not happy on an issue is to make space for them to be heard. To listen and be available, whether it's in a workshop, a more formal setting, or whether it's just giving them your email and phone number and asking them to email you their concerns and then make sure we're considering that. So just listening is a huge part, but often it does take bringing diverse viewpoints together to talk to each other across the table. Reaching consensus often means compromising on a position in a way that may not be what I'd originally hoped, so you have to be open to that. But the best decisions are where you can get diverse viewpoints to agree.

Mr. Lawrence: As you may know, the TRPA has a number of Memorandums of Understanding with public and quasi-public agencies. If one of those MOU partners fails to comply with its obligation under the MOU, how would you handle the situation especially if the noncompliance could potentially interfere with the success of an important TRPA initiative?

Ms. Ward-Waller: I think the path to handling it would certainly depend on the issue and the authority both of TRPA and the partner agency. I would want to start by meeting with that partner and understanding what went wrong, seeing if there's a way to pick up the pieces and resolve this without taking a harder path. I'm not sure if I have a good answer beyond that. I would assume that the MOU would speak to what would be the steps that we would take if either party was in violation with what our shared goals were. If necessary, taking some harder steps to enforce the agreement. I apologize that I don't know enough about the individual MOUs to know what that would mean. But certainly, starting with a softer path if possible and seeing if we can come to agreement.

Mr. Hicks: Why do you think you would be the right person for this job?

Ms. Ward-Waller: I am a very passionate person. I don't take on a role or a challenge without knowing that I can bring that to the work. From what I've learned about TRPA, you are looking for someone who is very passionate, who cares about Tahoe, who cares about the issues that you've prioritized. I would be that person. With that passion comes a real dedication to working incredibly hard. I've done that in all my previous jobs, particularly when I'm engaged in a mission that I deeply care about. I imagine that I would be one of the hardest-working candidates that you've interviewed. I bring a lot of experience to the job.

Transportation has been the focus the last ten years, but I've worked across sectors: at housing agencies, with environmental groups, environmental justice and equity organizations. I understand

the intersecting nature of this organization's work and the incredibly complex issues we're trying to solve. I am a systems thinker. I like thinking about how we tackle issues from all sides. Some strategies don't work, so you have to continually evolve and be creative and nimble and I have a lot of experience with that. I think my experience working in a large agency would translate very well to this kind of environment where you've got both internal and external stakeholders that you've got to build relationships with and try to bring on board with your solutions.

Ms. Diss: Do you have any questions for us or anything that you would like to add?

Ms. Ward-Waller: What do you most value in your Executive Director?

Mr. Yeates: The questions and then part of your answers to the questions kind of fulfill what we're looking for. Our most recent Executive Director really upgraded both the staff and the way we operate, and we want to make sure that continues. Housing and Transportation is a big deal. Our Strategic Plan. We have a wonderful group of millennials that are working for us that are focused really hard on what is our role in the whole issue of climate adaptation. Also, Tahoe might be a neat place to say, hey, here you have a unique situation where two states are working together generally well, show that you can tackle some of these problems without all the noise that gets in the way.

Ms. Ward-Waller: What has the Agency achieved in your time that you're most proud of?

Ms. Aldean: The first thing that comes to mind, Jeanie, is the adoption of the Regional Plan update, and the updated Shoreline Plan. Those are two things that happened during my time on this board. We may have our differences ideologically. We may come from different places, have different experiences. But at the end of the day, we have a common mission, and that's the cohesion that holds us together as a board and enables us to work together for the common good.

Mr. Lawrence: I would add as a singular thing tackling the revision on the commodities, our transfer development right program. That was a huge lift. People invest in property and then they see that as their bundle of rights. Generally speaking, I think just the culture shift at the Agency. I have a little bit of a unique perspective because I moved to this area as an entry-level planner at TRPA. When I worked here, the thought was that the environment can be saved or protected or enhanced solely through regulation. If we just have enough rules in place, then everything will work out fine. That wasn't the case. The development of the Environmental Improvement Program really brought the partnership together. Trying to find additional resources to achieve our common goals. The Agency and the leadership has become more aware, maybe just through trial by fire, how fragile the relationships can be when you're talking two states and multiple local governments, particularly in a heightened partisan political atmosphere. I'm always aware that things are good now but in three weeks they can change. The Agency has become more flexible and nimble and forward-looking.

Ms. Ward-Waller: I just want to thank you again. It's been a real honor and truly a pleasure to go through this process. I was not sure how it was going to go with the very public nature of it, but I really appreciate the time and the chance to meet all of you. Everyone has been so kind, and it's given me a strong sense of the Agency and the culture. I am very intrigued and excited about this role. I hope, if given a chance, that I will embrace the work of this Agency, and I look forward to the potential opportunity to work with you all in the future.

Public Comments & Questions on Interviews:

Scott Lindgren, Fire Chief, Tahoe Douglas Fire Protection District, Chair of the Multi-Agency Coordinating Group, President of the Northern Nevada Fire Chiefs Association along with Lake Tahoe Regional Fire Chiefs has spent over 30 years related to the Basin, from Cal Fire prior to his commitment now. He's very impressed with the process and the candidates. He read the packets on the candidates and there's a very tough decision to make. He wanted to put a plug in for Ms. Regan. She's local who they've worked with for a long time and understands the issues here in the Basin. She already has established relationships with all of them that she works with on a regular basis and great communicator and cooperator.

Ms. Navarro, Watershed and Water Quality Program Manager at TRPA. She was the staff representative on the Executive Director Ad Hoc Committee. Selecting a new executive director is an important decision for staff and they appreciated the opportunity to provide their feedback through direct interviews with staff members, staff participation on the panel interviews, and comments following yesterday's reception. Thank you for including staff in the process.

Mark Bruce said he's appreciated the presentations. He mentioned that relationships are critical, knowing stakeholders, building trust, understanding the history of the basin, understanding regulatory framework of TRPA and it's basin partners, and timing right now is all critical. Selecting someone who is ready to hit the ground running is critical. He respectfully suggested that they select someone that is capable of doing that. The Board is extraordinarily thoughtful and will be very proud for whatever the selection is and thanks everyone for all of their hard work.

Ms. Gustafson received a message wanting to call your attention to the many letters of recommendation that the Board has received about Ms. Regan from Senator Feinstein, Congressman Amodei, former Governing Board Chairs, Casey Beyer and Mark Bruce, and two past employees.

Mr. Worthington said they gave all of the candidates a final opportunity to provide letters of recommendation by Monday of this week. They then placed all the letters into the packets on Tuesday morning. If they looked in the packets last week, they weren't there but were there after Tuesday morning.

- Deliberation

Mr. Worthington asked the Board members to identify their top two candidates on the ballots distributed.

Mr. Worthington said if a person was the number one candidate it was valued at four points and the number two candidate was valued at three points.

Becky Bradley = 16

Julie Regan = 51

Mark Wardlaw = 6

Jeannie Ward-Waller = 29

Individual votes:

Alexis Hill – 1) Jeannie Ward-Waller 2) Julie Regan

## GOVERNING BOARD

October 26-27, 2022

Vince Hoenigman – 1) Jeannie Ward-Waller 2) Julie Regan  
Bud Hicks – 1) Julie Regan 2) Mark Wardlaw  
Sue Novasel – 1) Julie Regan 2) Jeannie Ward-Waller  
Jessica Diss – 1) Becky Bradley 2) Julie Regan  
Barbara Cegavske – 1) Julie Regan 2) no candidate named  
Hayley Williamson – 1) Julie Regan 2) Becky Bradley  
Cindy Gustafson – 1) Jeannie Ward-Waller 2) Becky Bradley  
Shelly Aldean – 1) Julie Regan 2) Becky Bradley  
Jim Lawrence – 1) Julie Regan 2) Becky Bradley  
Wes Rice – 1) Julie Regan 2) Mark Wardlaw  
Belinda Faustinos – 1) Julie Regan 2) Jeannie Ward-Waller  
Bill Yeates – 1) Jeannie Ward-Waller 2) Julie Regan  
Ashley Conrad Saydah – 1) Jeannie Ward-Waller 2) Julie Regan  
John Friedrich – 1) Julie Regan 2) Jeannie Ward-Waller

### Board Comments & Questions

Ms. Conrad-Saydah said she didn't vote for Becky Bradley but thought she was an excellent candidate. Ms. Conrad Saydah said she ultimately weighted regional experience. She was excellent, and valued her time and had a lot to contribute.

Mr. Yeates agreed with Ms. Conrad-Saydah's and Mr. Bruce's comments. He thinks the process that was proposed worked out. When Ms. Marchetta announced that she was stepping down and how they dealt with that, they ended up going through a difficult process but there were four good candidates who presented themselves really well. He liked the presentation last night. He proposed by acclamation that they all agree that Ms. Regan be the new Executive Director.

Mr. Yeates made a motion to appoint Ms. Regan as the Executive Director.

Mr. Hicks said he would vote yes if he could vote and encouraged his fellow Board members to do so. All of the candidates were superb. It was very difficult to make this decision. Obviously, Ms. Regan has a knowledge and information that wasn't available to the other three candidates. That comes from her years of experience not only with the Agency but with the partners and the issues in the basin gave her an automatic leg up in his opinion. That made it difficult for the other three individuals. They were all excellent and none of them should feel bad about this and anyone of them would have done an excellent job for TRPA and all of the citizens of Nevada and California.

Mr. Friedrich thanked everyone who went through this process. It's not easy to go through this public process. Kudos for everyone for having the courage and interest to do this. From the votes, there were strong candidates with different views. He supports the motion and added that Ms. Ward-Waller was a strong second and certainly brought some strong views of tackling some of the issues and views on how those could be addressed. He wished they could have another position. He hopes that she continues to keep her eye on Tahoe and look for ways to bring that expertise. Let's face it, we can do better on transportation, housing, and climate and she made a good case for moving the ball on those issues.

Ms. Diss echoed what a lot of the other members have said. As a Nevadan with a background in Nevada state government she acknowledged that the Open Meeting Law is challenging to work with and commended all of the candidates for undergoing a very public interview process necessitated by our transparency rule. It's not easy and appreciated it and am grateful that there

was such a wonderful selection of candidates to choose from.

Ms. Aldean said one of the advantages to having his open meeting process is that anyone tuning in to these interviews might have some wonderful prospects for openings in their own organizations.

Ms. Conrad-Saydah said there were certain things that each of candidates brought up that would be great to share with Ms. Regan. All the candidates brought something to the table and prospective that would be really helpful. They heard different emphasis on equity, inclusion, meeting with staff, and some great ideas they talked about with the strategy sessions that Ms. Bradley spoke about. There were some great nuggets out of the interview process and might be nice to bring those forward in their first conversation with Ms. Regan.

Ms. Hill thanked the search committee. This process blew her mind and has never seen such a well ran search. She thanked the chair and vice chair for being amazing and are lucky to be under their leadership. She's excited to embark in this next phase of TRPA. She appreciated everyone's hard work and the consultants work with them.

Ms. Novasel said ditto. She thought last night was wonderful and has never done that process of actually meeting the candidates and having that informal conversation. It was very helpful and pointed out that all four of them were excellent candidates. Kudos to everyone.

Ms. Williamson agreed with what everyone has said. This was a humbling experience, sitting in a room with clear leaders interviewing for this position. She learned things from them in just the hour that they spent with the Board. What an opportunity for them as a Board to listen to each other on some of these questions they asked and not just talking to Ms. Regan, but what they want to see and how they want to keep engaging. This is a really good point to check in with each other as they have this new chapter open. Thank you to the candidates and everyone involved.

Ms. Gustafson said kudos to staff, Mr. Marshall, Mr. Hester, and Ms. Atchley who helped through this entire process. The reception was great. Thank you to Mr. Worthington and Mr. Moore for their leadership and the thoroughness of the process, the vetting, the candidates from far and wide and the quality of the candidates. Thanks to all of the staff who participated in the panels and who assisted in the arrangements for the past two days. Incredible thanks to the panelist, a lot of people gave up a lot of time to participate in this process and provided valuable input to the Board. Only spending one hour with each of the candidates isn't enough to make a decision of this magnitude, it takes a lot of various input. Thank you to the incredible candidates. She wanted pieces of everyone's background and experience to this Board because we have a lot of challenges ahead. There's pieces from each one that brought new thinking, ideas, and strategies that we can incorporate and learn from. Thank you to the Board because it's been a grueling two days and it's weighed heavy on all of them to make this decision because they are not just making it for ourselves, we are making it for the staff, the community, and the future.

Mr. Hester thanked Ms. Aldean as chair of the Ad Hoc Search Committee.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

**Motion carried.**

III. PUBLIC INTEREST COMMENTS

None.

IV. ADJOURNMENT

Mr. Yeates made a motion to adjourn.

Ms. Gustafson adjourned the meeting at 3:40 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler  
Clerk to the Board

*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).*

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

November 16, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Ms. Williamson called the meeting to order at 12:25 p.m.

Members present: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos, Mr. Lawrence, Ms. Novasel, Mr. Rice

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Ms. Williamson deemed the agenda approved as posted

IV. APPROVAL OF MINUTES – September 28, 2022

*(October 26-27, 2022, Governing Board Minutes will be in the December 14, 2022, Packet)*

Ms. Aldean said she provided Ms. Ambler her clerical edits and moved approval of the September 28, 2022, as amended.

**Motion carried.**

V. TRPA CONSENT CALENDAR

1. October Financials
2. Inflation Adjustment to TRPA Rental Car Mitigation Fee
3. Release of \$3,700,000 in Excess Coverage Mitigation (ECM) Funds to the California Tahoe Conservancy for Land Bank Acquisition
4. FY 2022-2023 State of Good Repair project lists for the Tahoe-Truckee Area Regional Transit (TART) and Tahoe Transportation District (TTD)
5. FY 2022-2023 Local Transportation Funds of \$75,000 to the Tahoe Regional Planning Agency for the Administration and Planning of the Transportation Development Act
6. Estimated Allocation of FY 2022-2023 Local Transportation Funds of \$1,695,153 to Tahoe Transportation District
7. Estimated Allocations of the FY 2022-2023 State Transit Assistance funds of \$757,084 to the Tahoe Transportation District
8. Allocation of FY 2022-2023 State of Good Repair funds of \$95,555 to the Tahoe Transportation District for a preventative maintenance project
9. Estimated Allocation of FY 2022-2023 Local Transportation Funds of \$939,480 to Tahoe Truckee Area Regional Transit (TART)

GOVERNING BOARD

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10. Estimated Allocations of the FY 2022-2023 State Transit Assistance funds of \$638,810 to the Tahoe Truckee Area Regional Transit (TART)
11. Allocation of FY 2022-2023 State of Good Repair funds of \$80,627 to the Tahoe Truckee Area Regional Transit for preventative maintenance and the purchase of two transit buses
12. Degnan/Struck/Hachman New Multiple-Parcel Pier Project, 5070, 5080, and 5090 West Lake Blvd., Placer County, California, Assessor's Parcel Numbers 097-122-024/-010, -025, & -027, TRPA File # ERSP2022-0003
13. Executive Director Compensation Package, effective November 28, 2022

Ms. Aldean said the Operations and Governance Committee recommended approval of item numbers 1 – 11. Item number three will have a modified motion as follows: A motion to approve the release to the California Tahoe Conservancy of \$3.7 million in Excess Coverage Mitigation funds for acquisition and site stabilization for the 31-acre South Lake Tahoe Motel 6 site or any portions thereof, subject to the conditions contained in the TRPA/CTA Memorandum of Understanding.

Board Comments & Questions

None.

Public Comments & Questions

None.

Ms. Hill moved approval as amended.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Williamson, Mr. Yeates

Members absent: Ms. Faustinos, Mr. Lawrence, Ms. Novasel, Mr. Rice

**Motion carried.**

Mr. Yeates moved to adjourn as the TRPA and convene as the TMPO.

**Motion carried.**

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Amendment No. 1 of the FY 2022/23 Lake Tahoe Transportation Overall Work Program
2. Authorize Executive Director to submit an application to the California Department of Housing and Community Development for the MPO allocation of Regional Early Action Planning (REAP) funds

Ms. Aldean said the Operations and Governance Committee recommended approval of items 1 and 2.

Board Comments & Questions

None.

Public Comments & Questions

None.

Mr. Yeates moved approval.

Ayes: voice vote.

**Motion carried.**

Mr. Yeates moved to adjourn as the TMPO and reconvene as the TRPA.

**Motion carried.**

VII. PLANNING MATTERS

A. Briefing on the Environmental Improvement Program Strategic Initiative

TRPA staff Ms. Chevallier provided the presentation.

Ms. Chevallier said the Environmental Improvement Program (EIP) was established 26 years ago as a list of priority projects that they needed to implement and achieve the goals of the Regional Plan. Today they've achieved and accomplished over 750 projects, and partners strong.

She'll provide a recap of the genesis of the EIP, the EIP story. She'll go over the different focus areas of the program, how the programs organized, give a funding picture and at the end, the Strategic Initiative.

Imagine ourselves back in 1997 where the EIP was born in a time of crisis. At that time the Lake was losing about a foot of clarity a year, and although TRPA has been created nearly about 30 years prior to that, and they had put some great regulatory and growth controls in place and some good regional planning for the future. They began to realize that to achieve the goals of the Regional Plan that they had set out for ourselves, they were going to have to go back and fix some of the sins of the past.

The Science community was really sounding the alarm at this point, because of after doing extensive watershed assessments and reviewing the record of data that we have here, it was clear that tons of fine sediment and water pollution was flowing into the Lake, which was what was causing this rapid clarity to decline. It became clear that this came from old existing development, that was sometimes predated TRPA, or in the early in the 1950s, 1960s, and 1970s. This is what began the call to action. It became clear at that point that they would need at quickly to be able to save the Lake and not one jurisdiction could do it alone. It needed to be coordinated across boundaries. It needed to be multi-faceted, and it needed to be a pretty large undertaking, and a very collaborative undertaking.

A few leaders got together and got out their pens and papers and said if we could put together what we needed to fix, what would those projects look like? What would it take? How would we do it? How much would it cost? It started just as a big list of projects, and it was modeled after a Capital Improvement Program. But for Tahoe it was an Environmental Improvement Program. There was a big list of projects, and the price tag was \$900 million.

That strong call to action and that list of projects got attention. Truly they were talking about landscape scale restoration at the watershed scale. They were one of the first ones talking about it. Senator Harry Reid got an invitation out to President Clinton and Al Gore to hear our story and the call to action, and the first Federal summit in 1997 was born. It was there that all the different sectors committed to implementing that list of projects. The Federal Government agreed to foot \$300 million of that bill and the States, local, local jurisdictions, and private sector all stepped up to the plate to match it, and they got those huge funding commitments in place, and the EIP was set off on the right foot, and ready to be tackle a huge undertaking.

The way the EIP works for TRPA is it's really the project implementation arm of the Regional Plan. We implement the Regional Plan in a few different ways. We do it by maintaining and updating, the Plan, Code, and Thresholds, and being that anchor for implementation. It's also done through Permitting and Compliance of projects that come in and making sure they comply with all of that they've set out there. The EIP recognizes that you need a proactive program of projects to work and achieve those goals that have been set out in the Regional Plan. They serve here at TRPA in a few different capacities for the EIP. We serve as a leader and convener of the many different partners that are implementing projects. We serve as an administrator for tracking all of those projects, including the funding, the accomplishments, what our priorities are. We also serve as a fiscal agent for different program areas. We permit EIP projects and help facilitate project implementation. We try to create incentives for partners to do these types of projects because of they're the types of projects we need.

For example, for EIP permitting, we waive permitting fees for public entities that are implementing EIP priority projects, and a lot of them get streamlined environmental review through our partners Memorandums of Understandings to streamline getting those projects in place.

Slide 6: It's important to cover the last 26 years and how the program has matured over time, and it's gone through a couple major growth phases and these different phases definitely overlap. The first 10 years, which is mainly those genesis years. First, the Lake Tahoe Restoration Act was passed, the partnership was galvanized. Those funding commitments were put in place, and LTRA served as the anchor for those other sectors to come to the table and create that match. It was that big list of projects, and the projects were generally the low hanging fruit that we knew as a partnership that we needed to accomplish. There was a huge focus on water quality in that era because of rapidly declining clarity, big emphasis on stormwater retrofit, retrofitting the roads, the highways, getting homeowners to do their own BMPs on their private property. Re-looking at how they were treating roads with abrasives in the winter and doing restoration on some of the major tributaries such as the Upper Truckee River, Ward Creek, and Blackwood Canyon.

The second 10 years in this next phase, the program becomes much more sophisticated, and the EIP partners rolled up their sleeves and put a lot of thought into strategically planning into these next 10 years. Now that the program structure was in place, they developed program focused areas, action priorities and performance measures which enabled us to better plan and track our progress. We also developed a collaborative government structure, including an executive steering committee that we refer to often as a Tahoe Interagency Executive Steering Committee (TIE) to help shape and follow the strategic plan of the project. We created EIP working groups and all the focus areas, and as far as priority priorities and projects, we saw big emphasis on forest health in this era because the Angora Fire happened in 2008. Then one of the first big EIP working groups came online which was the Tahoe Fire and Fuels Team to ramp up that area and get more hazardous fuels treatments on the ground. At the very end of this was an economic downturn during this era. While that price tag for the first 10 years was about \$900 million, this second era was also about the same price, averaging about \$900 million to \$1 billion for about 10 years, for the EIP. The LTRA in the early era was expiring, and the Southern Nevada Public Lands Management Act that was funding LTRA was sunseting and of course, budget challenges were in every funding sector at that time. The EIP was facing a fiscal cliff in that era, and we were struggling to think how we're going to continue the momentum of that program through that economic downturn.

At the end of 2016 that fiscal cliff started to look better, because as the economy started to recover, we were able to get Lake Tahoe Restoration Act to reauthorized at the end of 2016 at the end of

the Obama Administration. That was the result of a ton of legislative advocacy and bringing awareness of the importance of keeping the EIP going. As far as program work, a lot of the low hanging fruit had been picked, now we're doing much bigger, more complex, more multi-benefit projects that cross many focus areas. They also launched LT Info, which is now our online EIP data hub, where all of our project information is now hosted online. It's very transparent and is an amazing tool.

The program is organized in four major focus areas. The first one is Watersheds and Water quality. Our goals are to reduce stormwater pollution to the Lake, restore meadows and wetlands, prevent and control Invasive Species, and improve overall ecosystem, health, climate resilience, and improve Lake clarity. In this program area to date we've accomplished a ton. A few highlights are that they've finished the retrofit of all the major highways around the basin. We've established the Total Maximum Daily Load (TMDL). That maps out a 65-year roadmap how we're going to regain the clarity of the 97 feet that we once enjoyed at Lake Tahoe. This year they completed the largest wetland restoration to date of the Upper Truckee River marsh.

We established the watercraft inspection program for Aquatic Invasive Species (AIS) back in 2008 and have had no new invasions of AIS since then. The AIS control programs has definitely ramped up with 24 acres treated last year, which is the highest we've done to date.

Forest Health is still a top priority. This focus area ramped up after the Angora Fire and the Tahoe Fire and Fuels Team has completed more than 70,000 acres of treatment since the Angora Fire, totally over 90,000 since 1997. Our main goal here is to avert catastrophic wildfire in the basin and improve our forests resilience. They really saw that goal achieved during Caldor Fire. There were many things that play during that day when the fire crested into the basin. The heroic actions of our first responders first, the weather giving some favorable conditions to get control the fire, but it was really clear that the work we had done to date on hazardous fuels treatment helped avert a catastrophe and enabled our first responders to get in there to get control of the fire. They are increasing the use of prescribed fire in the basin, and the local jurisdictions and states have ramped up defensible space inspections, achieving the highest record of over 6,000 inspections last year to date.

Sustainable Recreation and Transportation is one of our bigger focus areas that we're developing more now in this current era, and it focuses on getting people out of their cars, implementing critical missing links in our trail system, transit systems, improving our public access and facilities. All of these projects have enormous environmental benefits, but they also improve our quality of life. Major accomplishments here are that we now have integrated corridor planning in most of our major corridors in the basin which really integrate transportation, recreation, safety, environmental benefits all at the corridor scale for planning.

They've also worked on upgrading our older recreation facilities, Round Hill Pines, Sand Harbor are good examples of that. We've done amazing congestion improvement projects that have helped revitalize communities. You can see that in the Kings Beach corridor and capital improvement plan, and also in Tahoe City, where we've done work to bypass at the roundabouts outside Tahoe City to make that a more walkable, bikeable area. On the West Shore you have the longest contiguous link of the bike and pedestrian trail called the Tahoe Trail, that we hope that will one day circumvent the Lake putting that in link by link. In the South Shore the City of South Lake Tahoe has implemented many multi-benefit complete street projects, where we improve drainage, sidewalks, bike lanes, and lighting all simultaneously like the Highway 50 or on Sierra Boulevard recently.

And the final focus area is Science, Stewardship, and Accountability. The EIP has always been

grounded in science, and we have a good representation of good scientists from both States, the Federal government, and other sectors working together as part of the Taoist Science Advisory Council. We are also engaging our residents and visitors in science through programs like the League to Save Lake Tahoe's Eyes on the Lake program where people can report and monitor invasive species bother out recreating on the Lake. We've also prioritized getting consistent information and outreach to our basin residents and visitors, and we do that through leading and investing in publications like Tahoe in Depth and through the great work of partners that have worked together develop consistent messaging campaigns like Take Care of Tahoe.

The EIP has 80 plus partners that are implementing the EIP. You've got the Federal agencies, the States, the local jurisdictions. It gives you a good visual representation of how strong the partnership is, and truly one of the biggest collaboratives in the country now doing environmental work together.

Also in place is the EIP collaborative governance structure. The TIE Steering Committee was established more than 15 years ago. Today we have executive representation from all the sectors of the EIP, Federal, Nevada, California, local science, the Washoe Tribe, and the private sector. TRPA and the Forest Service co-chair that committee. There are EIP working groups in all of these four focus areas that work together with the executives to give them the priorities, the details, the challenges, and the accomplishments in each of those focus areas. Ms. Chevallier facilitates this committee and we've found a system that works well for us. This is voluntary, it's done because we can do more together than a part, and it's worked overtime to set this collaborative government structure together to be able to implement and coordinate well across all of the focus areas.

They've also established a pretty good rhythm in the EIP and how they work through the annual cycle. We still have the big list of projects on the EIP Priority list. Right now, there's about 360 projects on it and we update it every single year, and every implementer that has an EIP project enters it into LT Info online tracking system and those projects are tracked from start to finish. All of that list lives online. We try to focus our funding prioritization at the beginning of the year around January through March where all of those different EIP working groups are working together to prioritize those projects. We work with the TIE Steering Committee to submit our annual appropriations request for LTRA on March 15<sup>th</sup>. The summers are gangbusters on implementation as they are trying to get that summer season in where we're putting projects on the ground. Then as we go into the winter season, and projects are wrapping up, they go into reporting season where project implementors are going back online, entering what they did that year, where it came from, performance measures that were accomplished, before and after photos all lives online. The online tracker has a live ticker that updates as people enter their information. We're at 774 projects completed and have invested over \$2.6 billion to date and that's from a number many different funding sources from different funding sectors. There's also a graph that shows all the performance measures and maps info by year, by jurisdiction, and by number. It's aggregating to see trends and is used to report out to our funders or other implementers, or anyone that wants to see this information. It also aggregates and sorts the funding for us and shows the funding spent by each sector in the EIP since 1997. We're approaching \$2.7 billion but if it's \$2.6 billion, it's averages out to about a \$100 million in expenditures a year. It matches pretty well, with what they estimated right in the beginning. It was going to be \$900 million, and it ended up being a \$1 billion for that first 10 years, and it's kind of kept that pace through the entire program. She gave credit to SITKA Technology who helped us develop this tool, because before this used to take an enormous amount of time to figure out, and it was done through spreadsheets which took a lot longer.

Recently TRPA and other partners want to take a look at the economic impact of the program. They commissioned an economic study a couple years ago and found that for every \$1 million invested in the EIP, they are getting on average \$1.6 million return and that's not just to the basin itself, that's to surrounding counties around Tahoe. It is a job creator, and it has given us over \$5 billion and economic output since 1997.

Bringing it all back full circle. The summit is still a staple in our annual cycle which Nevada hosted the 26th annual summit last year at Sand Harbor. It's here where every year we showcase those accomplishments, we elevate our challenges, we elevate our funding request, and it also symbolizes and is the commitment each year for each sector to continue to invest and champion this program for Tahoe.

The last three slides focus on the EIP Strategic Initiative. The Strategic Initiative focuses on building on the success that we've had for the EIP program and determining how we can increase the pace and scale of the program. We're already doing a lot, that's clear, because we are putting in new projects. We're also maintaining all of the projects that we've put in the ground to date. But to keep pace with new threats like climate change, we have to. We've come up with these few different areas we want to focus on to try to help increase the pace and scale of the program.

The first is Cutting the Green Tape Initiative and this initiative really focused on the environmental review and permitting process for EIP projects. For these environmentally beneficial projects, we've nicknamed a green tape, and depending on the jurisdiction, often EIP projects must undergo environmental review and multi-level permitting by multiple agencies. Those processes are important and are necessary, but they often take years to complete. They are looking to see if there are ways we can streamline and improve those processes among our different agencies so we can increase the pace on getting these environmentally beneficial projects on the ground. This has been a signature initiative of the California Natural Resources Agency, and I served as a facilitator of some of the Statewide round tables around California to dig into this topic. It's a common challenge for many environmental collaboratives around California and the country that are all trying to grapple with how we can do this to just improve the processes while maintaining the integrity of what we're trying to do. The Taylor Tallac Marsh is a project we just recently implemented over the last year. This project did require multi-level environmental review and permitting from multiple agencies. Once we got into implementation, we realized what a great case study it would be to really take a pause, look back at the process that we had just done, and see if there were ways, we could document the lessons learned and inform future EIP projects, and how they can improve processes. And it was kind of a perfect case study, because of the many different agencies involved. We were dealing with a 17-acre infestation of aquatic invasive species in this marsh and every implementation season you miss, the environmental issue is degrading, time is of the essence to be able to get an AIS infestation under control while also doing the due diligence making sure you do it in the most environmentally beneficial manner.

It's great case study we recently put on contract an independent facilitator from the Consensus Building Institute, Gina Bartlett to convene all the agencies that worked on this project and do an after action, review and report. They're in the middle of that now and will be bringing it to the TIE Steering Committee and working through this to figure out which recommendations to take forward for future EIP projects.

The second prong of this initiative is increasing EIP funding, and this one is a no-brainer of needing to scale up the funding to increase our pace and scale The Lake Tahoe Restoration Act was reauthorized in 2016 and is expiring next year and are working with a coalition of partners to get it reauthorized

and expand the funding that they receive through the act, and the Federal appropriations since the 2016 reauthorization. We've received approximately \$80 million out of the \$450 million that's authorized and would like to see the Act reach its full potential. Even though it's been \$80 million, it's not \$415, that funding has been critical to getting some of our biggest projects to date on the ground such as the Taylor Tallac Project, the Upper Truckee River Marsh, Meeks Bay planning, the Tahoe Keys environmental planning and the control methods test all were possible because of this new Federal funding through the recently reauthorized Act. Forest Fuels reduction, of course, too. There's a lot of other funding sources from the States, local, and private. But having this Federal anchor really helps to this day serve as that anchor for the match for the other sectors to help with all of these projects getting on the ground and how this one dedicated constant it truly helps us strategically plan better for implementation of the program. As far as expanding other funding sources, a big one that we've started working on with the TIE Steering Committee is the Santini Burton Act. The Santini Burton Act directs Federal funding to the Forest Service to require sensitive lands in the basin for us to advance our restoration goals in that focus area.

However, over time the amount of sensitive parcels that are going to be available to acquire is going down, it's not as big as it was 20 to 30 years ago. They want to look at the options, is it possible to expand that Act to be able to direct that funding to some of the other priority actions we have in the EIP today.

Lastly, the last part of our Strategic Initiative is engaging in national and regional networks. There's power in numbers, there's power in the collaborative partnerships, and we are increasing our reach outside the basin by taking leadership positions in both these networks of the National Landscapes Conservation Network and the California Landscapes Stewardship Network These networks bring practitioners together at the regional and national level, to expand landscape scale restoration, and being active in these networks, expands our voice, the awareness of our work. It allows them to advocate at a bigger scale for policy and for funding, and of course we learn a ton from each other when you are working with other practitioners and expanding the collective capacity of our work.

Presentation can be found here: [Agenda-Item-No-VIIA-EIP-Strategy-Briefing.pdf](#)

#### Board Comments & Questions

Ms. Hill said what a great overview and she really appreciated it. With the EIP program, how do we discuss the transportation wins? She knows that is part of this but then we've segmented transportation outside of it, and we have a 7-7-7 plan, and we've got TTD who is another agency, who is implementing all these projects. Should it be an ETIP plan because transportation is an integral part of all of these. Obviously, there's restoration projects which don't necessarily have to do with transportation projects. She's thinking about how to look at this cohesively. On the Santini Burton Act, she's excited we're engaging stakeholders, she just wants to make sure we're engaging transportation stakeholders as well, because going back to the ETIP plan it's important that we make sure that we hear from them and if there's any way to get the local governments involved. And am sure that as we're working through that process, we'll bring that back to the TRPA Board to discuss. There's a lot of Forest Service properties that need investments and the Santini Burton could be an opportunity for that, too. She's thinking selfishly about a project in the Tahoe Meadows, which is maybe technically outside of the Tahoe Basin, but certainly affects the Tahoe Basin visitor and there needs to investments in that area and knows that other jurisdictions probably have thoughts about that too.

Mr. Hester said one of the nice things about the EIP which you saw was it's about 100 partners and it's all kinds of things. It's not just transportation, water quality, or land acquisition, or whatever. They haven't given it the name of any particular function. The EIP is the environmental version of a capital improvement program and is how you implement things. You can't implement through private development. In terms of an improvement program for transportation, they also do that as the MPO, there's the FTIP and the two state TIPs. They do those but those are same thing that shows up in the EIP. We don't want to take it and name it after one function, but we want to embrace all of that to implement Regional Plan and attain thresholds.

Ms. Hill said she hopes we're not shooting ourselves in the foot saying, we've had nearly \$3 billion of investment in Tahoe, and we need more with the 7 7 7. How to look at this with that lens of all these stakeholders coming to the Federal Government asking for support and making sure that we can discuss how that's part of a bigger picture.

Mr. Hester said part of our success has been that we have all the different asks together when you go to our funders. In Reno/Sparks there was a similar thing called One Region, or something like that. Putting all that together and going with one voice really is effective. Yes, it is a big number, \$100 million a year. This is an Outstanding National Resource Water. Tahoe is one of the kind on the global stage. He doesn't if we can ever have too much money to take care of this treasure.

Ms. Regan said another way to look at it, Transportation has always lived within the umbrella of the EIP. For example, the Fanny Bridge project, on the North Shore, the Tahoe City Transit Center, and the Kings Beach Commercial Core were always high profile, EIP Transportation projects. But transportation is even bigger than that and the thread you're pulling is an important one, because it it's a world in and of itself. What we're trying to do is to unify the work of the Bi-State Transportation Consultation, the 7-7-7 funding strategy and link that up so that we can advocate as a whole for Tahoe under a unified common agenda for Tahoe, but yet focus on those multi-benefit projects, because we know most of our transportation projects are also water quality projects. They're filtering runoff from the roads, they're reducing greenhouse gas emissions, there's multiple benefits. We plan to do that and then, in the analysis of new funding, the Santini Burton money what we're trying to position, working with all of our partners and absolutely local governments at the table through the TIE Steering Committee and the Tahoe Transportation District as well.

What are the projects that are underfunded? Transportation projects are not authorized under the Restoration Act, so could we get consensus in the basin and of our delegation to prioritize new funds potentially, if we would be successful in amending Santini Burton to prioritize projects like Sustainable Recreation and Transportation which we know benefit all the other environmental issues and that's something that we're having just initial conversations about. We'll make sure we stay in close contact with the TTD.

Mr. Hoenigman said it's amazing how much work has been done up there, the plans that we have, all the progress, and we've got everyone on board. Something that's missing for him is just an idea of the scale of what we've accomplished so far. He knows we have a million different metrics that we track, but possibly too many. And not really easy at least from what he's seen to get a grasp of where we are, and where we want to be, and what some different investments will generate for us. It's critical for going out and getting money and explaining to people why this money is so important and what they've got from it. With the water quality issues something like the CO2 graphs that they show, a do nothing scenario of our emissions going up. But that line keeps bending down as we do these different things, and you bent that line down a ton in terms of nutrients entering the Lake over time. He'd

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imagine we've spent a lot of money and all the roads have been retrofitted, he just doesn't have a good sense of that and imagine a lot of other people don't so it's harder to see what they're getting from their investment. He would love to see us do more graphical representations of where we are and what these next investments will get us for our sake and our funders sake.

Mr. Hester said what a great segway to the last of our initiative presentations next month, on the Thresholds and Performance Measures. We have a new model for our Thresholds that includes what we call a results chain which is exactly what you're talking about. They're trying to develop new thresholds that track all that instead of just one number. Yes, that applies to the EIP, but applies much broader.

Ms. Chevallier said because she didn't get to dig in too deep on some of the focus areas and there's more there and could get you some. We have action plans, and documentation of accomplishments by focus area, like the Forest Action Plan or the TMDL reporting that shows our progress. The Transportation Action Plan and the Aquatic Invasive Species Action Plan. All of those dig in a little bit more but point well taken, and you will see it at next month's Governing Board of how they can extrapolate out of those action plans and show it in a visual nature of where we're at on achieving our goals, and how much we have left, how much funding we need, etc. It's collating it all together because the EIP is so big.

Mr. Hester said the Board asked at their last retreat that they want to know how all this works. Over the past five months, hopefully you can see how these things are intertwined.

Ms. Aldean said good presentation. Asked if this PowerPoint presentation is online.

Ms. Chevallier said yes, it's on the website.

Ms. Aldean said regarding Cutting the Green Tape, and she doesn't mean to use this as a subterfuge. Earlier today, they were talking about the gasification project at the transfer station. But she's wondering if they can recast some of these EIP programs as pilot projects to facilitate the permitting of these projects. Especially if they're on a small scale, the large-scale projects by their nature are going to require and demand more scrutiny. If you had a lot of these micro projects that were cast as pilot projects to investigate the efficacy of doing certain things to help advance the EIP, could we somehow lessen the time necessary to get these projects permitted.

Ms. Chevallier said she likes that a lot and can integrate that more into the Strategic Initiative. They've done that for projects in the past for EIP. The ultraviolet light comes to mind for Aquatic Invasive Species. They implemented that as a pilot project to understand more about what the effects are of that particular tool. It's a great idea to formalize it more and how can we put some pilot projects on the ground to test new areas where we want to look at the environmental review and permitting.

Ms. Conrad-Saydah said applauded everyone for the dashboard. Her work with the US Climate Alliance she uses an example of what other states should be doing to show their accountability for achieving their environmental goals, so, nice job on that. The pilot idea is a great one, especially because we could draw on successful examples from outside of the basin to get some of those projects moving a little bit more rapidly. So, call it a pilot for the EIP, but also draw on those best practices, and look for those opportunities to move a little bit more rapidly along those lines. Regarding the funding, she feels there is a way of demonstrating all of the different funding sources that go into achieving the EIP as a way of showing the benefit not only to the year-round residents, but also to people visiting the basin. Whether that's signage on an EIP project, or something on the

dashboard that really emphasizes it. We're bringing together all this funding, we're aggregating it for benefits for not only for the year-round residents, but the tourists as well. There's a couple of ways that we can message this to show that \$100 million a year is actually not that much for all of the benefits we're getting and in fact, getting more to achieve these goals would provide the localized and statewide, region wide benefits.

Mr. Friedrich nice presentation. On the economic benefits part, has it been broken down into the number of jobs that were created for the project? Then further down into where those employers are based, and maybe thinking forward into workforce development opportunities partnering with the community college, the current technical education program at the at the high school and then same for others throughout the basin and Carson, and the region. Thinking ahead to show what kind of jobs been created from this. Here's, where there are gaps right now in the workforce, here's some opportunities as they think ahead to the Strategic Initiative, etc. The new Forest program and the college is an obvious connection. There are some folks coming on at the City that are going to be doing work related to this. Any thoughts on how this could be proactively connected to workforce development and education programs in the region so that they can think about tailoring their offerings to EIP programs?

Ms. Chevallier said she believes the staff that we got out of that report creates on average, 1,700 jobs a year. That is in the basin and also externally with the surrounding counties. It didn't go much deeper than that as far as types of jobs, where they're coming from, and who, what, and how but the Tahoe Prosperity Center does a lot of that work through analyzing that data and these reports are kind of connected. The Economic Summit was recently held in the basin and making sure that the work of the EIP is connected in with what the Tahoe Prosperity Center is incorporating in their economic reports can get at the goals Mr. Friedrich is talking about.

Ms. Regan said it's a great opportunity, particularly with the projects Mr. Friedrich mentioned. Front and center, Forest Health workforce development. It's an opportunity for them to partner with local jurisdictions who need to show the value of some of these projects in terms of an economic revitalization model. They'd love to work with some staff at the local governments as well just to tease that out a little bit further. Our study just scratched the surface. That makes our job easier when we go to public funders like the Congress and the States to have a finer grain of detail. The argument that we always make is the environment is the economy and the economy is the environment at Tahoe.

Ms. Hill said there's the Nevada Tahoe Conservation District, and how many projects they're doing, and probably the jobs that are create with contractors there. Because local government entities meet with our Federal delegation, for example, she'll meet with the Federal delegation and it would be helpful for her to know and perhaps this is already given to the Board, what are the Federal priorities for each biennium, or each year, and maybe that should go to the Local Government committee. It may not be fair to add one more layer of bureaucracy with what you do. Continuing those relationships on a local level.

Ms. Regan said they have traditionally vetted the priority list through the Environmental Improvement Program, Transportation, & Outreach Committee. She likes the idea of also making sure the local government entities know, because you all have your own legislative priorities that are going in respective places.

Public Comments & Questions

Steve Teshara on behalf of my company Sustainable Community Advocates and Tahoe Chamber he has personally and professionally been a part of EIP advocacy since it began back in the 90s with the EIP. He wanted to address Commissioner Hills comment. They've struggled with how to incorporate transportation as effectively as we do Forest Health, fuels reduction, AIS, etc., into the Lake Tahoe Restoration Act. The fact of the matter is, as many of you know, it has to do with the committee structure in Congress. They did talk in the beginning about adding transportation in but then you route into a whole different set of Congressional committees in both the House and the Senate, which then gets to be a problem in terms of getting bills through and getting that much work done. Transportation is not specifically in the Restoration Act, but it certainly is top of mind when we go and present our priorities to Congress and over the last couple of years in particular with the focus on infrastructure and a greater focus on transportation at the national level, they've done pretty well. They did well in the beginning when the Federal Lands Access program was established, we got major money for the State Route 28 corridor in Nevada, and for the Fanny Bridge project in Tahoe City. They've struggled with how to integrate transportation but from a programmatic standpoint in terms of the EIP, those priorities are definitely integrated, they're just not all coming out of the Lake Tahoe Restoration Act.

B. Update on progress and priorities from Tahoe Fire and Fuels Team including Caldor Fire Recovery

TRPA staff Ms. McIntyre provided the presentation.

Ms. McIntyre said today she'll provide an update on forest health progress and priority work for the 2020 year. She'll highlight key work in a comprehensive framework that forestry professionals have been using where they view resilient communities and landscapes as connected. We always hear about the priority landscape work that we're doing but there is also this huge focus that needs to be paid attention to in terms of what we think about as resilient communities. Things like defensible space inspections, home hardening, fire wise community programs, etc. There's been work done around communications and talk project accomplishments, capacity building that is occurring around the basin, funding and prioritization.

TRPA is not the traditional agency in terms of land management. They don't have a land base that they're managing but TRPA still plays a critical role in terms of getting priority projects work done around the basin and increasing forest resilience. They act as a convener and collaborator to increase the pace and scale of treatment and support our partners in getting more work done. They play a leadership role in the Tahoe Fire and Fuels Team. They are signatory to the multi-jurisdictional fuel strategy. The EIP is in place to help accelerate threshold attainment. TRPA thresholds are in place related to forest health and vegetation preservation. They are constantly working towards trying to increase the amount of work that they get done, but also achieve those thresholds for Forest Health.

The Angora Fire burned in 2007 and was about 3,100 acres in South Lake Tahoe. It burned 254 structures, including homes, and this really spurred the creation of the Tahoe Fire and Fuels Team and brought partners together to get more work done towards increasing pace and scale of treatment but also reducing catastrophic wildfire risk in the basin. They've made great progress and strides since Angora. They've treated almost 90,000 acres and have record numbers of defensible space inspections and tree removal permits, and we've been streamlining regulations through that time.

Caldor acted as that reminder to us that climate change is occurring, and with climate change we are seeing bigger fires that are moving faster and they're burning hotter. In August 2021, 10,000 acres of the 220,000 acres Caldor Fire burned within the basin. This is one of only two fires that have ever crested the Sierra and it reminds us that the model of work that the TFFT operates under has been instrumental in helping to control fires and save homes. It reinforces the critical nature of the work to come.

In terms of communications, the Tahoe Fire and Fuels Team has a working group called the Fire PIT which is the public information team. The wildfire awareness campaign began in May 2022 and is held annually. They were able to get out 25 different banners and graphics distributed amongst all of our partner agencies to share out on their networks. They did 32 press releases that were distributed

through the Fire Pit. There was a Spanish version that was done by the Tahoe Resource Conservation District and the City of South Lake Tahoe. There's a prescribed fire subcommittee that has been developed with three of the Fire protection districts are leading that and is going to include a virtual and in person. Fire Fest happened this past Fall, and over 1,000 participants from the communities came to meet with different fire districts, TRPA was there for people to learn more about fire prevention in the basin, and then there's the Take Care funding and fire awareness campaign that had billboards at the main entries to remind everyone that they're entering fire country and need to be careful about fire risk in the basin.

Another program that has seen a great progress is the fire adapted communities' program that runs out of the Tahoe Resource Conservation District. They have had 54 engaged fire adapted communities, 17 fire wise USA recognized sites. That's a special recognition and they've seen an increase of five in just the last six months. They went from 12 to 17 since April and that's a huge increase. They 64 neighborhood leaders, and these are people who live in the community who are taking the charge on themselves to get their neighbors together to do this type of work. There were four Tahoe network fire adapted communities' workshops where they brought those leaders together, and there were 44,000 people reached through newsletters and social media, That's not just local residents but also includes visitors and anyone who's interested in this information.

Basin wide overview of priority projects and accomplishments done in the past year. There was about 90,000 acres of forests that have been treated to reduce hazardous fuels. Slide 9, middle graphic showing 89,576 acres of forest treated to reduce hazardous fuels comes directly from the EIP tracker o LT Info. On the left side of the graph of acres of forest fuels reduction treated which only goes to 2021. They just opened the reporting season for 2022 but are continuing to make great progress in terms of getting acres treated. The map on the right is from the Forest Service for all the projects that are going on currently around the basin. This is work occurring at all levels, local, state, and federal in every quadrant on both sides of the Lake.

One of the big projects that has been occurring is the South Shore Fuels reduction project which is the work that is being done on Pioneer Trail land and those neighboring communities. The main goals are forest health, and hazardous fuel reduction. It's estimated that it'll cost about \$23 million to complete this project. Currently, the majority of funding is coming out of the Southern Nevada Public Land Management Act and the Forest Service and is focusing on the urban parcels in the Wildland Urban Interface. This includes hand thinning, prescribed burning and piles, and mechanical thinning. Thus far they have been able to accomplish just under 12,000 acres of treatment.

Spoooner Lake has two priority projects that are occurring right now. The Spooner Front Country Hazardous Fuels Reduction Project is led by the Nevada Tahoe Resource Team and the Nevada Division of Forestry. This is 42 acres that will create a 100-foot defensible space zone around key infrastructure up there. Then the Spooner Landscape Resilience project again, led by NTRT and NDF and this is 300 acres of thinning in the Lake Tahoe Nevada State Park. They are felling these large trees and removing them by helicopter. The logs are being sent to Sierra Pacific Industries Mill in Quincy, California. The chips and any kind of tops and limbs are being sent to the Loyalton Biomass facility. Again, connecting those pieces of where things are going and what opportunities exist regionally.

Both of these projects are currently being funded by Tahoe Bonds Act and license plate fees from the State of Nevada.

Another project is the Sugar Pine Point State Park which has been doing a great amount of broadcast burning, and understory burning in the Fall of 2022. They were able to accomplish approximately 8 acres. It's a small amount, but it's a great start, especially for the basin, where they don't see a ton of broadcast burning and this was an area of remnant old growth in the State Park. She spoke to Rich Adams from Cal State Parks, and he excited that they got the exact type of ecological benefits and fire effects that they were hoping to get.

The Liberty Resilience Corridor proposed project is approximately 7,600 acres of lands managed by Forest Service Lake Tahoe Basin Management Unit and the Tahoe National Forest. The project comprises roughly 55 miles of Liberty power lines with 54 of those on LTBMU lands, and one mile on the Tahoe National Forest. Currently the total needed to complete this project is \$16.9 million and they have funding from again the Southern Nevada Public Lands Management Act and the Forest Service.

Another priority project that complements the Liberty Resilience Corridor is the Nevada Energy Resilience Corridors. Treatments within 2,000 feet of the corridor around all lines, 27 acres have been completed on Federal land, and 230 acres on non-federal land but are just getting started. Technical hazard trees removed just during this time period have been about 2,200 trees, and the work is being accomplished through partnerships with LTBMU, local fire districts, and many other basin agencies. This is a unique project, because multiple partners are working on this, on both Federal land and on the State and private land. Tahoe Douglas Fire Protection District, North Lake Tahoe Fire Protection District, NV Energy, Ascent Environmental, and LTBMU are all working together to get this work done. It's being funded through a variety of sources, including NV Energy, private funding, Forest Service funding, and possibly Southern Nevada Public Lands Management Act.

Another priority project that they haven't heard a lot about is the Lake Tahoe West project which is continuing to move forward. While it's taken on a different vision there's still work occurring on the West Shore. There's the West Shore Wildland Urban Interface project, California has the Programmatic Timberland Environmental Impact Report that allows them to get work done. This work is occurring in a different vision than what they thought Lake Tahoe West was going to be. The work is still very relevant and important and has actually been absorbed into a larger strategic initiative, which is the Tahoe Central Sierra Initiative that has two main goals, and that's to restore and maintain social and ecological resilience across 2.4 million acres and ultimately build the capacity to do that type of work. It includes projects such as Lake Tahoe West, The Caples Ecological Restoration Project, The French Meadows Project and North Yuba Forest Resilience Project.

Caldor Fire Recovery: The Caldor hazardous tree and fuels reduction categorical exclusion was finalized in July of 2022 and 400 acres of mechanical treatment have been prepped for implementation to start in the spring and summer of 2023. Another 800 acres of hand thinning will be prepped next spring, summer, and will be ready for implementation in 2024. It is likely to be the first time next year that they will use the Steep Slopes Code Amendment that TRPA approved. It will be a great opportunity for TRPA and the Forest Service to partner together to understand how that's working out, gather information, what BMPs they're using and use it to showcase that type of work.

Tahoe Water for Fire Suppression partnership: This partnership was formed in 2007 to address firefighting water infrastructure deficiencies. Approximately 77 percent of the Tahoe Basin is designated as National Forest and communities served by this partnership are designated as the Wildland Urban Interface and any fire event would ultimately impact those Federal lands. Water infrastructure does play a critical role in fire suppression. In January of 2022 the TIE Steering Committee formally adopted the Tahoe Water for Fire Suppression projects into the EIP and were allocated \$2.1 million under the Lake Tahoe Restoration Act funding. This is another great example of where we are leveraging private funding with Federal funding because many of these projects are extremely expensive. They take LTRA dollars but then they also match those dollars in house with their own funding.

Another main area that they have been seeing a lot of accomplishments is capacity building. In terms of workforce and capacity development, the Lake Tahoe Community College launched their new Forestry program this last Fall and getting it up and running was a collaborative community approach. The California Tahoe Conservancy and Cal Fire provided funding for program development. The Tahoe Fund has provided scholarships to all new students, and TRPA and the Tahoe Resource Conservation District provided curriculum, development, and support. She will be teaching policy coming up this winter. The program is going to offer stackable certificates, a proposed associates degree in science and training for forest restoration jobs and hopefully providing that pipeline of critical forestry workers that we need in the basin.

Additionally, there are biomass opportunities both regionally and locally. Many have heard of Cabin Creek in Placer County. In August the Placer County Board of Supervisors voted to create the North Tahoe Truckee Biomass Task Force. Planning is complete on Cabin Creek and are now developing a plan to finance and get the project on the ground. The Alpine Biomass Collaborative was looking at biomass opportunities in Alpine County, unfortunately Measure D just passed which means they are prohibited from looking at biomass opportunities or permitting any biomass until that gets repealed and or another ballot initiative comes through. Northstar Community Services District is looking at implementing or building a small biomass unit that will help heat buildings in the winter, and also heat all the services in the village to melt snow. Lastly, the Forest Health & Wildfire Committee heard today a proposed project at South Tahoe Refuse to use on site green waste that's coming in for electricity and heat generation.

In addition, they have a wood products and utilization industry moving in down in Carson City. This is not in the basin, but it will play a big role to hopefully getting more work done. The Carson City Sawmill is a partnership between the Washoe Tribe of Nevada and California and the Tahoe Forest Products Group. It's anticipated to produce 50 million feet of lumber per year. If this is board feet, this would be about 7.5 million 2 x 4 x 10s, that's a lot of timber. Right now, logs are coming from the Caldor Fire salvage and cleanup, and the focus is on post-fire large logs with the potential to retool the system for small log options in the future. That's critical for a restoration economy and when they talk

about the Tahoe Basin and getting a lot of the ladder fuel out. That small log piece is really critical and is good to see that they are looking towards the future.

They've been receiving record levels of funding for forest health and fuels reduction in the Tahoe Basin. The Southern Nevada Public Lands Management Act awarded them \$46 million in their Round 18. The Lake Tahoe Restoration Act has been averaging around \$6 million annually for the past five years, and the State of California awarded the Tahoe Conservancy \$35 million for forest health and fuels reduction projects. There's a large influx of money that's available to go to these projects but they are always trying to think strategically about what projects are available, what fundings on the table, who's getting what and how we can move pots around in order to make sure that all of our priority work is getting done.

One way with that they are doing that is TRPA has just signed an agreement with the Forest Service to act as an intermediary for Lake Tahoe Restoration Act funding. The Forest Service will be passing LTRA dollars to TRPA which will then be awarded to non-federal implementers. This is just a way for them to increase the Forest Service's capacity to get funding out the door.

Next steps and priorities for the Tahoe Basin: They are currently going to be updating our LTRA Priority Project list for Forest Health, and that's going to include a project prioritization process which has not happened historically. They are also going to be developing a new Incident Action Plan. This one will include two years of future projects, so they have that outlook of what's coming down the pipeline. Currently, they have community wildfire protection plans being updated. Those are critical because each jurisdiction needs to have a Community Wildfire Protection Plan (CWPP) in place in order to be eligible for Federal funding. They are continuing to identify capacity and workforce development opportunities. Lastly, they want to look at how they can engage the Washoe Tribe of California and Nevada in cultural burning and forest health projects and management more in the basin.

Presentation can be found here: [Agenda-Item-No-VIIB-Forest-Tahoe-Fire-and-Fuels-Team-Update.pdf](#)

#### Board Comments & Questions

Ms. Aldean did she understand correctly that the timber removed as part of the defensible space projects at Spooner Lake went to Quincy, California?

Ms. McIntyre said that was the Spooner Landscape Resilience Project logs were sent to Quincy.

Ms. Aldean asked why they weren't sent down to the Carson Valley to the new sawmill site.

Ms. McIntyre said she did not know but it does predate that site.

Ms. Aldean said the facility is not operational right now but they're taking logs from the Caldor Fire for future processing. Since those logs from Spooner are a Nevada resource, they probably should go down and benefit of that company.

Ms. Conrad-Saydah was wondering about the helicoptering of logs to Sierra Pacific Industries in Loyalton, and Ms. McIntyre had talked about bond funding for those projects, are the companies that are receiving the logs, either feeding back into the projects financially based on the processing and sale of those logs, or are they paying for the helicopters? How are they contributing in a public private partnership to these types of treatments?

Ms. McIntyre said she doesn't know those particular answers but can find that information out. She'd imagine that they weren't being helicoptered all the way to Loyalton or Quincy. They were probably helicoptered to a landing site, and then put on a truck.

Ms. Conrad-Saydah said we just need to make sure that we're thinking about all of that. With future treatment projects will some of these logs be kept closer to the basin with that Carson City sawmill?

Ms. McIntyre said the benefit of the Carson City sawmill is when you do the calculus of where you're going to take your logs, the haul costs are significantly cheaper to take them down there than it would be to Loyalton. She'd imagine that once that facility is up and running, and they have more agreements in place, more product from the basin will just go there because it will be easier and more cost efficient.

Ms. Regan said the Spooner project started about three years ago, so, it did start before the site behind the Walmart in Carson City was available. It was her understanding that the helicopter work was then facilitated and trucking after the fact. One thing that they can talk about, particularly as the Cabin Creek site evolves, there are new opportunities having two very close proximity areas to the basin which they haven't had for quite some time. That site just outside of Palisades Tahoe on the way to Truckee came about because of the Kings Beach outcry of not citing that facility in the basin

facilitated that to happen, and there were Federal appropriations. They can get more specifics from the implementing partners.

Mr. Friedrich said the Cabin Creek hold up last time was not coming to terms with Liberty, is that still work in progress?

Ms. McIntyre said it's her understanding that the Cabin Creek hold up last time was it was under agreement and Liberty pulled out as the purchaser of the electricity. She believes that is still in conversation.

Mr. Friedrich asked if Loyalton was operational right now.

Ms. McIntyre said yes.

Mr. Hicks thanked Ms. McIntyre for her presentation today. There's always a lot of work to be done on forest health. He's been concerned about the Tahoe West project because it seemed to have hit high ground in the last year or so and am glad to hear that it's moving along perhaps in smaller pieces but something's being done. The one message they we got from Caldor and Dixie Fires is that we are no longer safe from fires coming over the top. God only knows what happens if it comes over into west Tahoe. They need to put all of their efforts into encouraging all of the partners in doing what they have to do to move that.

Ms. McIntyre said the Forest Service is going to be conducting planning probably this winter for Lake Tahoe West. The way that it was envisioned has shifted but the pieces all still aligned to do a comprehensive restoration project.

Public Comments & Questions

Victor Lyon, Vegetation Management Staff Officer, Lake Tahoe Basin Management Unit for the Forest Service. He anticipates that the Forest Service is going to reinstate Lake Tahoe West planning. That large landscape planning project is inclusive of many lands from approximately Emerald Bay up to just about Dollar Point on the North Shore. Simultaneously, while they're reinstating the planning effort and having a conversation with a Forest Supervisor at the end of this month on exactly what that new scope of work will look like. They are still implementing the portions of the Lake Tahoe West landscape that were planned prior to Lake Tahoe West, including, projects like the West Shore Wildland Urban Interface. Some of the units that are envisioned as part of Lake Tahoe West are counting on some of those West Shore WUI and other projects getting done. The Liberty Utilities Resilience Corridors project is also in that Lake Tahoe West footprint.

VIII. REPORTS

A. Executive Director Status Report

1) Tahoe In Brief – Governing Board Monthly Report

Mr. Hester said there are a couple of typos in the application tracking part of the Tahoe In Brief report. On page 233, the 40 and 40 should be up one line, and on page 234, the number below 70 on the top right corner should be 66, not 34.

B. General Counsel Status Report

Mr. Marshall said the Dobbins appeal was filed in State Court and has since been removed to Federal Court. This was challenging TRPAs denial of that buoy as being non littoral. They also had claims against the Glenbrook Homeowners Association. The response of pleading is due in a few weeks.

The Ninth circuit affirmed the district court's dismissal of the Garmong case so absent any requests for en banc reconsideration petitions for certiorari to the supreme court, that case may be complete except for the attorney's fees issues. Dr. Garmong was assessed significant attorney's fees incurred by the Verizon and the various private parties. He then appealed that and that's now undergoing the briefing in the Ninth Circuit.

In an enforcement case, TRPA v. Parker for an illegal mooring off of a South Lake Tahoe beach they have taken Mr. Parker's default and now have to go through a process for the court to assign civil penalty amount, and then we'll seek to recover that amount from Mr. Parker. They thought they had a settlement with Mr. Parker and was not an unreasonable one from our perspective. He's been reluctant to sign it so, hopefully during process he'll realize it's a better deal than he's going to get out of court.

In the Harrosh case, the Ninth Circuit yesterday evening just denied Mr. Harroh's application for a stay pending appeal of the District Courts denial of his motion for preliminary injunction to stop the construction of the pier just to the north of his parcel. They'll start briefing the merits of the appeal on the preliminary junction over the next two months or so. They are interested in that case because of how that came to the Governing Board. Last month, they talked about the process for hearing appeals of grants of permits at the Governing Board.

IX. GOVERNING BOARD MEMBER REPORTS

Ms. Hill invited anyone interested to join the Washoe Tahoe Transportation Summit at the Parasol building tonight at 4:00 p.m. The presentation starts at 5:30 p.m. that will be looking at transportation solutions, public safety solutions, multi-modal questions, and parking for State Route 28, all of the roads in Washoe and connecting to Crystal Bay. They've been doing a study for almost a year now, and they're going to show the community what we've got and ask for input.

Mr. Yeates said even though he's a California voter, he thanked Secretary Cegavske for surviving another campaign, doing such a great job, and being an excellent member of TRPA. All that he heard over the last few weeks about what all the election officials went through almost nationwide and dealing with the unfortunate situation, those that deny the validity of our elections. Certainly, the work of the Secretary of States throughout this nation is amazing. The Secretary took a lot of grief unnecessarily and am grateful for people like Barbara who did her job.

Mrs. Cegavske thanked Ms. Hill and Mr. Donohue for the proclamation from the Nevada Tahoe Regional Planning Agency. It's been a pleasure to work with TRPA and get to know all of you individually.

X. COMMITTEE REPORTS

A. Local Government & Housing Committee

No report.

B. Legal Committee

No report.

C. Operations & Governance Committee

No report.

D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

E. Forest Health and Wildfire Committee

Mr. Hicks said the committee met today and received presentation about the proposed biomass gasification project in the City of South Lake Tahoe. He appreciated Mr. Friedrich's work in helping move this along. He spoke with Mr. Marshall about how to keep this moving forward. The committee was impressed by the presentation, and they'll be hearing more about this in the future.

F. Regional Plan Implementation Committee

No report.

XI. PUBLIC INTEREST COMMENTS

None.

XII. ADJOURNMENT

Mr. Yeates moved to adjourn the meeting.

Vice Chair Ms. Williamson adjourned the meeting at 2:37 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler  
Clerk to the Board

*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).*



STAFF REPORT

Date: December 7, 2022  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: November Financial Statements, Fiscal Year 2023

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Summary and Staff Recommendation:

We are four months, or 42% of the way into the 2023 fiscal year. All expenditures are within budget and revenues are at or exceeding projections.

Staff recommends acceptance of the November Financial Statements for Fiscal Year 2022.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion based on the staff report:

- 1) A motion to accept the November 2022 Financial Statements

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

The first four months (42%) of the fiscal year are now complete. Revenues are at 52% of the annual budget, and expenditures at 31% of budget. Revenues are high because we have billed both states for their contributions and Planning Fees remain high.

YTD Revenues and Expenses

Revenues are at 52% of budget. We recognize revenue when billed, so the states' contributions are shown in their entirety. TRPA will spend down the balance over the rest of the fiscal year. The remaining unbilled State funding is for the Tahoe Science Advisory Commission (TSAC). That is billed as spent, like a grant. Fees for services are strong matching or exceeding prior years. This includes Current Planning fees, AIS fees, and Shoreline fees. Current Planning Fees are at a record level, higher than the prior 4 years and at 44% of budget. Project applications continue to run at an elevated level. AIS fees are at 48%. Shoreline fees are at 9% of budget. Most Shoreline fees come in during the fourth quarter of the fiscal year.

Expenditures are at 24% of budget. Compensation expenses are at 35% of the annual budget, consistent with the timing of payrolls and vacancies. Contract expenses are running behind at

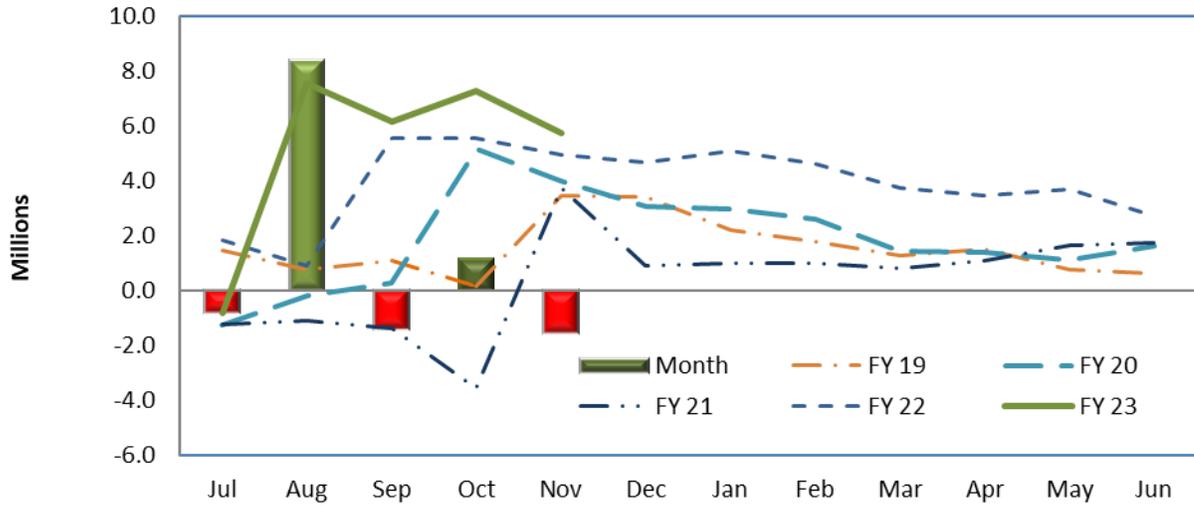
26% due to normal lags in payment cycles. Our debt service payments are twice a year, in December and June.

<b>Revenue</b>	<b>State &amp; Local</b>	<b>Fees</b>	<b>Grants</b>	<b>Total</b>
Fees for Service		1,549,883		1,549,883
Grants	5,250	1,525	2,484,436	2,491,211
State Revenue	7,152,452			7,152,452
Local Revenue				
Rent Revenue		133,837		133,837
Other Revenue	2,637			2,637
TRPA Rent Revenue		287,075		287,075
<b>Revenue Total</b>	<b>7,160,339</b>	<b>1,972,320</b>	<b>2,484,436</b>	<b>11,617,094</b>
<b>Expenses</b>				
Compensation	1,824,159	740,906	340,727	2,905,792
Contracts	443,528	322,283	2,609,815	3,375,626
Financing	(70)	33,992		33,922
Other	261,127	333,781	3,663	598,571
Rent	295,465	7,157		302,621
A&O/Transfers	(574,791)	398,628	169,563	(6,599)
<b>Expenses Total</b>	<b>2,249,417</b>	<b>1,836,746</b>	<b>3,123,769</b>	<b>7,209,932</b>
<b>Net</b>	<b>4,910,922</b>	<b>135,574</b>	<b>(639,333)</b>	<b>4,407,162</b>

Cash Flow

Cash flow was a negative \$1.6M for the month. This is normal due to receiving the state funding in prior months. Cash receipts were \$0.9M, mostly planning fees. Disbursements were \$2.5M consistent with this year’s monthly spend. We are running ahead of prior years. The TRPA budget for this year is also higher than prior years, so it is not surprising our expenditures are ahead as well.

## Monthly/Cumulative Cash Flow



### TRPA Balance Sheet

TRPA’s Balance Sheet remains strong due to billing and receiving both State’s contributions. We spend down those funds over the course of the fiscal year. Cash decreased by \$1.0 M during the month, due to expenditures in excess of receipts. Accounts Receivables decreased \$0.3M as we collected on Grant invoices. Liabilities decreased by \$0.1M. The net result was a \$1.2M decrease in net assets for the month.

	<b>TRPA</b>	<b>Grants</b>	<b>Trust</b>	<b>Total</b>
Cash & Invest	11,311,652	1,814,257	24,519,744	37,645,653
A/R	107,820	496,465	3,397	607,682
Current Assets	254,677			254,677
LT Assets	8,260,523			8,260,523
<b>Total Assets</b>	<b>19,934,672</b>	<b>2,310,722</b>	<b>24,523,141</b>	<b>46,768,535</b>
A/P	28,623			28,623
Benefits	842,696			842,696
Deferred Rev	13,856	109,463		123,319
Deposits	454,060	2,845		456,904
LT Debt	8,198,000			8,198,000
Mitigation			2,759,288	2,759,288
Securities			6,560,120	6,560,120
<b>Total Liabilities</b>	<b>9,537,234</b>	<b>112,307</b>	<b>9,319,408</b>	<b>18,968,949</b>
<b>Net Position</b>	<b>10,397,438</b>	<b>2,198,415</b>	<b>15,203,733</b>	<b>27,799,586</b>

*When reading the detailed reports (attached), be aware that fund balances may not be intuitive. Negative balances mean revenues exceeded expenses. Positive fund balance occurs when expenses exceed revenue. This reflects the formatting in our accounting system.*

Contact Information:

For questions regarding this agenda item, please contact Chris Keillor at (775) 589-5222 or [ckeillor@trpa.org](mailto:ckeillor@trpa.org).

Attachment:

A. November Financial Statements

Attachment A

November Financial Statements

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Program**  
*Fiscal YTD November 2022*

TRPA Totals	Ann Budget	YTD	Remaining	% Spent
<b>Revenue</b>				
State Revenue	7,681,010	7,152,452	528,558	93%
Grants	9,950,852	2,491,211	7,459,641	25%
Fees for Service	3,834,965	1,549,883	2,285,082	40%
Local Revenue	150,000		150,000	
Rent Revenue	249,348	133,837	115,511	54%
TRPA Rent Revenue	688,980	287,075	401,905	42%
Other Revenue		2,637	2,637	
Revenue Total	22,555,155	11,617,094	10,938,061	52%
<b>Expenses</b>				
Compensation	8,228,734	2,905,792	5,322,942	35%
Contracts	12,936,317	3,375,626	9,560,691	26%
Financing	617,450	33,922	583,529	5%
Rent	739,125	302,621	436,503	41%
Other	820,485	606,738	213,747	74%
A&O/Transfers	14,772	6,600	8,173	45%
Expenses Total	23,327,338	7,218,099	16,109,239	31%
<b>TRPA Net</b>	<b>(772,183)</b>	<b>4,398,995</b>	<b>(5,171,178)</b>	
<b>Agency Mgmt</b>				
Revenue				
Fees for Service				
Grants	3,000	25	2,975	1%
State Revenue	6,232,422	6,232,422		100%
Other Revenue		2,637	2,637	
Local Revenue	150,000		150,000	
Revenue Total	6,385,422	6,235,084	150,338	98%
Expenses				
Compensation	1,944,269	755,825	1,188,444	39%
Contracts	314,491	70,463	244,028	22%
Financing	174	20	194	
Rent	2,249		2,249	
Other	181,312	50,915	130,398	28%
Expenses Total	2,442,496	877,183	1,565,313	36%
<b>Agency Mgmt Net</b>	<b>3,942,926</b>	<b>5,357,901</b>	<b>(1,414,974)</b>	136%

	Ann Budget	YTD	Remaining	
<b>Current Planning</b>				
Revenue				
Fees for Service	2,983,563	1,140,624	1,842,939	38%
Grants	3,600	1,500	2,100	42%
State Revenue	124,000	124,000		100%
Other Revenue				
Revenue Total	3,111,163	1,266,124	1,845,039	41%
Expenses				
Compensation	2,012,896	728,427	1,284,468	36%
Contracts	790,751	303,835	486,916	38%
Financing	55,288	24,762	30,525	45%
Other	78,585	20,457	58,128	26%
A&O/Transfers	1,107,790	381,193	726,596	34%
Expenses Total	4,045,309	1,458,675	2,586,634	36%

<b>Curr Plan Net</b>	<b>(934,146)</b>	<b>(192,551)</b>	<b>(741,595)</b>	
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**Envir. Imp.**

Revenue				
Fees for Service	851,402	409,259	442,143	48%
Grants	7,116,942	2,155,222	4,961,720	30%
State Revenue	750,000	750,000		100%
Revenue Total	8,718,344	3,314,481	5,403,863	38%
Expenses				
Compensation	1,258,085	426,707	831,378	34%
Contracts	7,500,858	2,508,907	4,991,951	33%
Financing	15,000	9,179	5,821	61%
Rent	47,571	14,821	32,750	31%
Other	91,259	32,007	59,252	35%
A&O/Transfers	300,348	58,967	241,381	20%
Expenses Total	9,213,121	3,050,589	6,162,532	33%

<b>Env Imp Net</b>	<b>(494,777)</b>	<b>263,893</b>	<b>(758,670)</b>	
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	Ann Budget	YTD	Remaining	
<b>L RTP</b>				
Revenue				
Grants	2,401,088	317,008	2,084,080	13%
Fees for Service				
Other Revenue				
Revenue Total	2,401,088	317,008	2,084,080	13%
Expenses				
Compensation	1,423,441	510,623	912,818	36%
Contracts	1,386,788	216,610	1,170,178	16%
Rent	325	725	400	223%
Other	33,098	15,223	17,876	46%
A&O/Transfers	448,841	128,031	320,809	29%
Expenses Total	3,292,493	871,212	2,421,281	26%

L RTP Net	(891,405)	(554,204)	(337,201)	
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**R & A**

Revenue				
Grants	426,222	17,455	408,767	4%
State Revenue	574,588	46,030	528,558	8%
Revenue Total	1,000,810	63,486	937,324	6%
Expenses				
Compensation	1,165,427	447,116	718,311	38%
Contracts	2,206,682	169,648	2,037,034	8%
Other	4,541	5,795	1,254	128%
A&O/Transfers	13,628		13,628	
Expenses Total	3,390,277	622,560	2,767,718	18%

R & A Net	(2,389,467)	(559,074)	(1,830,393)	
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	<b>Ann Budget</b>	<b>YTD</b>	<b>Remaining</b>
<b>Infrastructure</b>			
Revenue			
Other Revenue			
Rent Revenue	249,348	133,837	115,511
TRPA Rent Revenue	688,980	287,075	401,905
Revenue Total	<u>938,328</u>	<u>420,912</u>	<u>517,416</u>
Expenses			
Compensation	96,148	37,094	59,054
Contracts	736,747	106,162	630,585
Financing	546,989		546,989
Rent	688,980	287,075	401,905
Other	429,516	474,174	44,658
Expenses Total	<u>2,498,380</u>	<u>904,505</u>	<u>1,593,875</u>

<b>Infrastructure Net</b>	<b>(1,560,051)</b>	<b>(483,593)</b>	
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**Other**

Expenses			
A&O/Transfers	<u>1,885,378</u>	<u>574,791</u>	<u>1,310,587</u>
Expenses Total	<u>1,885,378</u>	<u>574,791</u>	<u>1,310,587</u>

## TRPA Selected Current Planning Fees

*Fiscal Year-to-Date November 2022*

Fee Type	2020	2021	2022	2023	This year vs. Last 3 Years
RESIDENTIAL	147,939	153,162	189,752	196,861	33,244
OTHER_REV	64,529	79,580	65,061	86,423	16,700
GENERAL	79,514	88,445	58,475	67,582	(7,896)
COMMERCL_TA	43,560	32,326	49,106	64,474	22,810
REVISIONS	20,226	46,925	26,035	47,632	16,570
MOORING		20,831	26,870	46,653	30,753
SECURITIES	25,325	26,596	29,464	44,512	17,384
ALLOCATION	34,632	43,254	44,440	43,458	2,683
TREE_RMVL	42,228	52,966	49,713	42,965	(5,337)
FULL_SITE	33,000	37,183	44,123	40,756	2,654
RECR_PUBLIC	23,650	18,561	32,563	27,564	2,640
LAND_CHALL	32,230	53,411	34,923	22,493	(17,695)
SHOREZONE	71,978	60,154	25,142	21,454	(30,970)
GRADE_EXCEPT	19,512	19,254	25,026	20,760	(504)
LLADJ_ROW	5,122	3,855	5,572	15,973	11,123
SOILS_HYDRO	14,175	12,550	20,163	14,688	(941)
LAND_CAP	9,612	9,350	7,371	12,537	3,759
ENFORCEMNT	15,488	17,319	21,470	11,273	(6,820)
IPES	(1,925)	6,029	7,932	9,129	5,117
VB_COVERAGE	5,586	7,197	5,008	7,262	1,332
PRE-APP	1,272	1,748	3,059	7,110	5,084
VB_USE	9,360	1,928	1,986	5,230	805
GRADING	5,369	6,800	5,037	5,071	(664)
TEMP_USE	1,120	1,846	1,902	5,005	3,382
MONITORING	2,800			5,000	4,067
CEP				4,995	4,995
TRANS_DEV		8,520	6,104	4,680	(195)
PARTIAL_SITE	2,400	4,120	5,088	4,460	591
STD	3,864	(598)	11,304	4,046	(811)
QUAL_EXEMPT	4,956	3,276	3,366	3,940	74
NOTE_APPEAL		3,968	3,066	3,228	883
QE SHOREZONE	3,831	2,781	4,134	2,680	(902)
CONSTR_EXT	1,164	1,836	2,254	2,017	266
SIGNS	960	2,186	3,356	1,731	(436)
SUBDIV_EXIST	1,002		3,329	1,119	(325)
UNDRGRD_TANK	2,880	1,628	419	882	(760)
LMTD_INCENT	1,041	357		756	290
RES_DRIVE	776	600	206	651	124
STD2				136	136
SCENIC_ASSES			546		
STD3	3,445				
<b>Totals</b>	<b>732,622</b>	<b>829,944</b>	<b>823,363</b>	<b>907,187</b>	<b>111,878</b>

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Agency Mgmt</b>				
GF Revenue				
Revenue				
State Revenue	(6,232,422)	(6,232,422)	0	100.0%
Local Revenue	(150,000)	0	(150,000)	0.0%
Other Revenue	0	(0)	0	
Revenue Total	(6,382,422)	(6,232,422)	(150,000)	97.6%
<b>GF Revenue Total</b>	<b>(6,382,422)</b>	<b>(6,232,422)</b>	<b>(150,000)</b>	<b>97.6%</b>
Gov Board				
Expenses				
Contracts	1,000	800	200	80.0%
Other	16,813	6,574	10,240	39.1%
Rent	2,249	0	2,249	0.0%
Expenses Total	20,062	7,374	12,689	36.8%
<b>Gov Board Total</b>	<b>20,062</b>	<b>7,374</b>	<b>12,689</b>	<b>36.8%</b>
Executive				
Expenses				
Compensation	716,698	258,269	458,429	36.0%
Other	4,758	1,990	2,768	41.8%
Expenses Total	721,456	260,259	461,197	36.1%
<b>Executive Total</b>	<b>721,456</b>	<b>260,259</b>	<b>461,197</b>	<b>36.1%</b>
Legal				
Expenses				
Compensation	301,309	111,143	190,166	36.9%
Contracts	113,654	23,788	89,866	20.9%
Other	5,732	353	5,379	6.1%
Expenses Total	420,695	135,283	285,412	32.2%
<b>Legal Total</b>	<b>420,695</b>	<b>135,283</b>	<b>285,412</b>	<b>32.2%</b>
Communications				
Revenue				
Other Revenue	0	(2,637)	2,637	
Revenue Total	0	(2,637)	2,637	
Expenses				
Compensation	234,160	100,567	133,593	42.9%
Contracts	20,000	0	20,000	0.0%

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Other	22,664	12,924	9,740	57.0%
Expenses Total	276,824	113,491	163,333	41.0%
<b>Communications Total</b>	<b>276,824</b>	<b>110,854</b>	<b>165,970</b>	<b>40.0%</b>
<b>Finance</b>				
Revenue				
Financing	0	(70)	70	
Revenue Total	0	(70)	70	
Expenses				
Compensation	429,431	177,108	252,322	41.2%
Contracts	52,055	0	52,055	0.0%
Other	293	583	(290)	198.9%
Expenses Total	481,779	177,691	304,087	36.9%
<b>Finance Total</b>	<b>481,779</b>	<b>177,621</b>	<b>304,157</b>	<b>36.9%</b>
<b>HR</b>				
Expenses				
Compensation	262,672	108,738	153,934	41.4%
Contracts	127,782	45,875	81,907	35.9%
Other	63,205	9,792	53,413	15.5%
Expenses Total	453,659	164,405	289,254	36.2%
<b>HR Total</b>	<b>453,659</b>	<b>164,405</b>	<b>289,254</b>	<b>36.2%</b>
<b>Agency Mgmt Total</b>	<b>(4,007,948)</b>	<b>(5,376,626)</b>	<b>1,368,678</b>	<b>134.1%</b>
<b>Current Planning</b>				
Current Planning				
Revenue				
Fees for Service	(2,243,563)	(919,303)	(1,324,260)	41.0%
Revenue Total	(2,243,563)	(919,303)	(1,324,260)	41.0%
Expenses				
Compensation	1,262,743	499,518	763,225	39.6%
Contracts	430,540	182,604	247,937	42.4%
Financing	49,087	22,160	26,927	45.1%
Other	5,485	75	5,410	1.4%
A&O/Transfers	729,360	278,331	451,029	38.2%
Expenses Total	2,477,214	982,687	1,494,527	39.7%
<b>Current Planning Total</b>	<b>233,652</b>	<b>63,384</b>	<b>170,267</b>	<b>27.1%</b>

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Current Planning Reimbursed</b>				
Revenue				
Fees for Service	(150,000)	(169,399)	19,399	112.9%
Revenue Total	(150,000)	(169,399)	19,399	112.9%
Expenses				
Contracts	118,000	71,204	46,796	60.3%
Expenses Total	118,000	71,204	46,796	60.3%
<b>Current Planning Reimbursed Total</b>	<b>(32,000)</b>	<b>(98,196)</b>	<b>66,196</b>	<b>306.9%</b>
<b>Code Enforcement</b>				
Expenses				
Compensation	389,139	147,001	242,138	37.8%
Other	7,360	1,151	6,209	15.6%
A&O/Transfers	224,767	81,909	142,858	36.4%
Expenses Total	621,266	230,061	391,205	37.0%
<b>Code Enforcement Total</b>	<b>621,266</b>	<b>230,061</b>	<b>391,205</b>	<b>37.0%</b>
<b>Boat Crew</b>				
Revenue				
State Revenue	(124,000)	(124,000)	0	100.0%
Revenue Total	(124,000)	(124,000)	0	100.0%
Expenses				
Compensation	94,977	44,304	50,673	46.6%
Other	40,076	10,427	29,649	26.0%
Expenses Total	135,053	54,731	80,322	40.5%
<b>Boat Crew Total</b>	<b>11,053</b>	<b>(69,269)</b>	<b>80,322</b>	
<b>Settlements</b>				
Revenue				
Fees for Service	(150,000)	0	(150,000)	0.0%
Grants	(3,600)	(1,500)	(2,100)	41.7%
Revenue Total	(153,600)	(1,500)	(152,100)	1.0%
Expenses				
Contracts	138,993	46,000	92,993	33.1%
Other	20,600	0	20,600	0.0%
Expenses Total	159,593	46,000	113,593	28.8%

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Settlements Total</b>	<b>5,993</b>	<b>44,500</b>	<b>(38,508)</b>	<b>742.6%</b>
<b>Legal - Direct or Disallowed</b>				
Revenue				
Fees for Service	0	(38,909)	38,909	
Revenue Total	0	(38,909)	38,909	
Expenses				
Contracts	32,000	(3,005)	35,005	-9.4%
Fees for Service	0	27,967	(27,967)	
Expenses Total	32,000	24,962	7,038	78.0%
<b>Legal - Direct or Disallowed Total</b>	<b>32,000</b>	<b>(13,947)</b>	<b>45,947</b>	<b>-43.6%</b>
<b>Shorezone</b>				
Revenue				
Fees for Service	(440,000)	(40,979)	(399,021)	9.3%
Revenue Total	(440,000)	(40,979)	(399,021)	9.3%
Expenses				
Compensation	266,037	37,604	228,433	14.1%
Contracts	71,218	7,032	64,186	9.9%
Financing	6,201	2,603	3,599	42.0%
Other	5,064	8,805	(3,740)	173.9%
A&O/Transfers	153,663	20,953	132,710	13.6%
Expenses Total	502,183	76,997	425,186	15.3%
<b>Shorezone Total</b>	<b>62,183</b>	<b>36,018</b>	<b>26,165</b>	<b>57.9%</b>
<b>Current Planning Total</b>	<b>934,146</b>	<b>192,551</b>	<b>741,595</b>	<b>20.6%</b>
<b>Envir. Imp.</b>				
Env. Improv.				
Revenue				
State Revenue	0	(375,000)	375,000	
Revenue Total	0	(375,000)	375,000	
Expenses				
Compensation	537,118	236,226	300,892	44.0%
Contracts	21,218	85	21,133	0.4%
Other	5,829	6,559	(730)	112.5%
Expenses Total	564,165	242,870	321,294	43.0%
<b>Env. Improv. Total</b>	<b>564,165</b>	<b>(132,130)</b>	<b>696,294</b>	<b>-23.4%</b>

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Watercraft Inspection Fees</b>				
Revenue				
Fees for Service	(731,678)	(337,632)	(394,046)	46.1%
Revenue Total	(731,678)	(337,632)	(394,046)	46.1%
Expenses				
Compensation	76,775	25,493	51,282	33.2%
Contracts	582,066	17,739	564,326	3.0%
Financing	15,000	9,179	5,821	61.2%
Other	27,067	14,691	12,375	54.3%
Rent	30,771	7,157	23,615	23.3%
A&O/Transfers	0	0	0	
Expenses Total	731,678	74,259	657,419	10.1%
<b>Watercraft Inspection Fees Total</b>	<b>0</b>	<b>(263,373)</b>	<b>263,373</b>	
<b>CA Gen Fund AIS Prevention</b>				
Revenue				
State Revenue	(375,000)	(375,000)	0	100.0%
Revenue Total	(375,000)	(375,000)	0	100.0%
Expenses				
Contracts	375,000	88,985	286,015	23.7%
Expenses Total	375,000	88,985	286,015	23.7%
<b>CA Gen Fund AIS Prevention Total</b>	<b>0</b>	<b>(286,015)</b>	<b>286,015</b>	
<b>NV Gen Fund AIS Prevention &amp; Control</b>				
Revenue				
State Revenue	(375,000)	0	(375,000)	0.0%
Revenue Total	(375,000)	0	(375,000)	0.0%
Expenses				
Compensation	68,926	36,642	32,284	53.2%
Contracts	231,601	8,400	223,201	3.6%
Other	57,673	10,616	47,056	18.4%
Rent	16,800	7,665	9,135	45.6%
A&O/Transfers	0	0	0	
Expenses Total	375,000	63,323	311,677	16.9%
<b>NV Gen Fund AIS Prevention &amp; Control Tot</b>	<b>0</b>	<b>63,323</b>	<b>(63,323)</b>	
<b>USFWS AIS Control Lake Tahoe 2</b>				

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Revenue</b>				
Grants	(1,317,017)	(424,096)	(892,921)	32.2%
<b>Revenue Total</b>	<b>(1,317,017)</b>	<b>(424,096)</b>	<b>(892,921)</b>	<b>32.2%</b>
<b>Expenses</b>				
Compensation	0	24,004	(24,004)	
Contracts	1,317,017	80,917	1,236,100	6.1%
A&O/Transfers	0	13,375	(13,375)	
<b>Expenses Total</b>	<b>1,317,017</b>	<b>118,296</b>	<b>1,198,721</b>	<b>9.0%</b>
<b>USFWS AIS Control Lake Tahoe 2 Total</b>	<b>0</b>	<b>(305,800)</b>	<b>305,800</b>	
<b>USFS LTRA Ski Run Marina</b>				
<b>Revenue</b>				
Grants	(187,875)	(1,718)	(186,157)	0.9%
<b>Revenue Total</b>	<b>(187,875)</b>	<b>(1,718)</b>	<b>(186,157)</b>	<b>0.9%</b>
<b>Expenses</b>				
Compensation	58,872	1,709	57,163	2.9%
Contracts	95,000	0	95,000	0.0%
A&O/Transfers	34,004	952	33,052	2.8%
<b>Expenses Total</b>	<b>187,876</b>	<b>2,661</b>	<b>185,215</b>	<b>1.4%</b>
<b>USFS LTRA Ski Run Marina Total</b>	<b>1</b>	<b>943</b>	<b>(942)</b>	
<b>Shorezone Mitigation Funds</b>				
<b>Revenue</b>				
Fees for Service	(49,645)	(40,870)	(8,775)	82.3%
<b>Revenue Total</b>	<b>(49,645)</b>	<b>(40,870)</b>	<b>(8,775)</b>	<b>82.3%</b>
<b>Expenses</b>				
Contracts	49,645	0	49,645	0.0%
<b>Expenses Total</b>	<b>49,645</b>	<b>0</b>	<b>49,645</b>	<b>0.0%</b>
<b>Shorezone Mitigation Funds Total</b>	<b>0</b>	<b>(40,870)</b>	<b>40,870</b>	
<b>AIS Prevention (SNPLMA Rnd 12 Final)</b>				
<b>Revenue</b>				
Grants	(1,577,773)	(553,278)	(1,024,495)	35.1%
<b>Revenue Total</b>	<b>(1,577,773)</b>	<b>(553,278)</b>	<b>(1,024,495)</b>	<b>35.1%</b>
<b>Expenses</b>				
Compensation	277,762	46,346	231,416	16.7%
Contracts	1,139,574	296,249	843,325	26.0%

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
A&O/Transfers	160,435	25,824	134,611	16.1%
Expenses Total	1,577,771	368,418	1,209,352	23.4%
<b>AIS Prevention (SNPLMA Rnd 12 Final) Total</b>	<b>(2)</b>	<b>(184,859)</b>	<b>184,857</b>	
<b>ANS Mgmt Plan - Meeks Bay Control</b>				
Revenue				
Grants	(149,092)	(70,867)	(78,225)	47.5%
Revenue Total	(149,092)	(70,867)	(78,225)	47.5%
Expenses				
Contracts	149,092	95,000	54,092	63.7%
Expenses Total	149,092	95,000	54,092	63.7%
<b>ANS Mgmt Plan - Meeks Bay Control Total</b>	<b>0</b>	<b>24,133</b>	<b>(24,133)</b>	<b>7541684.4%</b>
<b>AIS Decon Unit Purchase (DBW)</b>				
Revenue				
Grants	(75,000)	0	(75,000)	0.0%
Revenue Total	(75,000)	0	(75,000)	0.0%
Expenses				
Contracts	75,000	0	75,000	0.0%
Expenses Total	75,000	0	75,000	0.0%
<b>AIS Decon Unit Purchase (DBW) Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Warm Water Fish Control (Prop 1 CTC)</b>				
Revenue				
Grants	(100,000)	0	(100,000)	0.0%
Revenue Total	(100,000)	0	(100,000)	0.0%
Expenses				
Contracts	100,000	100,000	0	100.0%
Expenses Total	100,000	100,000	0	100.0%
<b>Warm Water Fish Control (Prop 1 CTC) Total</b>	<b>0</b>	<b>100,000</b>	<b>(100,000)</b>	
<b>USFS Lake Tahoe West - P3</b>				
Revenue				
Grants	(35,850)	0	(35,850)	0.0%
Revenue Total	(35,850)	0	(35,850)	0.0%
Expenses				

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Compensation	22,724	0	22,724	0.0%
A&O/Transfers	13,126	0	13,126	0.0%
Expenses Total	35,850	0	35,850	0.0%
<b>USFS Lake Tahoe West - P3 Total</b>	<b>(0)</b>	<b>0</b>	<b>(0)</b>	<b>0.0%</b>
<b>BMP Enforcement in NV (NV 319)</b>				
Revenue				
Grants	(136,228)	(774)	(135,454)	0.6%
Revenue Total	(136,228)	(774)	(135,454)	0.6%
Expenses				
Compensation	56,465	2,273	54,192	4.0%
Contracts	60,000	0	60,000	0.0%
A&O/Transfers	19,763	796	18,967	4.0%
Expenses Total	136,228	3,069	133,159	2.3%
<b>BMP Enforcement in NV (NV 319) Total</b>	<b>(1)</b>	<b>2,295</b>	<b>(2,296)</b>	
<b>Stormwater Planning Support</b>				
Revenue				
Fees for Service	(70,079)	(30,757)	(39,322)	43.9%
Revenue Total	(70,079)	(30,757)	(39,322)	43.9%
Expenses				
Compensation	0	31,290	(31,290)	
Other	691	141	550	20.4%
A&O/Transfers	0	17,435	(17,435)	
Expenses Total	691	48,866	(48,175)	
<b>Stormwater Planning Support Total</b>	<b>(69,388)</b>	<b>18,109</b>	<b>(87,497)</b>	<b>-26.1%</b>
<b>Monitoring Asian Clams Sand Harbor (NDSL)</b>				
Revenue				
Grants	(1,379,803)	(180,400)	(1,199,403)	13.1%
Revenue Total	(1,379,803)	(180,400)	(1,199,403)	13.1%
Expenses				
Compensation	38,180	1,050	37,129	2.8%
Contracts	1,319,571	237,070	1,082,501	18.0%
A&O/Transfers	22,053	585	21,467	2.7%
Expenses Total	1,379,803	238,705	1,141,098	17.3%
<b>Monitoring Asian Clams Sand Harbor (NDSL)</b>	<b>0</b>	<b>58,305</b>	<b>(58,305)</b>	

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Lahontan Caldor Fire Monitoring</b>				
Revenue				
Grants	(118,380)	0	(118,380)	0.0%
Revenue Total	(118,380)	0	(118,380)	0.0%
Expenses				
Compensation	2,380	573	1,807	24.1%
Contracts	116,000	0	116,000	0.0%
A&O/Transfers	0	0	0	
Expenses Total	118,380	573	117,807	0.5%
<b>Lahontan Caldor Fire Monitoring Total</b>	<b>0</b>	<b>573</b>	<b>(573)</b>	
<b>NDF Healthy Forest/Lake</b>				
Revenue				
Grants	(88,300)	0	(88,300)	0.0%
Revenue Total	(88,300)	0	(88,300)	0.0%
Expenses				
Compensation	55,874	0	55,874	0.0%
A&O/Transfers	32,426	0	32,426	0.0%
Expenses Total	88,300	0	88,300	0.0%
<b>NDF Healthy Forest/Lake Total</b>	<b>(0)</b>	<b>0</b>	<b>(0)</b>	<b>0.0%</b>
<b>Cal Fire Defensible Space</b>				
Revenue				
Grants	(1,414,935)	(706,301)	(708,634)	49.9%
Revenue Total	(1,414,935)	(706,301)	(708,634)	49.9%
Expenses				
Contracts	1,414,935	1,388,773	26,162	98.2%
Expenses Total	1,414,935	1,388,773	26,162	98.2%
<b>Cal Fire Defensible Space Total</b>	<b>0</b>	<b>682,473</b>	<b>(682,472)</b>	
<b>Envir. Imp. Total</b>	<b>494,776</b>	<b>(262,892)</b>	<b>757,669</b>	<b>-53.1%</b>
<b>L RTP</b>				
Long Range & Transp. Planning				
Revenue				
Grants	0	(5,250)	5,250	
Revenue Total	0	(5,250)	5,250	

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Expenses</b>				
Compensation	610,187	268,373	341,814	44.0%
Contracts	161,000	4,460	156,540	2.8%
Other	2,249	3,370	(1,121)	149.8%
Rent	0	725	(725)	
<b>Expenses Total</b>	<b>773,435</b>	<b>276,927</b>	<b>496,508</b>	<b>35.8%</b>
<b>Long Range &amp; Transp. Planning Total</b>	<b>773,435</b>	<b>271,677</b>	<b>501,758</b>	<b>35.1%</b>
<b>TMPO</b>				
<b>Expenses</b>				
Contracts	93,649	15,703	77,946	16.8%
Other	23,996	8,190	15,806	34.1%
Rent	325	0	325	0.0%
<b>Expenses Total</b>	<b>117,969</b>	<b>23,892</b>	<b>94,077</b>	<b>20.3%</b>
<b>TMPO Total</b>	<b>117,969</b>	<b>23,892</b>	<b>94,077</b>	<b>20.3%</b>
<b>L RTP Total</b>	<b>891,405</b>	<b>295,570</b>	<b>595,835</b>	<b>33.2%</b>
<b>R &amp; A</b>				
<b>Research &amp; Analysis</b>				
<b>Expenses</b>				
Compensation	1,115,787	440,676	675,111	39.5%
Contracts	1,269,140	113,829	1,155,311	9.0%
Other	4,541	4,322	219	95.2%
<b>Expenses Total</b>	<b>2,389,468</b>	<b>558,827</b>	<b>1,830,641</b>	<b>23.4%</b>
<b>Research &amp; Analysis Total</b>	<b>2,389,468</b>	<b>558,827</b>	<b>1,830,641</b>	<b>23.4%</b>
<b>Nearshore Trib Monitoring (Lahontan)</b>				
<b>Revenue</b>				
Grants	(214,001)	(17,455)	(196,546)	8.2%
<b>Revenue Total</b>	<b>(214,001)</b>	<b>(17,455)</b>	<b>(196,546)</b>	<b>8.2%</b>
<b>Expenses</b>				
Compensation	4,749	1,421	3,328	29.9%
Contracts	209,252	19,670	189,582	9.4%
A&O/Transfers	0	0	0	
<b>Expenses Total</b>	<b>214,001</b>	<b>21,091</b>	<b>192,909</b>	<b>9.9%</b>
<b>Nearshore Trib Monitoring (Lahontan) Total</b>	<b>(0)</b>	<b>3,636</b>	<b>(3,636)</b>	

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Lake Tahoe West GIS Support</b>				
Revenue				
State Revenue	(250,000)	0	(250,000)	0.0%
Revenue Total	(250,000)	0	(250,000)	0.0%
Expenses				
Contracts	250,000	0	250,000	0.0%
Expenses Total	250,000	0	250,000	0.0%
<b>Lake Tahoe West GIS Support Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>R &amp; A Total</b>	<b>2,389,467</b>	<b>562,463</b>	<b>1,827,004</b>	<b>23.5%</b>
<b>Infrastructure</b>				
General Services				
Expenses				
Compensation	96,148	37,094	59,054	38.6%
Contracts	26,723	408	26,315	1.5%
Other	103,722	22,254	81,468	21.5%
Rent	688,980	287,075	401,905	41.7%
Expenses Total	915,574	346,832	568,742	37.9%
<b>General Services Total</b>	<b>915,574</b>	<b>346,832</b>	<b>568,742</b>	<b>37.9%</b>
IT				
Expenses				
Contracts	256,925	105,045	151,880	40.9%
Other	209,305	161,701	47,605	77.3%
Expenses Total	466,230	266,746	199,485	57.2%
<b>IT Total</b>	<b>466,230</b>	<b>266,746</b>	<b>199,485</b>	<b>57.2%</b>
Building				
Revenue				
Rent Revenue	(249,348)	(133,837)	(115,511)	53.7%
TRPA Rent Revenue	(688,980)	(287,075)	(401,905)	41.7%
Revenue Total	(938,328)	(420,912)	(517,416)	44.9%
Expenses				
Contracts	453,099	709	452,390	0.2%
Financing	546,989	0	546,989	0.0%
Other	49,594	266,654	(217,060)	537.7%
Expenses Total	1,049,682	267,362	782,319	25.5%

TRPA Detailed Financials  
Fiscal YTD November 2022

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Building Total</b>	<b>111,353</b>	<b>(153,550)</b>	<b>264,903</b>	<b>-137.9%</b>
<b>CAM</b>				
Expenses				
Other	66,894	23,565	43,329	35.2%
Expenses Total	66,894	23,565	43,329	35.2%
<b>CAM Total</b>	<b>66,894</b>	<b>23,565</b>	<b>43,329</b>	<b>35.2%</b>
<b>Infrastructure Total</b>	<b>1,560,051</b>	<b>483,593</b>	<b>1,076,459</b>	<b>31.0%</b>
<b>Other</b>				
Other				
Expenses				
Compensation	328,469	0	328,469	0.0%
Other	2,173	0	2,173	0.0%
A&O/Transfers	(1,885,378)	(574,791)	(1,310,587)	30.5%
Expenses Total	(1,554,737)	(574,791)	(979,946)	37.0%
<b>Other Total</b>	<b>(1,554,737)</b>	<b>(574,791)</b>	<b>(979,946)</b>	<b>37.0%</b>
<b>Other Total</b>	<b>(1,554,737)</b>	<b>(574,791)</b>	<b>(979,946)</b>	<b>37.0%</b>

STAFF REPORT

Date: December 7, 2022  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Nevada Division of State Land's Excess Mitigation Fund Disbursement (\$2,605,730)

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Summary and Staff Recommendation:

The Nevada Division of State Lands (NDSL) requests a disbursement of \$2,605,730 in Excess Coverage Mitigation (ECM) fees accumulated through fiscal year 2021 to carry out activities of the Nevada Land Bank.

Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release of \$2,605,730 in Excess Coverage Mitigation Funds to the Nevada Division of State Lands (NDSL) subject to the conditions contained in the TRPA/NDSL Memorandum of Understanding

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

The Nevada Land Bank Program supports implementation of the Regional Plan through the acquisition and restoration of sensitive land and participation in the banking, selling, and retirement of land coverage. The program is funded by ECM fees collected by TRPA from project applicants to offset the impacts of development. This cooperative relationship has been in place for nearly 30 years and is implemented by NDSL on behalf of TRPA pursuant to the interagency MOU (Attachment A). Since its inception, the Nevada Land Bank has processed 123 Land Coverage transfers, purchased seven parcels totaling over 25 acres, and retired over 600,000 square feet of Land Coverage.

The most recent ECM disbursement NDSL received was in October 2020 for \$1,403,020.97. NDSL fully expended the funding on priority projects by January 2022 which included:

- Land acquisition – NDSL purchased 10.6 acres and retired 8,257 square feet of sensitive Land Coverage in the upper Kingsbury area during January 2022.
- Land restoration – NDSL completed water quality and revegetation treatments on a 7.6-acre state-owned parcel named Clancy-Pohl off of Kingsbury Grade. This project is listed as an Environmental Improvement Program project.

- Land coverage retirement – NDSL retired 7,851 square feet of sensitive Land Coverage located in Incline Village during April 2021. In addition, NDSL purchased and permanently retired a total of 5,224 square feet of sensitive Land Coverage located in the South Stateline hydrozone from a private party in March 2022.
- Land Bank management – NDSL continued to administer the Nevada Land Bank on behalf of TRPA for the Nevada side of the Lake Tahoe Region.

Details of recent activities can be found in the attached FY21 and FY22 NDSL Land Bank Annual Reports.

Priorities for the \$2,605,730 disbursement include:

- Purchase and retire Land Coverage in sensitive land class capabilities similar to the accomplishments listed above
- Reimburse Land Bank administrative costs
- Complete Environmental Improvement Program projects identified in South Stateline
- Acquire land and retire the coverage from private parties

Contact Information:

For questions regarding this agenda item, please contact Kimberly Chevallier, Environmental Improvement Program Division Manager at (775) 589-5263 or [kchevallier@trpa.gov](mailto:kchevallier@trpa.gov)

Attachments:

- A. Memorandum of Understanding Between the Tahoe Regional Planning Agency and the Nevada Division of State Lands
- B. NDSL Lake Tahoe Mitigation and Land Bank Activities FY21 Annual Report
- C. NDSL Lake Tahoe Mitigation and Land Bank Activities FY22 Annual Report

Attachment A

Memorandum of Understanding Between the Tahoe Regional Planning Agency and the Nevada  
Division of State Lands

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE TAHOE REGIONAL PLANNING AGENCY AND  
THE NEVADA DIVISION OF STATE LANDS**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into this 22<sup>nd</sup> day of April, 2020, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), a bi-state agency created under the Tahoe Regional Planning Compact, and the Department of Conservation and Natural Resources, Nevada Division of State Lands (NDSL), an agency of the State of Nevada. This MOU is effective upon the date of the last signature of the last party to sign this agreement. This Memorandum of Understanding replaces entirely the Memorandum of Understanding dated February 18, 1988, between the parties and the former shall control all collection and expenditure of excess coverage mitigation fees going forward.

**I. AUTHORITY.**

This Memorandum of Understanding is based on the following laws, regulations, procedures and policies:

- the Tahoe Regional Planning Compact, P.L. 91-143, 83 Stat. 360, (1969); amended, P.L. 96-551, 94 Stat. 3233, (1980) (hereafter “Compact”);
- the Tahoe Regional Plan as adopted by TRPA in Ordinance No. 87-9 on June 25, 1987, and effective July 1, 1987 and updated December 12, 2012 (hereinafter " Regional Plan");
- the TRPA Code of Ordinances, Area Plans, Community Plans, Plan Area Statements, and Maps adopted pursuant thereto (all Chapter references herein below are to the Code of Ordinances);
- NRS Chapter 277;
- Chapter 355, Statutes of Nevada, 1993.

**WITNESSETH**

WHEREAS, the parties entered into an MOU in August of 1993;

WHEREAS, the parties desire to supersede the previous MOU, with this new MOU; NOW,  
THEREFORE, it is agreed as follows:

**II. DEFINITIONS.**

The following terms shall have the definitions set forth below for purposes of this Memorandum. In the event of any conflict between the following definitions and the definitions in Chapter 90 of the TRPA Code of Ordinances, the definitions contained herein shall govern this Memorandum of Understanding to the extent of any inconsistency.

A. Land Bank.

The term "land bank" shall mean a land bank as provided for in the Goals and Policies of the Regional Plan, and Chapters 30, 51 and 6 of the TRPA Code of Ordinances, to be established by NDSL for that portion of the Lake Tahoe Region lying within the State of Nevada.

B. Excess Coverage Mitigation Project.

The term "excess coverage mitigation project" shall mean any action or activity undertaken by NDSL for the purpose of generating excess land coverage mitigation credit through the land.

C. Excess Coverage Mitigation Fee.

The term "excess coverage mitigation fee" shall mean the fee which is required to be paid by the project proponent(s) in order to mitigate projects with existing land coverage in excess of base allowable land coverage and which fee is calculated according to a formula set forth in Chapter 30 of the TRPA Code of Ordinances.

D. Lake Tahoe Region, Lake Tahoe Basin.

The terms "Lake Tahoe Region" and "Lake Tahoe Basin" shall mean all that area described in Article II of the Tahoe Regional Planning Compact.

E. Hydrologically Related Area(s).

The term "hydrologically related area" shall refer to any of the areas designated on those certain maps adopted by the TRPA on September 26, 1986, as they may be amended from time to time, which are located in whole or in part on the Nevada side of the Lake Tahoe Region. The term "hydrologically related areas" shall refer to those areas collectively.

F. Other Development Rights.

The term "other development rights" which may be acquired, held, and transferred in the land bank, shall include, but not be limited to, potential residential units of use "PRUs", allocations, and units of existing development, such as residential units of use "RUUs", commercial floor area "CFA", and tourist accommodation units "TAUs".

III. PURPOSE.

The purpose of this Memorandum is to establish the respective duties and authorities of NDSL and the TRPA with respect to the operation of the land bank by NDSL on behalf of TRPA for the Nevada side of the Lake Tahoe Region and to set forth the procedures to be followed by TRPA and NDSL with respect to the land bank.

IV. JURISDICTION AND POWERS.

Subject to all applicable laws of the State of Nevada, the Compact, and the TRPA Regional Plan and Code of Ordinances, NDSL is designated to operate as a land bank on behalf of TRPA for the purpose of; (1) providing mitigation for excess coverage on behalf of any permit applicant on the Nevada side of the Lake Tahoe Region, by carrying out an excess coverage mitigation project on any parcel or

parcels eligible to provide such mitigation under Chapter 30 of the TRPA Code of Ordinances; (2) providing mitigation for any public health and safety project or public outdoor recreation project located on sensitive lands by retiring and restoring hard and soft coverage or disturbed land as provided in Chapter 30 of the TRPA Code of Ordinances; and (3) NDSL shall be engaged in purchasing, selling and transferring coverage or other development rights directly from previously banked land coverage in the land bank or from any parcel in the inventory of the land bank which is eligible to send coverage or other development rights, to any parcel eligible to receive such coverage or other development rights, under Chapters 30 and 51 of the TRPA Code of Ordinances.

V. **DUTIES.**

A. **TRPA Duties.**

1. **Assignment of Excess Coverage Mitigation Fees.**

The TRPA hereby agrees to assign to NDSL for the land bank, all excess coverage mitigation fees paid to the TRPA for projects located in Nevada through the term of this Memorandum.

2. **Deposit of Excess Coverage Mitigation Fees.**

When the TRPA receives excess coverage mitigation fees from projects located in Nevada, it shall deposit and hold the fees in an interest-bearing account under its control, until such time NDSL requests disbursements of the funds pursuant to Section V. A. 4. below (**Disbursements by TRPA.**)

3. **TRPA Reporting.**

The TRPA shall deliver to NDSL a report bi-annually (for the Nevada side of the Region) ending June 30<sup>th</sup> and December 31<sup>st</sup> containing the following information

pertaining to each permit for which an excess coverage mitigation fee was received by TRPA during the preceding reporting period:

- (a) location of project by county, hydrologically related area, and assessor parcel number(s);
- (b) date and amount of fee paid by applicant;
- (c) amount and type of coverage in terms of square feet as determined under the coverage reduction formula in Chapter 30.
- (d) total balance of excess coverage mitigation funds.

4. Disbursements by TRPA.

TRPA shall disburse all accumulated excess coverage mitigation fees payable to NDSL under Section V. A. 1. above (Assignment of Excess Coverage Mitigation Fees), and any interest accrued thereon, less TRPA's investment administrative fees not to exceed 15% of the interest income, to NDSL upon its request, which shall occur not more often than quarterly unless a project or purchase would require a more timely distribution. Requests for disbursements shall be accompanied with reporting on the intended usage of the excess coverage mitigation fees consistent with V.B.3. below. Such disbursements shall require approval by the TRPA Governing Board and be made by electronic transfer payable to the "Nevada Division of State Lands", and shall bear the notation "land bank".

5. Transfers of Coverage.

Where NDSL agrees to transfer coverage on behalf of a permit applicant through the land bank, pursuant to Chapter 30 of the TRPA Code of Ordinances, TRPA shall, upon NDSL'S request:

- (a) certify to NDSL the amount and type of coverage or mitigation needed by the permit applicant;
- (b) determine the eligibility of the sending and receiving parcels; and
- (c) approve or deny the transfer through a Documentation Letter.

6. Public Service Projects and Public Outdoor Recreation Projects.

Where NDSL agrees to carry out mitigation for a public service project or public outdoor recreation project on sensitive land, pursuant to Chapter 30 of the TRPA Code of Ordinances, the procedures set forth for "transfers of coverage" in Section V. A. 5. above (Transfers of coverage) shall apply.

B. NDSL Duties.

1. Establishment of Land Bank.

NDSL shall take all necessary and appropriate actions to maintain and manage the land bank.

2. Maintaining Inventory; Advance of Assets; Use of Inventory.

- (a) NDSL shall use best efforts to acquire and maintain within the land bank an inventory of hard, soft, and potential coverage and disturbed lands, sufficient to meet the projected needs of the land bank.
- (b) In order to maintain an inventory of coverage for the land bank, NDSL may utilize assets other than excess coverage mitigation fees for the purpose of acquiring and/or restoring land for the land bank.
- (c) Inventory acquired by NDSL may be used to satisfy demand for mitigation of public service projects and public outdoor recreation projects on sensitive lands, and for other transfers of coverage pursuant to Chapter 30 of the TRPA Code of Ordinances, provided that NDSL's responsibilities under Section V. B. 3. below (Use of Excess Coverage Mitigation Fees) are not thereby impaired.

3. Use of Excess Coverage Mitigation Fees.

(a) NDSL shall use excess coverage mitigation fees received from the TRPA solely for the purposes of:

(1) for no less than 50% of the fees received, paying for assets advanced to the land bank by NDSL, acquiring land (and other development rights attached to the land) for the use of the land bank, and restoring hard and soft coverage and disturbed lands and retiring potential coverage through the land bank. When using the fees for these purposes, NDSL shall:

(i) prioritize the retirement of hard and soft coverage on SEZs and other sensitive lands; and

(ii) only retire potential coverage through acquisition of fee title or retirement of development potential on land located in Land Capabilities 1a, 1b, or 1c.

(2) NDSL may use no more than 50% of the fees received for Environmental Improvement Program projects or other projects deemed appropriate in advance by the TRPA Executive Director. The projects funded by NDSL with excess coverage mitigation fees under this provision:

(i) must benefit Water Quality and/or Soil Conservation thresholds; and,

(ii) cannot replace Total Maximum Daily Load (“TMDL”) credit or other mitigation obligations of other entities.

(3) administrative expenses and overhead, subject to the limitations in V. B. 3. (b) below.

(b) NDSL may apply the excess coverage mitigation fees toward payment or reimbursement of its direct costs of acquisition and/or restoration incurred for or through the land bank, which are billed to NDSL by contractors or other

providers of services. These costs include, but are not limited to, revegetation, land and boundary surveys, site inspections, appraisals, title searches, earth moving and demolition. Overhead and other incidental costs of administration, operation and monitoring of the land bank may be budgeted and charged by NDSL against the excess coverage mitigation fees to cover actual costs to NDSL, up to eighteen percent (18%) of the aggregate of such fees (including interest) received from TRPA. NDSL shall maintain documentation of its overhead and other incidental costs and submit an annual financial report to the TRPA within 90 days of the close of the fiscal year.

- (c) Notwithstanding the above, NDSL shall have the discretion to expend the interest accrued on mitigation fees and excess coverage mitigation fees within any hydrologic zone.

4. Transfers of Coverage and Other Development Rights.

NDSL may enter into agreements for the sale and transfer of coverage to parcels which have not already reached maximum land coverage, pursuant to Chapter 30 of the TRPA Code of Ordinances. In such cases the price paid for the coverage shall be agreed upon by the permit applicant and NDSL. The purchase price shall be paid directly to NDSL. Upon receipt of funds and transaction or escrow closure, transaction data shall be reported by NDSL in the TRPA Commodities Tracking System, if required. NDSL shall then transmit to TRPA the "land coverage information for account files" required for "sending" parcels under Chapter 6 of the TRPA Code of Ordinances through the annual reporting process.

NDSL also may enter into agreements for the sale and transfer of other development rights. All transfers shall be in accordance with TRPA Code of Ordinances.

5. Public Service Projects and Public Outdoor Recreation Projects.

NDSL may enter into agreements to provide mitigation for public service projects and public outdoor recreation projects for the purpose of restoring disturbed lands or hard or soft coverage on sensitive lands, as provided under Chapter 30 of the TRPA Code of Ordinances. The terms and procedures set forth for in Section V. B. 4. (Transfers of Coverage and Other Development Rights) above shall apply to the mitigation of such public projects through the land bank.

6. Methods of Retiring Coverage.

- (a) Areas containing potential coverage shall be retired by filing with the TRPA a document or documents, in a form acceptable to the TRPA and suitable for recordation, by which NDSL consents to the permanent retirement of potential coverage on the areas described therein.
- (b) Soft coverage and disturbed lands shall be restored so as to cause the area to function in a natural state, with provision for permanent protection from further disturbance. Appropriate methods of restoration include, but need not be limited to, decompaction of soils, revegetation, restoration of natural watercourses and gradients, and removal of refuse.
- (c) Hard coverage shall be restored by demolition and removal, to the extent feasible, of all structures, pavement, and other impervious land covering on the area to be restored, together with the methods specified in Section V. B. 6. (b) above (Methods of Retiring Coverage).
- (d) Within the boundaries of all areas where hard or soft coverage or disturbed land is restored or retired, NDSL shall permanently retire all coverage in the manner provided in Section V. B. 6. (a) above.

(e) All coverage retirement carried out through the land bank shall be subject to TRPA inspection and review.

7. Annual Report to the TRPA.

Within 90 days after the end of each fiscal year, NDSL shall prepare and deliver to the TRPA an annual report summarizing all excess coverage mitigation projects performed during said reporting period, and identifying the excess coverage mitigation fees which were applied toward each such project. In addition, the annual report shall list:

- (a) all properties within the inventory of the land bank or available to the land bank for restoration and/or retirement of hard, soft, and potential coverage;
- (b) all transfers of coverage that have taken place;
- (c) all mitigation already performed or in progress, but not yet credited towards a permit applicant's project, including but not limited to: (i) square feet and land capability of coverage or disturbed land restored, (ii) acres of land acquired by land capability, (iii) estimated pollutant and stormwater load reductions, and (iv) Soil Conservation and Water Quality threshold gains using EIP Performance Measures.
- (d) all properties on which coverage or disturbed land has been restored or retired since the last annual reporting period made available to TRPA, including:
  - the date as of which coverage or disturbed land has been restored or retired;
  - the type of coverage or area restored or retired;
  - the cost per square foot of coverage restored or retired. In computing the cost per square foot, NDSL may use an average based on the cost of restoring or retiring a given type of coverage in more than one coverage mitigation project;

- the area or amount of coverage that has been restored or retired, in square feet of each type retired; and
  - the mechanism by which restoration or retirement has been accomplished.
- (e) all EIP and non-EIP projects for which NDSL contributed excess coverage mitigation fees.

## **VI. TERMINATION/AMENDMENT.**

This Memorandum of Understanding may be terminated by either party upon ninety (90)-days advance notice in writing. This Memorandum of Understanding may be amended by written agreement of NDSL and the TRPA Governing Board. In the event this Memorandum of Understanding is terminated for any reason and there is a balance of excess coverage mitigation funds available, NDSL shall continue to carry out the duties of Section V.B. 3. above (Use of Excess Coverage Mitigation Fees), as well as related reporting obligations and TRPA shall continue to carry out the duties of Section V. A. 4 above (Disbursements by TRPA), as well as related reporting obligations, for all projects for which mitigation fees were received by TRPA prior to the effective date of termination. Unexpended mitigation fees received by NDSL, if any, shall be returned to TRPA upon fulfillment of any outstanding obligations.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding.

**TAHOE REGIONAL PLANNING AGENCY (Signature and Date)**

DocuSigned by:

*Joanne Marchetta*

5/18/2020

[Joanne Marchetta]  
Executive Director

**Approved as to form:**

TRPA General Counsel

DocuSigned by:

*John Marshall*

5/18/2020

[Name]

**NEVADA DIVISION OF STATE LANDS (Signature and Date)**

*Charles Donohue*

6/2/2020

Charles Donohue  
Administrator and State Land Registrar

**Approved as to form:**

Aaron D. Ford  
Attorney General

By

*Tori N. Sundheim*

5/28/20

Tori N. Sundheim  
Deputy Attorney General

Attachment B

NDSL Lake Tahoe Mitigation and Land Bank Activities FY21 Annual Report



September 30, 2021

Tahoe Regional Planning Agency  
c/o Kimberly Caringer, Division Manager  
PO Box 5310  
Stateline, Nevada 89449

**Re: Lake Tahoe Mitigation and Land Bank Activities Annual Report  
July 1, 2020, through June 30, 2021**

Dear Ms. Caringer:

Per the Memorandum of Understanding between the Tahoe Regional Planning Agency (“TRPA”) and the Nevada Division of State Lands (“NDSL”), the following is a summary of NDSL, Nevada Land Bank activities for the **fiscal year ending June 30, 2021**:

- I. Mitigation Transactions Closed (Exhibit “A”).
- II. Mitigation Transactions in Process.
- III. Lake Tahoe Mitigation Program (Exhibit “B”).
- IV. Nevada Land Bank Activities (Exhibit “C”).

I. Mitigation Transactions Closed:

The Nevada Land Bank formally recognized the permanent retirement of 7,851 square feet of restored hard coverage from the Burgundy Hills Conservation Easement (APN 126-170-00) in Incline Village. The easement was purchased from the Burgundy Hills Homeowners Association and deed restricted in August of 2005. By 2015, the NDSL Nevada Tahoe Resource Team (“NTRT”) had removed existing structures and restored the land on the easement to its natural forested condition. That same year NDSL received TRPA verification of the restoration of 7,851 square feet of hard land coverage consisting of 1,652 square feet of Class 1b; 2,418 square feet of Class 1a, and 3,781 square feet of Class 3 land coverage. In 2021, Excess Coverage Mitigation funds, collected by TRPA on NDSL’s behalf, were used to reimburse NDSL the costs associated with the purchase and restoration of the Conservation Easement including the permanent retirement of the coverage, which totaled \$461,675.56. Please find the corresponding back-up attached as Exhibit “A”.

## II. Mitigation Transactions in Process:

On November 30, 2017, NDSL finalized the purchase of 7.67 acres in the Lower Kingsbury area of South Stateline Nevada. This parcel has a total of 22,483 square feet of coverage in classes 1a, 1b, 2, 4, and 6 and came with ONE (1) potential residential unit of use (“PRUU”). NDSL is actively working to restore this parcel. In 2019 the utilities were removed from the property and this coming September 2021 the building pad is expected to be filled and graded with excess soil remaining after excavation at Spooner Lake, Lake Tahoe Nevada State Park for the new Visitor Center and Amphitheater. NDSL received a qualified exemption from TRPA to transport the soil from Spooner to the parcel. Once completely restored, NDSL will deed restrict and retire most of the development rights. NDSL funding that contributed toward this acquisition will be used to retain a small amount of the development rights to be held for sale in the Land Bank.

On April 27, 2021, NDSL agreed to a counter offer to purchase a 10 acre parcel located in Stateline. This purchase is contingent upon clear preliminary title report and an appraisal. This parcel would require very little fuels reduction work to maintain forest health. Once the parcel is owned by NDSL all land coverage that comes with said parcel will be permanently retired. NDSL plans to transfer the ONE (1) PRUU that comes with the property into the Land Bank with the goal of selling it to the public for development in a City Center.

The Nevada Land Bank is currently seeking to purchase and retire restored land coverage in sensitive classes 1-3. As of June 30, 2021, the Nevada Land Bank has mailed six (6) letters expressing interest in purchasing land coverage from individual parcel owners. The parcel owners have been identified as having banked coverage with TRPA or the Douglas County Land Bank. One parcel owner has expressed interest to sell 5,453 square feet of class 1a and class 2. The Nevada Land Bank is currently in negotiations with the parcel owner. The Nevada Land Bank will continue to send out letters as TRPA Excess Coverage Mitigation funding remains available.

## III. Lake Tahoe Mitigation Program:

A copy of the Land Bank’s Mitigation Program, showing completed transactions since the program’s inception in 1993 through June 30, 2021, has been attached as Exhibit “B.”

IV. Nevada Land Bank Activities:

The Land Bank finalized nine (9) coverage transactions during the 2021 fiscal year, which are attached as Exhibit “C”:

**One transaction** was in Incline Village (HRA 1) and involved the transfer of 120 total square feet of coverage:

1. IVGID split transaction of 120 square feet of Class 4 Potential.

During the COVID-19 pandemic, the NDSL Land Bank Program agreed to assist the California Tahoe Conservancy (CTC) Land Bank by processing four transactions across the Nevada state line **into California (CA)**:

**Four transactions** were approved and closely monitored by TRPA and involved a total of 497 square feet **transferred from S Stateline (HRA 4) into CA**:

1. 252 square feet of Class 1b SEZ Restoration Credits.
2. 120 square feet of Class 1b SEZ Restoration Credits.
3. 63 square feet of Class 1b SEZ Restoration Credits.
4. 62 square feet of Class 1b SEZ Restoration Credits.

**Three transactions** in S Stateline (HRA 4) involved the transfer of 453 total square feet of coverage and includes:

1. 193 square feet of Class 1b SEZ Restoration Credits.
2. 132 square feet of Class 1b SEZ Restoration Credits.
3. 128 square feet of Class 1b SEZ Restoration Credits.

**One transaction** in S Stateline (HRA 4) involved the transfer of 2,346 total square feet of coverage **into Incline Village (HRA 1)**:

1. 2,346 square feet of Class 1b Restored Hard.

In the event you have any questions regarding this report, please do not hesitate to contact me at (775) 684-2735.

Respectfully,



Sherri Barker  
State Land Agent II  
Nevada Tahoe Resource Team

Attachments

CC: Charles Donohue, Administrator and Nevada State Land Registrar  
Ellery Stahler, Deputy Administrator  
Meredith Gosejohan, Tahoe Program Manager



April 21, 2021

Re: Permanently retiring restored land coverage on Burgundy Hills Homeowners Association Conservation Easement APN 126-170-00

## MEMORANDUM TO THE FILE

This memorandum hereby formally recognizes the permanent retirement of 1,652 square feet of Class 1b restored hard coverage; 2,418 square feet of Class 1a restored soft coverage and 3,781 square feet of Class 3 restored soft coverage in the Incline Village Hydrozone.

Nevada Division of State Lands (NDSL) purchased a Conservation Easement from the Burgundy Hills Homeowners Association in August of 2005. The cost to purchase was \$185,000.00 and utilized the last of the BA 4206 Cat 28 Tahoe Bond Act funds. This parcel is known internally as Tahoe-511 / Burgundy Hills Conservation Easement. A deed restriction was recorded on August 31, 2005 and transferred the coverage held within the Conservation Easement into the Nevada Land Bank. The NDSL Nevada Tahoe Resource Team (NTRT) used BA 4200 Cat 25 Land Bank funding to restore the Conservation Easement to its original natural state. In August 2015, the Tahoe Regional Planning Agency (TRPA) verified the easement contained a total of 7,851 square feet hard coverage. The TRPA verification letter (TRPA file #VBOC2015-0089) is included with this memorandum.

Excess Coverage Mitigation funds are planned to be transferred into the Nevada Land Bank account BA 4200 Cat 25 to reimburse the cost associated with the restoration of the Conservation Easement and the permanent retirement of the coverage, which totaled \$461,675.56

Sherri Barker  
State Land Agent II  
Nevada Tahoe Resource Team

### Back up documentation. Enclosures:

1. TRPA Banked Coverage Letter dated August 5, 2015
2. Governing Board dated August 16, 2017 Memorandum
3. Governing Board dated August 19, 2020 Memorandum
4. Back up printed from DAWN showing \$463,166.93 to purchase and restore
5. Background letter dated October 28, 2014 -FTPLT 06-002 Third Creek /Incline Restoration Project Area #2

# EXHIBIT A



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
[www.trpa.org](http://www.trpa.org)

August 5, 2015

Ms. Brenda Swart  
Nevada Division of State Lands/Nevada Land Bank  
901 S. Stewart Street, #5003  
Carson City, NV 89701

LAND COVERAGE BANKING, 335 SKI WAY, WASHOE COUNTY, NV  
ASSESSOR'S PARCEL NUMBER (APN) 126-170-00, TRPA FILE NUMBER VBOC2015-0089

Dear Ms. Swart:

The Tahoe Regional Planning Agency (TRPA) has made a determination regarding the land coverage on the above referenced property. Based on information submitted with the application, verification of records from TRPA and field inspection, TRPA recognizes the following banked land coverage:

- 1,652 square feet of banked Class 1b coverage
- 2,418 square feet of banked Class 1a coverage
- 3,781 square feet of banked Class 3 coverage

Based on the photos of the parcel submitted with the application and the field inspection conducted by TRPA staff, it appears that the parcel has been naturally revegetated.

### **Transfer of Development Rights (TDR) Exchange**

Actions associated with this TRPA approval may have resulted in verification of a transferable commodity. Transferable commodities can be bought and sold within the Tahoe basin and include commercial floor area, tourist accommodations units, residential units of use, residential allocations, residential development rights and land coverage. TRPA has created a Transfer of Development Rights (TDR) Exchange system. This online tool is a means to bring buyers and sellers of commodities together to facilitate the transfer of development within the Lake Tahoe Basin. For additional information please visit the following link: <http://www.trpa.org/permitting/transfer-development-rights/>

If you have any questions, please feel free to contact me via phone at (775) 589-5218, or via email at [bcornell@trpa.org](mailto:bcornell@trpa.org). Thank you!

Sincerely,

A handwritten signature in black ink that reads "Bridget K. Cornell".

Bridget K. Cornell  
Current Planning

/bkc

# EXHIBIT A



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

**Mail**  
PO Box 5310  
Stateline, NV 89449 5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775 588 4547  
Fax: 775 588 4527  
www.trpa.org

## MEMORANDUM

**Date:** August 16, 2017

**To:** TRPA Governing Board

**From:** TRPA Staff

**Subject:** Release of Excess Coverage Mitigation Funds of \$1,287,148.69 to the Nevada Division of State Lands for the purchase and restoration of several parcels and projects

**Requested Action:** Governing Board action to approve the release of Excess Coverage Mitigation Funds in the amount of \$1,287,148.69 to the Nevada Division of State Lands (NDSL) for the projects listed below, subject to the conditions cited below. This action will approve immediate release of \$461,675.56 to NDSL for the Burgundy Hill Conservation Easement and will pre-approve the release of \$825,473.13 for pending land acquisitions. Funds for the land acquisitions will be invoiced and transferred to NDSL when agreement has been reached with willing sellers.

**Staff Recommendation:** Staff recommends that the Governing Board approve Nevada Division of State Lands/Nevada Land Bank's request, subject to the conditions cited below. The intended use of the excess coverage mitigation fees is consistent with the V.B.3 of the Memorandum of Understanding (MOU) between TRPA and NDSL, dated December 16, 2015. The account balance for the Excess Coverage Mitigation funds as of August 1st, 2017 is \$1,399,603.92 which is sufficient to cover this request.

TRPA reserves the right to withhold funds to ensure project priorities, goals, and specifications are consistent with those of the MOU.

**Required Motion:** To approve the requested release, the Governing Board must make the following motion:

- 1) A motion to approve the release subject to the conditions contained in this memorandum.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

# EXHIBIT A

Table 1 Proposed Funding Release			
EIP #/APN	PROJECT	Fund	Amount
01.02.03.0007/ 126-171-01	Restoration of the Burgundy Hill Conservation Easement	ECM	\$461,675.56
1318-26-501-004	Land Acquisitions	ECM	\$825,473.13
<b>TOTAL</b>			<b>\$1,287,148.69</b>

**Burgundy Hills Restoration: (APN #126-171-01) (TRPA File #20051254/EIP #01.02.03.0007)**

- In 2012, NDSL completed a restoration project on a purchased a conservation easement of 2.75 acres from the Burgundy Hills Homeowners Association in Incline Village. The restoration project included removal of a dilapidated storage building and an unused above ground water tank and forest restoration of the site. TRPA recognized and verified 7,851 square feet of restored coverage in August of 2015 upon completion of the project. Excess mitigation dollars requested will be used to reimburse NDSL to cover costs associated with the planning, design and restoration of the site totaling \$461,675.56. Coverage will be permanently retired with a TRPA deed restriction once funds are received.

**Pending Land Acquisitions:**

NDSL has an opportunity to purchase several parcels for potential restoration. NDSL is requesting the TRPA Governing Board approve the release of Excess Coverage Mitigation Funds at this time to ensure they can act in timely manner on these acquisitions. Funds will not be released until the final sale price of each acquisition is negotiated. Potential acquisitions include:

- A vacant 7.67-acre parcel of land in the Kingsbury Grade area (APN #1318-26-501-004) in Douglas County. The parcel has both existing hard and soft coverage for restoration, a development right, and potential coverage. Land coverage totals 22,483 square feet and is land capability classes 1a, 1b, 2, 4 and 6. NDSL anticipates the purchase price to be in the range of \$1,250,000.00 to \$1,550,000.00. Several funding sources may be used to purchase the parcel; all coverage purchased with TRPA mitigation dollars will be retired.
- NDSL has several perspective acquisitions including a restoration site in the Kingsbury Grade area, a parcel located close to Lake Tahoe containing several acres of land that would be taken out of development potential, and others. The purchase prices range from \$1,250,000.00 to \$1,750,000.00. Several funding sources may be used to purchase these parcels. Further details on these acquisitions including final purchase price and restoration potential will be made available prior to the release of funds.

NDSL has deemed each of these parcels as high priority acquisitions as part of the Environmental Improvement Program. NDSL determines acquisition priorities by reviewing the sensitivity of the land, how much coverage can be retired and the associated land capability, the opportunity for restoration, the potential to protect sensitive areas by taking the parcel out of

# EXHIBIT A

development potential, the ability for NDSL to manage the parcel and the adjacency to other public land the state is managing.

Conditions:

Staff recommends approving the release of these funds subject to the following conditions of approval:

1. NDSL will request the transfer of funds in writing (invoice) for land acquisitions when agreement has been reached with a willing seller. TRPA will complete a wire transfer of funds within 2 weeks of the request.
2. The recipient shall only use the funds for the projects cited above and as approved by TRPA.
3. TRPA reserves the right to withhold funds to ensure project priorities, goals, and objectives are consistent with those of the Environmental Improvement Program and TRPA's Regional Plan.
4. NDSL agrees to follow all laws, codes, and regulations adopted by federal, state, and local authorities/agencies.
5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
6. NDSL shall have the discretion to expend the interest accrued on mitigation fees and excess coverage mitigation fees within any hydrologic zone.
7. Overhead and other incidental costs of administration, operation and monitoring of the land bank may be budgeted and charged by NDSL against the excess coverage mitigation fees to cover actual costs to NDSL, up to twelve percent (12%) of the aggregate of such fees (including interest) received from TRPA.
8. NDSL may apply the excess coverage mitigation fees toward payment or reimbursement of its direct costs of acquisition and/or restoration incurred for or through the land bank, which are billed to NDSL by contractors or other providers of services. These costs include, but are not limited to, revegetation, land and boundary surveys, site inspections, appraisals, title searches, earth moving, and demolition.
9. NDSL shall maintain documentation of its overhead and other incidental costs and submit an annual financial report to the TRPA within 90 days of the close of the fiscal year.

Regional Plan Compliance: The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

KC/tkd

CONSENT CALENDAR ITEM NO. 2

# EXHIBIT A

TAHOE REGIONAL PLANNING AGENCY (TRPA)  
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)  
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, August 23, 2017** commencing at **9:30 a.m.**, at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV**, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, August 23, 2017**, commencing at **8:30 a.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Approval of Agenda; 3) Closed Session with Counsel to Discuss Existing and Potential Litigation; 4) Potential Direction Regarding Agenda Item No. 3; 5) Discussion and Recommendation on General Counsel Performance Evaluation and FY2017 Incentive Pay; 6) Member Comments; Committee: Chair – Aldean, Vice Chair – Shute, McDermid, Berkbigler, Yeates; 7) Public Interest Comments**

NOTICE IS FURTHER GIVEN that on **Wednesday, August 23, 2017** commencing at **8:30 a.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1) Public Interest Comments; 2) Approval of Agenda; 3) Recommend Approval of July Financials; (Page 1) 4) Release of Nevada Division of State Lands Excess Coverage Mitigation Funds of \$1,287,148.69 for the purchase and restoration of several parcels and projects; (Page 23) 5) Release of City of South Lake Tahoe Operations and Maintenance Mitigation Funds of \$90,000 for Sierra Tract Erosion Control Project Phase 2; (Page 27) 6) Recommend Updated TRPA Salary Ranges for Remaining Senior Positions; (Page 31) 7) Member Comments; Committee: Chair –Cashman, Vice Chair –Sevison, Beyer, Carlson, Bruce, Cegavske); 8) Public Interest Comments**

August 16, 2017



Joanne S. Marchetta, Executive Director

This agenda has been posted at the TRPA office and at the following locations: Post Office, Stateline, NV, North Tahoe Event Center in Kings Beach, CA, IVGID Office, Incline Village, NV, North Tahoe Chamber of Commerce, Tahoe City, CA, and South Shore Chamber of Commerce, Stateline, NV

# EXHIBIT A



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

**Mail**  
PO Box 5310  
Stateline, NV 89449 5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775 588 4547  
Fax: 775 588 4527  
www.trpa.org

## STAFF REPORT

**Date:** August 19, 2020

**To:** TRPA Governing Board

**From:** TRPA Staff

**Subject:** Nevada Division of State Land's (NDSL) Excess Coverage Mitigation Fund Disbursement (\$1,403,020.97)

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### Summary and Staff Recommendation:

NDSL is requesting a full disbursement of accumulated Excess Coverage Mitigation (ECM) funds through fiscal year 2017 to carry out the Nevada Land Bank program. NDSL is requesting this disbursement to cover personnel and administrative costs of the program, as well as to enable the program to be responsive to land acquisition opportunities.

NDSL is also requesting the TRPA Governing Board to delegate to the TRPA Executive Director the authority to transfer ECM funds for a specific project in consultation with the Governing Board Chair and the Operations Committee Chair if time constraints do not allow approval by the Governing Board. In the Memorandum of Understanding (MOU) between NDSL and TRPA for administration of the land bank, disbursements are to occur not more than quarterly. There may be circumstances where NDSL is not holding sufficient funds and may require an extraordinary transfer of ECM funds from TRPA. If practical, that request will go the TRPA's Board of Governors. NDSL and TRPA request a delegation of authority to the Executive Director for approval of mitigation fund releases in the event a timely disbursement is needed to be responsive to real estate market opportunities.

### Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release of ECM funds subject to the conditions contained in the MOU.
- 2) A motion to adopt Resolution 2020-\_\_ to delegate authority to the Executive Director to approve Excess Mitigation Fund releases to land banks under certain circumstances.

For the motion to pass, any eight affirmative votes are required.

### Background:

NDSL and the Nevada Land Bank Program support implementation of the Regional Plan through the acquisition and restoration of sensitive land and participation in the banking, selling, and retirement of land coverage. As TRPA's agent, NDSL administers the Nevada Land Bank program pursuant to the MOU and funded by ECM fees TRPA receives from project applicants. This cooperative relationship has been in place since 1993. The purpose of the fees is to offset the impact of development.

# EXHIBIT A

As NDSL has not received a substantial disbursement since 2015, this agenda item will include a presentation from NDSL on the Land Bank Program, history of accomplishments, and the FY20 Annual Report. NDSL will provide illustrative examples of the program activities they will conduct with ECM funds over the next fiscal year during the presentation. ECM funds will be used by the Nevada Land Bank to achieve its priority duties, consistent with section V.B.3 of the MOU, including:

1. Completing the Clancy-Pohl restoration - \$20,000
2. Reimbursing NDSL for project costs associated with restoration of the Burgundy Hill Conservation Easement - \$462,000
3. Acquiring sensitive parcels and coverage, with new opportunities identified in Stateline, NV. This is a potential acquisition of a large parcel over six acres with an estimated value of over \$1.25 million dollars. This property is a good fit for the program - having over 34,000 square feet of verified TRPA coverage, steep slopes, and a strong hydrologic connection to the Lake. This property is also adjacent to both NDSL and US Forest Service parcels making it important habitat for wildlife)
4. Purchasing and retiring restored hard and soft coverage, prioritizing sensitive land classes. (Range of \$50,000 to \$100,000);
5. Providing funding support for Environmental Improvement Projects with water quality and soil benefits on sensitive and disturbed parcels (EIP project needs range from \$100,000 to \$200,000); and
6. Administering the Nevada Land Bank (~\$65,000 in FY21).

Finally, the MOU requires NDSL submit an annual report for each fiscal year that includes:

- I. Mitigation Transactions Closed.
- II. Mitigation Transactions in Process.
- III. Lake Tahoe Mitigation Program (Exhibit "A").
- IV. Nevada Land Bank Activities (Exhibit "B").

The FY20 Report is attached for the Committee's review.

**Contact Information:**

For questions regarding this agenda item, please contact Kimberly Caringer, Environmental Improvement Program Division Manager at (775) 589-5263 or [kcaringer@trpa.org](mailto:kcaringer@trpa.org).

**Attachments:**

- A. NDSL Lake Tahoe Mitigation and Land Bank Activities Annual Report July 1, 2019 through June 30, 2020
- B. Resolution 2020-\_\_ Delegating Authority to Executive Director

**CONSENT CALENDAR ITEM NO. 2**

# EXHIBIT A

## TAHOE REGIONAL PLANNING AGENCY TRPA RESOLUTION NO. 2020 –

### RESOLUTION DELEGATING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO DISTRIBUTE EXCESS COVERAGE MITIGATION FEE FUNDS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, TRPA has an active program to offset the environmental impact of development through the collection of Excess Coverage Mitigation (ECM) funds, to be used to retire coverage and support the Environmental Improvement Program; and

WHEREAS, The Tahoe Regional Compact prohibits the Agency from owning real estate, except for its own headquarters; and

WHEREAS, TRPA and the Nevada Division of State Lands (NDSL) entered into an MOU (updated 4/22/20) to transfer said funds to NDSL for the purpose of establishing and operating the Nevada Land Bank; and

WHEREAS, Real estate transactions may require a faster response time than permitted by the TRPA Governing Board Calendar;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency delegates to the Executive Director the authority to distribute Excess Coverage Mitigation funds, in consultation with the Governing Board Chair and Operations Committee Chair when required to complete a specific transaction.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this 26th day of August, 2020, by the following vote:

Ayes:

Nays:

Absent:

---

William Yeates, Chair  
Tahoe Regional Planning Agency  
Governing Board



July 1, 2021

Charles Donohue  
Nevada Division of State Lands  
901 S Stewart St # 5003  
Carson City, NV 89701  
[cdonohue@lands.nv.gov](mailto:cdonohue@lands.nv.gov)

**SENT VIA E-MAIL**

**Re: Implementation of TRPA/NDSL Memorandum of Understanding**

Dear Charlie:

The purpose of this letter is to clarify the terms of the existing Memorandum of Understanding (MOU) between the Tahoe Regional Planning Agency (TRPA) and the Nevada Division of State Lands (NDSL). The purpose of the MOU is to implement TRPA's Excess Coverage Mitigation (ECM) program. Since TRPA is not authorized to own real estate, NDSL agreed to act as the Land Bank on the Nevada side of the Tahoe basin. This letter is not intended to alter the MOU itself, but to guide the parties on how to apply it.

Pursuant to Section 4 of the MOU, NDSL may submit an annual request to TRPA for the disbursement of the prior year's collection of Excess Coverage Mitigation funds attributable to the Nevada portion of the basin. NDSL is not obligated to and will not submit an annual disbursement request if NDSL has sufficient funds on hand for the coming year. As allowed by MOU, NDSL may also make more than one disbursement request per year, but not more than one request quarterly. The requests will be reviewed and approved by the TRPA Governing Board.

Also pursuant to Section 4 of the MOU, NDSL's disbursement request will include a report to the TRPA Governing Board on the status of the planned ECM program activities and funds. The report will include a summary of anticipated program activities and transactions, and will be sufficiently specific to enable the TRPA Governing Board to evaluate the proposed use of ECM funds is prudent and appropriate. If an annual disbursement is requested, NDSL may combine this report with its annual report of the previous year's activities (required pursuant to MOU Section 7).

The parties recognize that NDSL has certain limitations on making purchase offers for properties of interest. Specifically, NDSL cannot make a legally binding purchase offer unless they have sufficient funds on hand. There may be circumstances where NDSL is not holding sufficient funds and may require an extraordinary transfer of ECM funds from TRPA. If practical, that request will go the TRPA's Board of Governors. It is likely in some instances the timing of the transaction will not allow full Board review prior to executing the acquisition. In consultation with the TRPA Governing Board Chair and the Operations Committee Chair, the TRPA Executive Director may act as the Governing Board's delegate to

# EXHIBIT A

authorize the transfer of ECM funds for a specific project to NDSL. The intent of the TRPA Executive Director acting on the Governing Board's behalf is to enable transactions to occur more expeditiously when necessary.

To provide NDSL with a starting balance of funds to initiate transactions, TRPA has made a one-time transfer of \$1,403,020.97 to NDSL based on NDSL's disbursement request to the August 2020 TRPA Governing Board.

Sincerely,



**Joanne S. Marchetta**  
Executive Director  
Tahoe Regional Planning Agency

cc: Jim Lawrence, TRPA Board Member  
Shelly Aldean, TRPA Board Member  
Chris Keillor, TRPA Finance Director  
Kimberly Caringer, TRPA Environmental Improvement Division Manager

APN / Address	COUNTY	ADDRESS	SELLER	DATE PURCHASED	PURCHASE PRICE	IPES SCORE	LAND CAPABILITY	HZ	HD COV	SOFT COV	POT COV	TOTAL COV	COVERAGE VALUE	DEVELOPMENT RIGHT (D-R)	D-R VALUE	LAND AREA	APPRAISAL COST	TITLE COST	ESCROW COST
125-561-07	Washoe	669 Saddlehorn Drive, Incline	LaBier Tahoe 193	4/30/1998	\$175,000.00	539	N/A	1	0	0	488	488	\$5,000.00 \$10.25 psf	1	\$5,000.00	24,400 sf .56 ac	\$560.00	Slr Pd	\$126.00
1318-23-411-002	Douglas	162 Pine Ridge Drive, Kingsbury	Ince Tahoe 383	1/6/1999	\$55,000.00	751	N/A	4		0	2,340	2,340	\$11,750.00 \$5.02 psf	1	\$10,000.00	11,700 sf .269 ac	\$783.44	\$133.25	\$82.25
1418-15-802-002	Douglas	1753 HWY 50	Martin Tahoe 472	3/23/2000	\$245,000.00	742	N/A	3	0	0	7,511	7,511	\$115,000.00 \$15.31 psf	1	\$3,500.00	209,161 sf 4.8 ac	\$1,118.13	\$379.00	\$218.00
126-245-01	Washoe	990 Fairview Blvd Incline	Wiley Tahoe 244	8/17/2000	\$125,000.00	695	N/A	1	0	0	5,321	5,321	\$100,000.00 \$18.79 psf	1	\$5,000.00	41,060 sf .94 ac	\$1,251.25	\$275.30	\$170.00
0900-07-362-070-1318-24-702-002	Douglas	487 Kingsbury Grade 555 Buchanan Rd	** McCall	4/5/2001	\$355,960.00	763	N/A	4	0	0	33,743	33,743	\$355,960.00 \$10.55 psf	0	\$0.00	233,000 sf 5.32 ac	\$0.00	\$50.00	\$222.40
1318-24-311-012	Douglas	502 Kingsbury Grade	Ricci Tahoe 409	4/30/2001	\$135,000.00	N/A	4=996 2=1,361 1a=1,992	4	4,349	0	N/A	4,349	\$75,000.00 \$17.25 psf	1	\$10,000.00	18,872 sf .43 ac	\$800.00	\$180.88	\$174.00
123-055-01 & 123-071-24 123-071-34 123-071-35	Washoe	105 State Route 28	** Tahoe Mariner	10/2/2001	\$375,207.00	N/A	Class 1a	9	22,071	0	0	22,071	\$375,207.00 \$17.00 psf	0	\$0.00	0.00	\$1,750.00	\$79.00	\$230.40
131-240-02 & 131-100-01 & 131-012-07	Washoe	955 Fairway Blvd Incline	** Incline Village GID	3/19/2002	\$1,005,000.00	N/A	Class 6 potential	1	0	0	100,000	100,000	\$1,005,000.00 \$10.05 psf	0	\$0.00	Approx 129 ac	0.00	\$182.00	\$452.00
05-150-14	Douglas	Zephyr Heights	** Falcon Capital LLC	5/24/2002	\$204,000.00	N/A	Class 4	3	0	0	17,000	17,000	\$204,000.00 \$12.00 psf	0	\$0.00	8.2ac	0.00	\$25.00	\$75.00
131-240-02 & 131-100-01 & 131-012-07	Washoe	955 Fairway Blvd Incline	** Incline Village GID	9/9/2003	\$472,600.00	N/A	Class 6	1	0	0	39,200	39,200	\$472,360.00 \$12.05 psf	0	\$0.00	App. 129 ac	\$0.00	\$15.00	\$75.00
048-041-15 (APN closed) sold to US Forest (048-140-03) and IVGID (048-140-03)	Washoe	0 Mount Rose Hwy	** Incline Lake Corp	12/30/2005	\$700,000.00	N/A	1a=10,200 6=28,231	1	0	28,231	10,200	38,431	\$700,000.00 1a pot=\$27.00 6 rest=\$15.04	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
1319-18-202-001	Douglas	432 Kimberly Brooke Lane	** Yocona LLC Kaleta	1/26/2006	\$450,000.00	788	Class 4 Potential	4	0	0	45,000	45,000	\$450,000.00 \$10.00 psf	0	\$0.00	0.00	\$0.00	\$0.00	\$75.00
129-280-20 129-290-01	Washoe	800 College Dr. Incline Village, NV	** Incline Village GID	11/29/2010	\$230,000.00	N/A	Class 6 restored	1	0	29,010	0	29,010	\$230,000.00 \$7.92 psf	0	\$0.00	0.00	\$0.00	\$0.00	\$654.00
048-140-03	Washoe	15580 MT Rose Highway	**Incline Lake Corp	6/14/2011	\$800,000.00	N/A	3,994 1b restored 43,151 4 restored 53,402 6 restored 2,396 4 potential 61,670 6 potential	1	0	100,547	64,066	164,613	\$800,000.00	0	\$0.00	5 acres	\$0.00	\$200.00	\$250.00
1318-23-710-002	Douglas	204 Chimney Rock Road,	**Warren T. Withers	5/21/2013	\$17,604.00	NA	Class 2 restored (\$12.00 psf)	4	1,467				\$17,604.00	0	\$0.00		\$0.00	\$0.00	\$75.00

APN / Address	COUNTY	ADDRESS	SELLER	DATE PURCHASED	PURCHASE PRICE	IPES SCORE	LAND CAPABILITY	HZ	HD COV	SOFT COV	POT COV	TOTAL COV	COVERAGE VALUE	DEVELOPMENT RIGHT (D-R)	D-R VALUE	LAND AREA	APPRAISAL COST	TITLE COST	ESCROW COST
1319-07-002-014	Douglas - Cave Rock	Round Hill Village 89448	**Kent Grusendorf	10/30/2013	\$737,721.75	NA	Class 1a restored soft	3		24,364		24,364	\$737,721.75 or \$19.75 psf	0	\$0.00		\$0.00	\$0.00	\$149.50
1318-26-501-004	Douglas	173 Granite Springs Drive	Pohl/Clancy Tahoe 515	11/30/2017	1,250,000.00	N/A	179 (SEZ), 2184 (1a), 835 (2), 8,679 (4) & 10,606 (6)	4						1	TBD	7.67 ac	\$ 2,900.00	\$ 1,750.00	\$ 747.50
126-170-00	Washoe	335 Ski Way, Incline	Burgundy Hills Conservation Easement	8/1/2005	\$276,675.56 restoration \$185,000.00 purchase \$461,675.56 total	N/A	1,652 (1b) 2,418 (1a) 3,781 (3)	1	7,851	0	0	7,851	\$157,020.00 \$20.00 psf	TBD	TBD	2.7564 ac	\$2,250 (NDSL paid half)	Paid half searching for value	Paid half searching for value

\*\* Coverage Only Transactions

EXHIBIT C  
Nevada Land Bank Activities 7/1/2020 – 06/30/2021

Details for the nine sales transactions in the 2021 fiscal year:

**Incline Village – HRA 1 Land Bank transaction:**

1. SPLIT TRANSACTION between IVGID and NDSL Land Bank:  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07  
Total amount transferred: 120 square feet  
Receiving parcel APN: 132-012-02  
What's being transferred: Class 4 Potential  
Close of escrow date: 03/16/2021 Stewart Title, Reno, NV  
Transfer price: \$27.00 per square foot

**S Stateline – HRA 4 Land Bank transactions transferred into California:**

- 2 Sending parcels APN: 1318-23-610-008 & 1318-23-601-001  
Receiving parcel APN: 090-231-050 (Placer County)  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Amount transferred: 62 square feet  
Close of escrow date: 7/15/2020 Stewart Title, Reno, NV  
Transfer price: \$25.50 per square foot
- 3 Sending parcels APN: 1318-23-610-008 & 1318-23-601-001  
Receiving parcel APN: 090-231-047 (Placer County)  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Amount transferred: 63 square feet  
Close of escrow date: 7/15/2020 Stewart Title, Reno, NV  
Transfer price: \$25.50 per square foot
- 4 Sending parcels APN: 1318-23-610-008 & 1318-23-601-001  
Receiving parcel APN: 098-330-001 (Placer County)  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Amount transferred: 120 square feet  
Close of escrow date: 9/17/2020 Stewart Title, Reno, NV  
Transfer price: \$25.50 per square foot
- 5 Sending parcels APN: 1318-23-610-008 & 1318-23-601-001  
Receiving parcel APN: 017-041-031-000 (El Dorado County)  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Amount transferred: 252 square feet  
Close of escrow date: 10/14/2020 Stewart Title, Reno, NV  
Transfer price: \$22.00 per square foot

EXHIBIT C  
Nevada Land Bank Activities 7/1/2020 – 06/30/2021

**S Stateline – HRA 4 Land Bank transactions transferred into Incline HRA 1:**

- 6 Sending parcel APNs: 1318-23-610-008 & 1318-23-601-001  
Receiving parcel APN: 123-041-21  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Amount transferred: 193 square feet  
Close of escrow date: 01/05/2021 Stewart Title, Reno, NV  
Transfer price: \$22.00 per square foot
  
- 7 Sending parcel APNs: 1318-23-610-008 & 1318-23-601-001  
Total amount transferred: 128 square feet  
Receiving parcel APN: 122-181-32  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Close of escrow date: 02/01/2021 Stewart Title, Reno, NV  
Transfer price: \$25.50 per square foot
  
- 8 Sending parcel APNs: 1318-23-610-008 & 1318-23-601-001  
Total amount transferred: 132 square feet  
Receiving parcel APN: 122-181-65  
What's being transferred: Class 1b SEZ Restoration Credits coverage  
Close of escrow date: 02/01/2021 Stewart Title, Reno, NV  
Transfer price: \$25.50 per square foot

**S Stateline – HRA 4 Land Bank transaction:**

9. Sending parcel APN: 1318-23-401-047  
Receiving parcel APN: 1318-23-610-037  
What's being transferred: Class 1b Restored Hard  
Amount transferred: 2,346 square feet  
Close of escrow date: 10/22/2020 Stewart Title, Reno, NV  
Transfer price: \$18.50 per square foot

Attachment C

NDSL Lake Tahoe Mitigation and Land Bank Activities FY22 Annual Report



September 30, 2022

Tahoe Regional Planning Agency  
Kimberly Chevallier, Division Manager  
Environmental Improvement Department  
PO Box 5310  
Stateline, Nevada 89449

**Re: Lake Tahoe Excess Coverage Mitigation and Nevada Land Bank Activities  
Annual Report for July 1, 2021 through June 30, 2022**

Dear Mrs. Chevallier:

Per the Memorandum of Understanding between the Tahoe Regional Planning Agency (TRPA) and the Nevada Division of State Lands (NDSL), the following is a summary of Nevada Land Bank activities for the **State Fiscal Year (SFY) ending June 30, 2022**:

- I. Mitigation Transactions Closed (Exhibit A).
- II. Mitigation Transactions in Process.
- III. Lake Tahoe Mitigation Program (Exhibit B).
- IV. Nevada Land Bank Activities (Exhibits C and D).

I. Mitigation Transactions Closed:

On January 26, 2022, the Nevada Land Bank, acquired a 10.6-acre parcel of undeveloped land in the upper Kingsbury area of the Lake Tahoe Basin. The Nevada Tahoe Resource Team (NTRT) Land Agent deed restricted one Potential Residential Unit of Use (PRUU), and 8,247 square feet (s/f) of Class 1a Restored Land Coverage to protect the land from future development. The Land Coverage was permanently retired from development and the PRUU has been transferred into the Nevada Land Bank. The NTRT will maintain this parcel as a conservation area under NRS 321.5953 to preserve, restore, and enhance the Lake Tahoe Basin. The total transaction cost for this acquisition was \$1,065,110.50.

On March 15, 2022, the Nevada Land Bank closed escrow on two transactions of privately owned Land Coverage held in the Douglas County Land Bank. The transactions included 3,324 s/f of Restored Class 2 and 1,900 s/f of Restored Class 1a from Hydrozone HRA4/S Stateline valued at \$17.50 per s/f. The NTRT Land Agent deed restricted and permanently retired all Land Coverage from development. Total transaction costs were \$60,445.50 and \$32,865.00, respectively. A copy of the recorded deed restrictions is attached in Exhibit A.

## II. Mitigation Transactions in Process:

The Nevada Land Bank will continue to seek out environmentally sensitive land, land coverage in low land capability classes 1-3, and other development rights in the Tahoe Basin for purchase.

NDSL plans to solicit an appraisal of land coverage types during SFY 2022 to provide the public a fair market value when buying Land Coverage from the Nevada Land Bank.

## III. Lake Tahoe Mitigation Program:

During SFY 2021, NDSL received a disbursement of Excess Coverage Mitigation (ECM) fees from TRPA in the amount of \$1,403,020.97. The sensitive land acquisition that closed in January 2022 spent the remaining ECM funding that NDSL received. NDSL plans to request a disbursement of ECM fees from TRPA in 2022 to continue to carry out the goals of the Nevada Land Bank program and focus on priority projects.

A copy of the Nevada Land Bank's Mitigation Program, showing completed transactions since the program's inception in 1993 through June 30, 2022, is attached as Exhibit B.

## IV. Nevada Land Bank Activities:

A letter recognizing the existence of a pier located on a State-owned parcel, APN 123-211-07, is attached in Exhibit C. This one (1) retroactively banked pier allocation (TRPA ERSP2019-1631) is held in the Nevada Land Bank.

The Nevada Land Bank finalized ten (10) coverage transactions during SFY 2022, attached in Exhibit D. All ten transactions were located in Incline Village HRA1 and involved the transfer of a total of 22,713 s/f of land coverage. Nine (9) out of the ten (10) transactions were facilitated by the Nevada Land Bank on behalf of the Incline Village General Improvement District (IVGID). Per the Interlocal Contract between the two agencies, the coverage sales were divided equally between the Nevada Land Bank and IVGID.

The ten transactions include:

1. Nevada Land Bank transaction of 300 square feet of Class 1b, Restored Land Coverage;
2. IVGID split transaction of 6,860 s/f of Class 6 Potential Land Coverage;
3. IVGID split transaction of 3,840 s/f of Class 1a Potential Land Coverage;
4. IVGID split transaction of 3,005 s/f of Class 1a Potential Land Coverage;
5. IVGID split transaction of 2,969 s/f of Class 1a Potential Land Coverage;
6. IVGID split transaction of 1,600 s/f of Class 1a Potential Land Coverage;
7. IVGID split transaction of 1,560 s/f of Class 1a Potential Land Coverage;
8. IVGID split transaction of 1,262 s/f of Class 1a Potential Land Coverage;
9. IVGID split transaction of 1,200 s/f of Class 6 Potential Land Coverage; and
10. IVGID split transaction of 117 s/f of Class 6 Potential Land Coverage.

In the event you have any questions regarding this report, please do not hesitate to contact me at (775) 684-2735.

Respectfully,



Sherri Barker, State Land Agent III, Nevada Tahoe Resource Team

CC: Charles Donohue, Administrator  
Ellery Stahler, Deputy Administrator  
Meredith Gosejohan, Tahoe Program Manager

# EXHIBIT A

DOUGLAS COUNTY, NV	<b>2022-980334</b>
RPTT.\$0.00 Rec.\$40.00	
\$40.00 Pgs=7	<b>01/26/2022 10:26 AM</b>
STEWART TITLE COMPANY - NV	
KAREN ELLISON, RECORDER	E02

**RECORDING REQUESTED BY:**

Nevada Division of State Lands  
901 S Stewart Street, Suite 5003  
Carson City, NV 89701

**WHEN RECORDED MAIL TO:**

Nevada Land Bank  
Nevada Division of State Lands  
901 S Stewart Street, Suite 5003  
Carson City, NV 89701

Escrow No. 1230888-BC  
Stewart Title, Reno, NV

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**GRANT, BARGAIN, SALE DEED  
AND DECLARATION OF PERMANENT  
RETIREMENT AND EXTINGUISHMENT OF  
DEVELOPMENT RIGHTS ("DEED RESTRICTIONS")  
TO BE RECORDED AGAINST DOUGLAS COUNTY**

**APN 1319-07-002-014**

For and in consideration of ONE MILLION, SIXTY THOUSAND AND NO/100 DOLLARS (\$1,060,000.00) and other valuable consideration the receipt of which is hereby acknowledged, KENT GRUSENDORF 2007 INVESTMENT TRUST OR ASSIGNS, whose address is 2401 Westlake Pass, Austin, TX 78746 (hereafter "GRANTOR"), hereby Grants, Bargains, Sells, Conveys and Confirms to the STATE OF NEVADA, acting through the DIVISION OF STATE LANDS and the STATE LAND REGISTRAR whose address is 901 South Stewart Street, Suite 5003, Carson City, Nevada 89701, (hereinafter "GRANTEE") and to the successors and assigns of the GRANTEE forever, all that certain real property described in EXHIBIT A attached hereto and by this reference made a part hereof (hereafter "Property/Sending Parcel").

APN: 1319-07-002-014  
5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449

EXHIBIT A

**TOGETHER WITH** all right, title, and interest in and to the improvements, rights, privileges, royalties, easements, reversions, remainders, rents, issues, and profits which are appurtenant to or obtained from such property, including without limitation, all water rights, subsurface mineral and surface timber rights, ditch, ditch rights, and grazing rights associated with or appurtenant to such property.

**SUBJECT TO** any and all existing easements, leases, licenses, burdens and encumbrances of public record.

**RECITALS**

1. **GRANTOR** is the owner of **ONE (1) Potential Residential Unit of Use (PRUU)**, and land coverage associated with the **Property/Sending Parcel** described in **EXHIBIT B** attached hereto.
2. The **Sending Parcel** is located in the **Tahoe Region** as described in the **Tahoe Regional Planning Compact (Public Law 96-551 DEC. 19, 1980 94 STAT. 3233)**, which region is subject to the regional plan and ordinances adopted by the **Tahoe Regional Planning Agency (hereinafter "TRPA")** pursuant to the **Tahoe Regional Planning Compact**.
3. The **"Nevada Land Bank"** was established per the **Memorandum of Understanding** in **August 1993**, between the **TRPA** and the **Department of Conservation and Natural Resources, Nevada Division of State Lands**, for the purposes of establishing the **Nevada Land Bank**.
4. **GRANTOR** acknowledges the transfer from the **Property/Sending Parcel** to the **Nevada Land Bank** **8,247 square feet of Class 1a restored hard coverage**, and **ONE (1) Potential Residential Unit of Use (PRUU)**.
5. As a condition of transfer approval, **Chapter 30, Land Coverage**, of the **TRPA Code of Ordinances** requires that the appropriate deed restriction be recorded against the **Property/Sending Parcel APN 1319-07-002-014** documenting the transfer of coverage and **Developments rights**.

**APN: 1319-07-002-014**  
**5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449**

# EXHIBIT A

## DECLARATIONS

1. GRANTOR hereby declares that for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage (Chapter 30 of the TRPA Code of Ordinances), the Property/Sending Parcel is now deemed by the TRPA to have transferred to the Nevada Land Bank 8,247 square feet of Class 1a restored hard coverage and ONE (1) Potential Residential Unit of Use (PRUU).
2. GRANTOR hereby further declares that after the coverage transfer, the Property/Sending Parcel will contain 0 square feet of coverage, and 0 Potential Residential Units of Use (PRUUs).
3. Upon recordation of this Deed Restriction, the transfer of the Coverage within the Cave Rock Hydrologic Zone 3, purchased with TRPA Excess Coverage Mitigation Fees, on Property/Sending Parcel shall be deemed permanently retired. The PRUU shall remain active in the Nevada Land Bank with the potential to be sold, transferred, or retired by the Nevada Land Bank.
4. Upon recordation of this Deed Restriction and the close of escrow, the transfer of the Coverage and development rights shall be deemed to have occurred.
5. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Property/Sending Parcel and shall be binding on the GRANTOR and GRANTOR's assigns and all persons acquiring or owning any interest in the Property/Sending Parcel.
6. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or NDSL, or their successor agencies, if any. TRPA and NDSL are deemed and agreed to be third party beneficiaries of this Deed Restriction and as such can enforce the provisions of this Deed Restriction.

TO HAVE AND TO HOLD, all and singular, the said Property/Sending Parcel, together with the appurtenances, unto the GRANTEE, its successors and assigns, forever.

APN: 1319-07-002-014  
5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449

IN WITNESS WHEREOF, GRANTOR has caused this Grant, Bargain and Sale Deed and Declaration of Permanent Retirement and Extinguishment of Development Rights ("Deed Restrictions") to be executed effective the 7<sup>th</sup> day of JANUARY, 2022 *JK*

KENT GRUSENDORF 2007 INVESTMENT TRUST OR ASSIGNS

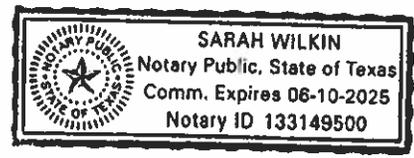
By: *Kent Grusendorf*  
Kent Grusendorf, Trustee

STATE OF Texas )  
COUNTY OF Travis )

SS

On January 7, 2022, KENT GRUSENDORF *JK* personally appeared before me, a notary public, who acknowledged that he executed the above instrument.

*Sarah Wilkin*  
NOTARY PUBLIC



APN: 1319-07-002-014  
5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449

# EXHIBIT A

## EXHIBIT A LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Douglas, described as follows: Parcel 1:

That portion of the West one-half of Section 7, Township 13 North, Range 19 East, M.D.B.&M., described as follows:

COMMENCING at the Southwest corner of said Section 7; thence North 00°00'38" East along the West line of Section 7 a distance of 580.00 feet to the true point of beginning; thence from the true point of beginning North 00°00'38" East along the West line of said Section a distance of 690.36 feet; thence leaving said West line, East a distance of 636.91 feet to a point on the centerline of an easement 60.00 feet in width, for roadway and utility purposes, as described in that certain document recorded September 16, 1969 in Book 69 of Official Records, at Page 545, Douglas County, Nevada Records; thence along the centerline of said easement, the following nine (9) courses and distances;

- (1) South 13°13'05" East a distance of 206.74 feet;
- (2) South 50°28'45" West a distance of 212.92 feet;
- (3) South 17°11'50" East a distance of 123.81 feet;
- (4) South 49°18'05" East a distance of 156.06 feet;
- (5) North 59°21'10" East a distance of 175.20 feet;
- (6) North 73°38'10" East a distance of 122.05 feet;
- (7) South 47°15'05" East a distance of 24.06 feet, to Engineers Station No. 12, as cited in the above referred to document describing said easement;
- (8) South 42°44'55" West a distance of 168.18 feet; and
- (9) South 04°19'50" East a distance of 118.34 feet, to a point in said easement centerline; thence West a distance of 854.89 feet, to the True Point of Beginning

Parcel 2:

A non-exclusive right of way for roadway and utility purposes over that certain 60.00 foot wide easement, as described in the document recorded September 16, 1969 in Book 69 of Official Records, at page 545, Douglas County, Nevada Records.

The above metes and bounds legal description was prepared by:  
Jeffery W. Turner P.L.S. No. 21260  
308 Dorla Court, Suite 203 Zephyr Cove, NV 89448

APN: 1319-07-002-014

APN: 1319-07-002-014  
5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449



Nevada Division of  
**STATE LANDS**

**STATE OF NEVADA**  
Department of Conservation & Natural  
Resources

Steve Sisolak, *Governor*  
Bradley Crowell, *Director*  
Charles Donohue, *Administrator*

April 16, 2021

PAUL NIELSEN, TAHOE REGIONAL PLANNING AGENCY  
P. O. BOX 5310  
STATELINE, NEVADA 89449

Re: Douglas County APN 1319-07-002-014

Dear Paul:

The Nevada Land Bank is pursuing the acquisition of land and land coverage from the above referenced parcel owned by Kent Grusendorf. Mr. Grusendorf's real estate broker has indicated that there is 8,247 square feet of restored Class 1a coverage banked on his parcel as a result of the TRPA permit #VBOC2008-0345. I also have a verification letter dated 8/23/2013 from TRPA stating there is 8,247/sf remaining on the parcel (attached).

The Land and Land coverage will be purchased with excess coverage mitigation fees and a large portion of the coverage will be retired in Hydrologic Zone 3, Cave Rock. By way of this letter NDSL is requesting for the TRPA to confirm that the above referenced parcel has 8,247 square feet of Class 1a restored coverage available for immediate transfer.

We are attempting to verify 8,247 square feet of Class 1a Restored Coverage is remaining and existing on this parcel. Would you please confirm by signing below that this restored coverage is attached to the subject "sending parcel" and that it is available for immediate transfer. We will also need amounts and land classification of the remaining coverage on the parcel in order to prepare the "Deed Restriction".

According to the records of the Tahoe Regional Planning Agency the above information is correct as of 4.12.21.

- Special Project Manager

Tahoe Regional Planning Agency (Print and Sign Name and Title)

The balance and land classification of the coverage remaining on the parcel, after the above transfer is: 0 square feet

Sincerely,

Sherri Barker  
State Land Agent II, Nevada Tahoe Resource Team  
(775) 684-2735 / [sbarker@lands.nv.gov](mailto:sbarker@lands.nv.gov)

APN: 1319-07-002-014  
5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449

# EXHIBIT A



Nevada Division of  
**STATE LANDS**

STATE OF NEVADA  
Department of Conservation & Natural  
Resources  
Steve Sisolak, *Governor*  
Bradley Crowell, *Director*  
Charles Donohue, *Administrator*

November 3, 2021

JULIE ROLL, TAHOE REGIONAL PLANNING AGENCY  
P. O. BOX 5310  
STATELINE, NEVADA 89449

Re: Douglas County APN 1319-07-002-014

Dear Julie:

The Nevada Land Bank is pursuing the acquisition of land, land coverage and all development rights from the above referenced parcel owned by Kent Grusendorf.

By way of this letter NDSL is requesting for the TRPA to confirm that the above referenced parcel has ONE (1) Potential Residential Unit of Use (PRUU) available for immediate transfer.

We are attempting to verify ONE (1) Potential Residential Unit of Use (PRUU) is remaining and existing on this parcel. Would you please confirm by signing below that this development right is attached to the subject "sending parcel" and is available for immediate transfer.

According to the records of the Tahoe Regional Planning Agency the above information is correct as of 11/4/2021.

 Senior Planner

Tahoe Regional Planning Agency (Print and Sign Name and Title)

Sincerely,



Sherri Barker  
State Land Agent III, Nevada Tahoe Resource Team  
(775) 684-2735 / [sbarker@lands.nv.gov](mailto:sbarker@lands.nv.gov)

APN: 1319-07-002-014  
5 CASTLE ROCK ROAD, STATELINE, NEVADA 89449

**STATE OF NEVADA  
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)  
 a) 1319-07-002-014  
 b) \_\_\_\_\_  
 c) \_\_\_\_\_  
 d) \_\_\_\_\_

2. Type of Property:  
 a.  Vacant Land      b.  Single Fam. Res.  
 c.  Condo/Twnhse      d.  2-4 Plex  
 e.  Apt. Bldg.      f.  Comm'Wind'l  
 g.  Agricultural      h.  Mobile Home  
 Other \_\_\_\_\_

<b>FOR RECORDERS OPTIONAL USE ONLY</b>	
Book _____	Page: _____
Date of Recording: _____	
Notes: _____	

3. a. Total Value/Sales Price of Property      \$ 1,060,000.00  
 b. Deed in Lieu of Foreclosure Only (value of property)      ( \_\_\_\_\_ )  
 c. Transfer Tax Value:      \$ 1,060,000.00  
 d. Real Property Transfer Tax Due      \$ 0.00

4. **If Exemption Claimed:**  
 a. Transfer Tax Exemption per NRS 375.090, Section 2  
 b. Explain Reason for Exemption: STATE AGENCY

5. Partial Interest: Percentage being transferred: \_\_\_\_\_ %  
 The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature \_\_\_\_\_ Capacity \_\_\_\_\_ Grantor \_\_\_\_\_  
 Signature Charles Douthett Capacity \_\_\_\_\_ Grantee \_\_\_\_\_

**SELLER (GRANTOR) INFORMATION (REQUIRED)**  
 Print Name: Kent Grusendorf 2007 Investment Trust, dated October 2, 2007  
 Address: 2401 Westlake Pass  
 City: Austin  
 State: TX Zip: 78746

**BUYER (GRANTEE) INFORMATION (REQUIRED)**  
 Print Name: State of Nevada, Division of State Lands and The State Land Registrar  
 Address: 901 S Stewart St., Ste 5003  
 City: Carson City  
 State: NV Zip: 89701

**COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)**  
 Print Name: Stewart Title Company Escrow # 1230888 DMR  
 Address: 540 W Plumb Ln, Ste 100  
 City: Reno State: NV Zip: 89509

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

# EXHIBIT A

DOUGLAS COUNTY, NV      **2022-982495**  
Rec \$40.00  
\$40.00      Pgs=5      03/15/2022 09:45 AM  
STEWART TITLE COMPANY - NV  
KAREN ELLISON, RECORDER

**Douglas County APN: 1318-24-311-016**  
**(Original Sending Parcel)**

**RECORDING REQUESTED BY:**

Paul Kaleta  
P.O. Box 4415  
Stateline, Nevada 89449

**WHEN RECORDED MAIL TO:**

Nevada Land Bank  
Nevada Division of State Lands  
901 S. Stewart Street, Suite 5003  
Carson City, Nevada 89701

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COVERAGE  
TRANSFER ("DEED RESTRICTION") HELD IN THE DOUGLAS COUNTY LAND BANK TO  
BE RECORDED AGAINST THE ORIGINAL SENDING PARCEL  
DOUGLAS COUNTY APN 1318-24-311-016**

This Deed Restriction is made this 16 day of Feb., 2022 by Paul Kaleta (hereinafter "Declarant").

**RECITALS**

1. Declarant is the owner of land coverage held in the Douglas County Land Bank document entitled "*Land Coverage Transfer #200.042*", recorded February 17, 2006 in Book 0206, Page 5253, as Document No. 668077, of Official Records, and document entitled "*Declaration of Covenants, Conditions and Restrictions for Land Coverage Transfer to Douglas County Land Bank ("Deed Restriction")*" recorded February 17, 2006 in Book 0206, Page 5258 as Document No. 0668078. The original sending parcel associated with that certain real property located in Douglas County, State of Nevada, described as follows:

**PARCEL 1:**

Lot 4, Block B, as shown on the map of KINGSBURY HIGHLANDS SUBDIVISION recorded in the office of the County Recorder of Douglas County, Nevada, on November 21, 1961, in Book 1 of Maps, as Document No. 16916.

**PARCEL 2:**

An easement for roadway and public utility purposes over the westerly seven and one-half (7 1/2) feet of Lot 6 in Block B, and over the easterly seven and one-half (7 1/2) feet of Lot 7 in Block B, of KINGSBURY HIGHLANDS.

APN 1318-24-311-016

2. The original Sending Parcel is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 98-551, 94 Stat. 3233, 1980), which region is subject to the regional plan and ordinances adopted by the Tahoe Regional Planning Agency (hereinafter "TRPA") pursuant to the Tahoe Regional Planning Compact.

1 | Page

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COVERAGE TRANSFER ("DEED RESTRICTION")  
HELD IN THE DOUGLAS COUNTY LAND BANK TO BE RECORDED AGAINST THE ORIGINAL SENDING PARCEL  
DOUGLAS COUNTY APN 1318-24-311-016

3. The "Nevada Land Bank" was established per the Memorandum of Understanding dated July 10, 2000, between the TRPA and the Department of Conservation and Natural Resources, Nevada Division of State Lands (hereinafter "NDSL"), for the purposes of establishing the Nevada Land Bank.
4. The "Douglas County Land Bank" was established per the Memorandum of Understanding dated April 21, 2000, between the TRPA and Douglas County.
5. Declarant acknowledges the transfer of land coverage (LBA-03-001) from the Douglas County Land Bank to the Nevada Land Bank of 1,900 square feet of Class 1a and 1,500 square feet of Class 2 Restored Land Coverage.

**DECLARATIONS**

1. Declarant hereby declares that for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage (Subsection 30.4, of the TRPA Code of Ordinances), the Douglas County Land Bank as described above is now deemed by the TRPA to have transferred to the Nevada Land Bank 1,900 square feet of Class 1a and 1,500 square feet of Class 2 Restored Land Coverage on behalf of Declarant.

Declarant hereby further declares that after the coverage transfer, the Douglas County Land Bank for the benefit of Paul Kaleta (LBA 03-001) shall contain 0 square feet of coverage.

The coverage is referenced in a letter signed by Lorenzo Mastino, of the Douglas County Land Bank on November 22, 2021, and is attached hereto as Exhibit "A" and incorporated by reference.

2. Upon recordation of this Deed Restriction and the close of escrow, the transfer of the Coverage shall be deemed to have occurred.
3. Upon recordation of this Deed Restriction, the transfer of the Coverage within the South Stateline Hydrologic Zone 4, purchased with TRPA Excess Coverage Mitigation Fees, held in the Douglas County Land Bank shall be deemed permanently retired.
4. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall constitute benefits and burdens and shall be binding on the Declarant and Declarant's assigns.
5. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or NDSL, or their successor agencies, if any. TRPA and NDSL are deemed and agreed to be third party beneficiaries of this Deed Restriction and as such can enforce the provisions of this Deed Restriction.

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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COVERAGE TRANSFER ("DEED RESTRICTION")  
HELD IN THE DOUGLAS COUNTY LAND BANK TO BE RECORDED AGAINST THE ORIGINAL SENDING PARCEL  
DOUGLAS COUNTY APN 1318-24-311-016

# EXHIBIT A

IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this day and year written above.

**PAUL KALETA:**

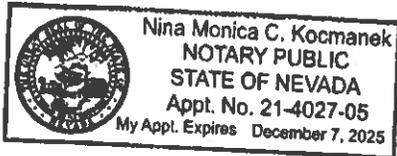
Paul Kaleta  
Paul Kaleta

Feb 16, 2022  
Date

STATE OF Nevada )  
COUNTY OF Douglas ) ss.

On this 16 day of February, 2022, before me, Nina Kocmanek, a notary public, personally appeared Paul Kaleta, personally known to me, (or proved on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon their behalf of which the person acted, executed the instrument.

[Signature]  
NOTARY PUBLIC



Wendy Jepson  
Tahoe Regional Planning Agency / Wendy Jepson  
TRPA Executive Director/Designee

Dated: 3-1-2022

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA            )  
  ) SS.  
COUNTY OF DOUGLAS    )

On MARCH 1st 2022, before me, TRACY CAMPBELL, Notary Public, personally appeared WENDY JEPSON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Tracy Campbell



# EXHIBIT A



Nevada Division of  
**STATE LANDS**

STATE OF NEVADA  
Department of Conservation & Natural Resources  
Steve Sisolak, *Governor*  
Bradley Crowell, *Director*  
Charles Donohue, *Administrator*

October 4, 2021

Douglas County Land Bank  
c/o Lorenzo Mastino  
[lmastino@douglasnv.us](mailto:lmastino@douglasnv.us)

Re: Nevada Division of State Lands/Nevada Land Bank (NDSL) purchase of Land Coverage associated with Douglas County APN 1318-24-311-016

Dear Lorenzo:

The Nevada Land Bank is pursuing the purchase of land coverage from Mr. Kaleta; however, the above referenced parcel is currently owned by Stephen and Lisa Warkentin. Per the attached Douglas County banking letters this Land coverage was placed into the Douglas County Land Bank for the benefit of Paul Kaleta (LBA 03-001) in 2006.

By way of this letter NDSL is requesting that the Douglas County Land Bank confirm that Mr. Kaleta has 1,900 square feet of Class 1a and 1,500 square feet of Class 2 available for immediate transfer from sending parcel APN 1318-24-311-016.

We are attempting to purchase 1,900 square feet of Class 1a and 1,500 square feet of Class 2 Land Coverage. Would you please confirm by signing below that this land coverage is available to purchase and that it is available for immediate transfer from Mr. Kaleta.

According to the records of the Douglas County Land Bank the above information is correct as of 11/22/21.

**Lorenzo Mastino, Douglas County Land Bank-Signature**

Thank you for your assistance. Please contact me at (775) 684-2735 or at [sbarker@lands.nv.gov](mailto:sbarker@lands.nv.gov) if you wish to discuss the above.

Sincerely,

Sherrri Barker  
State Land Agent III  
Nevada Tahoe Resource Team

DOUGLAS COUNTY, NV      **2022-982496**  
Rec:\$40.00  
\$40.00      Pgs=5      03/15/2022 09:51 AM  
STEWART TITLE COMPANY - NV  
KAREN ELLISON, RECORDER

**Douglas County APN: 1318-24-311-014**  
**(Original Sending Parcel)**

**RECORDING REQUESTED BY:**

Paul Kaleta  
P.O. Box 4415  
Stateline, Nevada 89449

**WHEN RECORDED MAIL TO:**

Nevada Land Bank  
Nevada Division of State Lands  
901 S. Stewart Street, Suite 5003  
Carson City, Nevada 89701

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COVERAGE TRANSFER ("DEED RESTRICTION") HELD IN THE DOUGLAS COUNTY LAND BANK TO BE RECORDED AGAINST THE ORIGINAL SENDING PARCEL DOUGLAS COUNTY APN 1318-24-311-014**

This Deed Restriction is made this 2 day of Feb, 2022 by Paul Kaleta (hereinafter "Declarant").

**RECITALS**

1. Declarant is the owner of land coverage held in the Douglas County Land Bank document entitled "*Land Coverage Transfer #2004.231*", recorded October 27, 2004 in Book 1004, Page 11577, as Document No. 627796, of Official Records, and document entitled "*Declaration of Covenants, Conditions and Restrictions for Land Coverage Transfer to Douglas County Land Bank ("Deed Restriction")*" recorded October 27, 2004 in Book 1004, Page 11580 as Document No. 627797. The original sending parcel associated with that certain real property located in Douglas County, State of Nevada, described as follows:

Lot 2 in Block B, of KINGSBURY HIGHLANDS SUBDIVISION, according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on November 21, 1961, as Document No 16916, of Official Records.

APN: 1318-24-311-014

2. The original Sending Parcel is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 98-551, 94 Stat. 3233, 1980), which region is subject to the regional plan and ordinances adopted by the Tahoe Regional Planning Agency (hereinafter "TRPA") pursuant to the Tahoe Regional Planning Compact.
3. The "Nevada Land Bank" was established per the Memorandum of Understanding dated July 10, 2000, between the TRPA and the Department of Conservation and Natural Resources, Nevada Division of State Lands (hereinafter "NDSL"), for the purposes of establishing the Nevada Land Bank.

# EXHIBIT A

4. The "Douglas County Land Bank" was established per the Memorandum of Understanding dated April 21, 2000, between the TRPA and Douglas County.
5. Declarant acknowledges the transfer of land coverage (LBA-04-001) from the Douglas County Land Bank to the Nevada Land Bank of 1,824 square feet of Class 2 restored coverage.

## DECLARATIONS

1. Declarant hereby declares that for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage (Subsection 30.4, of the TRPA Code of Ordinances), the Douglas County Land Bank as described above is now deemed by the TRPA to have transferred to the Nevada Land Bank 1,824 square feet of Class 2 restored coverage on behalf of Declarant.

Declarant hereby further declares that after the coverage transfer, the Douglas County Land Bank for the benefit of Paul Kaleta (LBA 04-001) shall contain 0 square feet of coverage.

The coverage is referenced in a letter signed by Lorenzo Mastino, of the Douglas County Land Bank on October 7, 2021, and is attached hereto as Exhibit "A" and incorporated by reference.

2. Upon recordation of this Deed Restriction and the close of escrow, the transfer of the Coverage shall be deemed to have occurred.
3. Upon recordation of this Deed Restriction, the transfer of the Coverage within the South Stateline Hydrologic Zone 4, purchased with TRPA Excess Coverage Mitigation Fees, held in the Douglas County Land Bank shall be deemed permanently retired.
4. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall constitute benefits and burdens and shall be binding on the Declarant and Declarant's assigns.
5. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or NDSL, or their successor agencies, if any. TRPA and NDSL are deemed and agreed to be third party beneficiaries of this Deed Restriction and as such can enforce the provisions of this Deed Restriction.

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# EXHIBIT A

Wendy Jepson Dated: 3-1-2022  
Tahoe Regional Planning Agency - Wendy Jepson  
TRPA Executive Director/Designee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA )  
 ) SS.  
COUNTY OF DOUGLAS )

On MARCH 1ST, 2022, before me, TRACY CAMPBELL, Notary Public, personally appeared WENDY JEPSON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Tracy Campbell





Nevada Division of  
**STATE LANDS**

**STATE OF NEVADA**  
Department of Conservation & Natural Resources  
Steve Sisolak, *Governor*  
Bradley Crowell, *Director*  
Charles Donohue, *Administrator*

October 4, 2021

Douglas County Land Bank  
c/o Lorenzo Mastino  
[lmastino@douglasnv.us](mailto:lmastino@douglasnv.us)

Re: Nevada Division of State Lands/Nevada Land Bank (NDSL) purchase of Land Coverage associated with Douglas County APN 1318-24-311-014

Dear Lorenzo:

The Nevada Land Bank is pursuing the purchase of land coverage from Mr. Kaleta; however, the above referenced parcel is currently owned by David Pletcher. Per the attached Douglas County banking letters this Land coverage was placed into the Douglas County Land Bank for the benefit of Paul Kaleta (LBA 04-001) in 2004.

By way of this letter NDSL is requesting that the Douglas County Land Bank confirm that Mr. Kaleta has 1,824 square feet of Class 2 available for immediate transfer from sending parcel APN 1318-24-311-014.

We are attempting to purchase 1,824 square feet of Class 2 Land Coverage. Would you please confirm by signing below that this land coverage is available to purchase and that it is available for immediate transfer from Mr. Kaleta.

According to the records of the Douglas County Land Bank the above information is correct as of 10/7/21.

**Lorenzo Mastino, Douglas County Land Bank-Signature**

Thank you for your assistance. Please contact me at (775) 684-2735 or at [sbarker@lands.nv.gov](mailto:sbarker@lands.nv.gov) if you wish to discuss the above.

Sincerely,

Sherri Barker  
State Land Agent III  
Nevada Tahoe Resource Team

State Land Office • State Land Use Planning Agency • Nevada Tahoe Resource Program  
901 S. Stewart Street, Suite 5003 • Carson City, Nevada 89701 • p: 775.684.2720 • f: 775.684.2721 • [lands.nv.gov](http://lands.nv.gov)

EXHIBIT B

APN / Address	COUNTY	ADDRESS	SELLER	PURCHASED	PURCHASE PRICE	LAND CAPABILITY	HZ	HD COV	SOFT COV	POT COV	TOTAL COV	Land Coverage VALUE	DEVELOPMENT RIGHT (D-R)	D-R VALUE	LAND AREA	APPRAISAL COST	TITLE COST	ESCROW COST
125-561-07	Washoe	669 Saddlehorn Drive, Incline	LaBier	4/30/1998	\$175,000.00	IPES 539	1	0	0	488	488	\$5,000.00	1	\$5,000.00	24,400 sf	\$560.00	Slr Pd	\$126.00
			Tahoe 193									\$10.25 psf			.56 ac			
1318-23-411-002	Douglas	162 Pine Ridge Drive, Kingsbury	Ince	1/6/1999	\$55,000.00	IPES 751	4	0	0	2,340	2,340	\$11,750.00	1	\$10,000.00	11,700 sf	\$783.44	\$133.25	\$82.25
			Tahoe 383									\$5.02 psf			.269 ac			
1418-15-802-002	Douglas	1753 HWY 50	Martin	3/23/2000	\$245,000.00	IPES 742	3	0	0	7,511	7,511	\$115,000.00	1	\$3,500.00	209,161 sf	\$1,118.13	\$379.00	\$218.00
			Tahoe 472									\$15.31 psf			4.8 ac			
126-245-01	Washoe	990 Fairview Blvd Incline	Wiley	8/17/2000	\$125,000.00	IPES 695	1	0	0	5,321	5,321	\$100,000.00	1	\$5,000.00	41,060 sf	\$1,251.25	\$275.30	\$170.00
			Tahoe 244									\$18.79 psf			.94 ac			
0000-07-362-070-1318-24-702-002	Douglas	487 Kingsbury Grade 555 Buchanan Rd	** McCall	4/5/2001	\$355,960.00	IPES 763	4	0	0	33,743	33,743	\$355,960.00	0	\$0.00	233,000 sf	\$0.00	\$50.00	\$222.40
												\$10.55 psf			5.32 ac			
1318-24-311-012	Douglas	502 Kingsbury Grade	Ricci	4/30/2001	\$135,000.00	4=996 2=1,361 1a=1,992	4	4,349	0	N/A	4,349	\$75,000.00		\$10,000.00	18,872 sf	\$800.00	\$180.88	\$174.00
			Tahoe 409									\$17.25 psf	1		.43 ac			
123-055-01 & 123-071-24 123-071-34 123-071-35 123-071-36 123-071-37	Washoe	105 State Route 28	** Tahoe Mariner	10/2/2001	\$375,207.00	Class 1a	9	22,071	0	0	22,071	\$375,207.00	0	\$0.00	0.00	\$1,750.00	\$79.00	\$230.40
												\$17.00 psf						
131-240-02 & 131-100-01 & 131-012-07	Washoe	955 Fairway Blvd Incline	** Incline Village GID	3/19/2002	\$1,005,000.00	Class 6 potential	1	0	0	100,000	100,000	\$1,005,000.00	0	\$0.00	Approx 129 ac	0.00	\$182.00	\$452.00
												\$10.05 psf						
05-150-14	Douglas	Zephyr Heights	** Falcon Capital LLC	5/24/2002	\$204,000.00	Class 4	3	0	0	17,000	17,000	\$204,000.00	0	\$0.00	8.2ac	0.00	\$25.00	\$75.00
												\$12.00 psf						
131-240-02 & 131-100-01 & 131-012-07	Washoe	955 Fairway Blvd Incline	** Incline Village GID	9/9/2003	\$472,600.00	Class 6	1	0	0	39,200	39,200	\$472,360.00	0	\$0.00	App. 129 ac	\$0.00	\$15.00	\$75.00
												\$12.05 psf						
048-041-15 (APN closed) sold to US Forest (048-140-03) and IVGID (048-140-03)	Washoe	0 Mount Rose Hwy	** Incline Lake Corp	12/30/2005	\$700,000.00	1a=10,200	1	0	28,231	10,200	38,431	\$700,000.00	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
						6=28,231						1a pot=\$27.00						
												6 rest=\$15.04						
1319-18-202-001	Douglas	432 Kimberly Brooke Lane	** Yocona LLC Kaleta	1/26/2006	\$450,000.00	Class 4 Potential	4	0	0	45,000	45,000	\$450,000.00	0	\$0.00	0.00	\$0.00	\$0.00	\$75.00
												\$10.00 psf						
129-280-20 129-290-01	Washoe	800 College Dr. Incline Village, NV	** Incline Village GID	11/29/2010	\$230,000.00	Class 6	1	0	29,010	0	29,010	\$230,000.00	0	\$0.00	0.00	\$0.00	\$0.00	\$654.00
						restored						\$7.92 psf						
048-140-03	Washoe	15580 MT Rose Highway	**Incline Lake Corp	6/14/2011	\$800,000.00	3,994 1b restored 43,151 4 restored 53,402 6 restored 2,396 4 potential 61,670 6 potential	1	0	100,547	64,066	164,613	\$800,000.00	0	\$0.00	5 acres	\$0.00	\$200.00	\$250.00
1318-23-710-002	Douglas	204 Chimney Rock Road,	**Warren T. Withers	5/21/2013	\$17,604.00	Class 2 restored (\$12.00 psf)	4	1,467				\$17,604.00	0	\$0.00		\$0.00	\$0.00	\$75.00

EXHIBIT B

APN / Address	COUNTY	ADDRESS	SELLER	PURCHASED	PURCHASE PRICE	LAND CAPABILITY	HZ	HD COV	SOFT COV	POT COV	TOTAL COV	Land Coverage VALUE	DEVELOPMENT RIGHT (D-R)	D-R VALUE	LAND AREA	APPRAISAL COST	TITLE COST	ESCROW COST
1319-07-002-014	Douglas	Round Hill Village 89448	**Kent Grusendorf	10/30/2013	737,721.75	Class 1a restored soft	3		24,364		24,364	\$737,721.75 or \$19.75 psf	0	\$0.00		\$ -	\$ -	\$ 149.50
1318-26-501-004	Douglas	173 Granite Springs Drive	Pohl/Clancy Tahoe 515	11/30/2017	1,250,000.00	179 (SEZ), 2184 (1a), 835 (2), 8,679 (4) & 10,606 (6)	4						1		7.60 ac	\$ 2,900.00	\$ 1,750.00	\$ 747.50
126-170-00	Washoe	335 Ski Way, Incline	Burgundy Hills Conservation Easement	8/1/2005	\$276,675.56 restoration \$185,000.00 purchase \$461,675.56 total	1,652 (1b) 2,418 (1a) 3,781 (3)	1	7,851	0	0	7,851	\$157,020.00 \$20.00 psf	0	\$0.00	2.7564 ac	\$2,250 (NDSL paid half)	\$ -	
1319-07-002-014	Douglas	5 Castlerock Rd. Stateline 89449	Kent Grusendorf Tahoe 518-0	1/26/2022	1,060,000.00	8,257 sf of 1a hard land Land Coverage permanently retired	3	8,257	0	0	8,257	\$288,995.00 \$30.00 psf	1	\$20,000.00	10.6 ac	\$ 6,000.00	\$2,964.00	\$2,146.50
1318-24-311-016	Douglas	491 Lauren Lane, Ststeline	**Paul Kaleta	3/15/2022	59,500.00	1900 (1a restored hard) 1500 (2 restored hard)	4	3,400	0	0	3,400	\$17.50 psf	0	\$0.00	0.00	\$ -	\$0.00	\$945.50
1318-24-311-014	Douglas	220 Highlands Drive	**Paul Kaleta	3/15/2022	31,920.00	1824 (2 restored hard)	4	1,824	0	0	1,824	\$17.50 psf	0	\$0.00	0.00	\$ -	\$0.00	\$945.50

# EXHIBIT C



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

Mail  
PO Box 5310  
Stateline, NV 89449 5310

Location  
128 Market Street  
Stateline, NV 89449

Contact  
Phone: 775-588 4547  
Fax: 775 588 4527  
[www.trpa.org](http://www.trpa.org)

February 9, 2021

Sherri Barker, Land Agent II  
901 S. Stewart Street Ste 5003  
Carson City, NV 89701

**EXISTING PIER BANKING - RETROACTIVE, STATE OF NEVADA, WASHOE COUNTY, NEVADA  
ASSESSOR'S PARCEL NUMBER (APN) 123-211-07, TRPA FILE NUMBER ERS2019-1631**

Dear Applicant,

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit for the project referenced above. TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied. TRPA acknowledgement is required to finalize this permit.

TRPA legal staff issued a letter to Nevada Division of State Lands staff, dated March 31, 2011 (Attachment A), recognizing the existence of a pier located on Washoe County APN 123-211-07/402 Gonowable Road. The letter further states that said pier could be seen in aerial photographs since at least October 13, 1970. The State of Nevada obtained the pier via quitclaim deed from Crystal Bay General Improvement District in 1993. At the time TRPA wrote the letter, the pier had been regularly maintained and was in a serviceable condition; however, upkeep required time and resources that the State could not expend. Without regular maintenance the pier would have become unsafe and therefore was removed in 2011. There was not a mechanism for banking a pier right with the TRPA at the time of removal. This banking letter recognizes, retroactively, the pier as banked on the subject parcel. This banking letter does not serve as an indication that TRPA could take any permit actions regarding the pier in the future. Potential actions regarding the pier are subject to future TRPA review and approval.

### **Transfer of Development Rights (TDR) Exchange**

Please note that actions associated with this TRPA approval may have resulted in verification of a transferable commodity. Transferable commodities can be bought and sold within the Tahoe basin and include commercial floor area, tourist accommodations units, residential units of use, residential allocations, residential development rights, land coverage, and some shorezone structures. TRPA has created a Transfer of Development Rights (TDR) Exchange system. This online tool is a means to bring buyers and sellers of commodities together to facilitate the transfer of development within the Lake Tahoe Basin. For additional information please visit the following link:  
<http://www.trpa.org/permitting/transfer-development-rights/>.

Thank you very much for your patience in this matter. Please feel free to call me at 775-589-5283 if you have any questions regarding this letter or your permit in general.

Sincerely,

Tiffany Good

Page 1 of 5



Mail  
PO Box 5310  
Stateline, NV 89449 5310

Location  
128 Market Street  
Stateline, NV 89449

Contact  
Phone: 775-588 4547  
Fax: 775-588-4527  
www.trpa.org

**PERMIT**

**PROJECT DESCRIPTION:** Banking of an Existing Pier **APN 123-211-07**

**PERMITTEE(S):** State of Nevada  
Sherri Barker, Land Agent II - Representative **File # ERSP2019-1631**

**COUNTY/LOCATION:** Washoe County / 402 Gonowabie Road

Having made the findings required by Agency ordinances and rules, TRPA approved the banking project on February 9th, 2021, subject to the special conditions found in this permit.

This banking permit shall expire on February 9th, 2024, without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

\_\_\_\_\_  
TRPA Executive Director/Designee 2/9/2021  
Date

-----  
**PERMITTEE'S ACCEPTANCE:** I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) Sherri Barker Date 12/14/2021

PERMIT CONTINUED ON NEXT PAGE

# EXHIBIT C

APN 123-211-07  
FILE NO. ERSP2019-1631

Security Posted: N/A

TRPA ACKNOWLEDGEMENT: The permittee has complied with all conditions of approval as of this date.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

## ***SPECIAL CONDITIONS***

1. The applicant proposes to retroactively bank the pier associated with the property located at 402 Gonowabie Road, Washoe County APN 123-211-07.
2. Prior to banking, the following conditions of approval must be satisfied:
  - A. The permittee shall acknowledge this permit.
3. The permittee understands that this permit is not a conceptual approval of any future projects.
4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is

rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

# EXHIBIT C

## Attachment A

TAHOE REGION,

128 Market Street  
Stateline, Nevada  
www.trpa.org

State

Re: -  
Can you work with  
Jeff + Elise to solicit  
for a contract to  
remove.

547  
4527  
pa.org

March 31, 2011

Charlie Donohue  
Deputy Administrator  
Nevada Division of State Lands  
901 S. Stewart Street Ste. 5003  
Carson City, Nevada 89701

It would be great  
to see if this could  
get done before  
the "heat" of the  
summer.  
Charlie

**RE: REMOVAL OF STATE-OWNED PIER, 402 GONOWABIE ROAD, APN 123-211-07  
(PREVIOUSLY APN 123-151-06), WASHOE COUNTY, NEVADA**

Dear Mr. Donohue:

You have informed the Tahoe Regional Planning Agency (TRPA) that the State of Nevada (State) desires to remove the pier located on the above-referenced parcel (the "Himmelright" pier) for the purposes of public health and safety.

Although neither the State nor TRPA is aware of the date of construction of the Himmelright pier, aerial photographs demonstrate that it has existed since at least October 13, 1970. You informed TRPA that the State obtained the pier via quitclaim deed from the Crystal Bay General Improvement District in 1993. Although the pier has been regularly maintained and is in a serviceable condition, you have explained that to continue its upkeep would require time and resources that the State is not able to expend at this time. Without regular maintenance, the pier would most likely become unsafe. Evidence of the pier's current condition can be seen in the three enclosed photographs.

Instead of investing time and resources to maintain the Himmelright pier, the State intends to remove the pier before a health and safety issue occurs. Ideally, the State would like to "bank" any development rights associated with the pier. As you know, TRPA does not currently have "banking" rules for piers. Further, TRPA cannot guarantee that the ability to bank development rights for piers will be included in future rules. TRPA will work with the State to the best extent possible to maintain any development rights related to the Himmelright pier in the future.

If you have further questions or concerns, please feel free to contact me.

Sincerely,  
  
Nicole Rinke  
General Counsel  
Tahoe Regional Planning Agency

2025

EXHIBIT D  
Nevada Land Bank Activities 7/1/2021 – 06/30/2022

Details for the ten sales transactions in the 2022 fiscal year:

**Incline Village – HRA 1 Land Bank transactions:**

1. NDSL Nevada Land Bank:  
Total amount transferred: 300 square feet  
Receiving parcel APN: 126-084-10  
What's being transferred: Class 1b, Restored Soft  
Close of escrow date: 07/27/2021 Stewart Title, Reno, NV  
Transfer price: \$37.50 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)
  
2. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 1,200 square feet  
Receiving parcel APN: 130-201-11  
What's being transferred: Class 6, Potential  
Close of escrow date: 09/21/2021 Stewart Title, Reno, NV  
Transfer price: \$25.00 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07
  
3. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 117 square feet  
Receiving parcel APN: 125-502-05  
What's being transferred: Class 4, Potential  
Close of escrow date: 11/05/2021 Stewart Title, Reno, NV  
Transfer price: \$27.00 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07
  
4. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 3,005 square feet  
Receiving parcel APN: 132-240-21  
What's being transferred: Class 1a, Potential  
Close of escrow date: 12/10/2021 Stewart Title, Reno, NV  
Transfer price: \$30.00 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07

EXHIBIT D  
Nevada Land Bank Activities 7/1/2021 – 06/30/2022

5. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 1,262 square feet  
Receiving parcel APN: 132-240-20  
What's being transferred: Class 1a, Potential  
Close of escrow date: 12/10/2021 Stewart Title, Reno, NV  
Transfer price: \$30.00 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07
  
6. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 3,840 square feet  
Receiving parcel APN: 130-163-27  
What's being transferred: Class 1a, Potential  
Close of escrow date: 12/20/2021 Stewart Title, Reno, NV  
Transfer price: \$20.00 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07
  
7. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 1,560 square feet  
Receiving parcel APN: 130-083-06  
What's being transferred: Class 1a, Potential  
Close of escrow date: 4/15/2022 Stewart Title, Reno, NV  
Transfer price: \$33.50 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07
  
8. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:  
Total amount transferred: 6,860 square feet  
Receiving parcel APN: 132-011-07  
What's being transferred: Class 6 Potential  
Close of escrow date: 06/15/2022 Stewart Title, Reno, NV  
Transfer Price: 6,860 s/f of Class 6, Potential Land Coverage Appraised for \$102,500.00  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07

EXHIBIT D  
Nevada Land Bank Activities 7/1/2021 – 06/30/2022

- 9. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:**  
Total amount transferred: 2,969 square feet  
Receiving parcel APN: 125-511-05  
What's being transferred: Class 1a, Potential  
Close of escrow date: 06/17/2022 Stewart Title, Reno, NV  
Transfer price: \$33.50 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07
- 10. SPLIT TRANSACTION between IVGID and NDSL Nevada Land Bank:**  
Total amount transferred: 1,600 square feet  
Receiving parcel APN: 126-084-07  
What's being transferred: Class 1a, Potential  
Close of escrow date: 06/22/2022 Stewart Title, Reno, NV  
Transfer price: \$33.50 per square foot  
NDSL Sending parcel APN: 048-041-15 -parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)  
IVGID Sending Parcels APNs 131-240-02, 131-100-01 and 131-012-07



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**STAFF REPORT**

Date: December 7, 2022

To: TRPA Governing Board

From: TRPA Staff

Subject: New Multiple-Parcel/Multiple-Use Pier, 300 State Route 28, Washoe County, Nevada, Assessor's Parcel Numbers (APNs) 123-211-01 & -02, TRPA File Number ERSP2022-0029

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**Summary and Staff Recommendation:**

A new multiple-parcel/multiple-use pier is proposed to serve two littoral parcels located at 300 State Route 28 in Crystal Bay, Washoe County, Nevada. The proposed pier will extend 51 feet from the High Water Line elevation of 6,229.1, Lake Tahoe Datum, and includes two 12,000-pound boatlifts located at the pierhead. The boatlifts will be the result of the conversion of two legally existing buoys. The pierhead will be 15 feet wide. The pier will extend from the existing rock stairway access to the shoreline. The proposed pier complies with development and location standards for multiple-parcel piers serving two littoral parcels. Staff recommends that the Governing Board make the required findings and approve the proposed project.

**Required Motions:**

In order to approve the proposed project, the Board must make the following motions, based on the staff report:

- 1) A motion to approve the required findings, including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions in the draft permit (see Attachment B).

In order for the motions to pass, an affirmative vote of at least five members from the State of Nevada and at least nine members of the Board is required.

**Shoreline Review Committee:**

TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the permitting of projects. The subject project was reviewed and discussed at SRC on November 17, 2022. The United States Army Corps of Engineers (USACE) has received a request for a Letter of Permission (LOP) but has not yet taken action, and have not identified any issues with the application. The Nevada Division of State Lands and Nevada Department of Environmental Protection had not yet received applications for this project. There were no concerns raised regarding the proposed project other than what has been mentioned above.

Project Description/Background:

The project applicants received an allocation for a new multiple-parcel pier as a result of the multiple-parcel prioritization criteria. The proposed pier will be constructed to multiple-use pier standards. The project received a multiple-parcel pier allocation during the 2021 new pier allocation distribution. The new multiple-parcel pier will serve two littoral parcels located at 300 State Route 28 in Crystal Bay, Nevada. There is a single family dwelling on each of the two parcels. Existing shorezone development for the project area includes a total of four moorings:

APN 123-211-01: two mooring buoys

APN 123-211-02: two mooring buoys

The proposed project involves constructing a new pier to 51 feet from the High Water Line elevation of 6,229.1, with one 3-foot by 30-foot catwalk and one 12,000-pound boatlift at the pierhead. The pierhead will be 15 feet wide. The pier will extend from the existing stone stairway that terminates at the shoreline. The pier complies with all development and location standards for a multiple-parcel pier serving two parcels. The proposed project is located within the Washoe County Tahoe Area Plan –Crystal Bay Regulatory Zone, where piers and buoys are allowed accessory structures.

Recognition of a Multiple-Parcel/Multiple-Use Pier:

New multiple-parcel piers are subject to the deed restriction requirements in TRPA code section 84.4.E which state “An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.” As a result of the project, the project area consisting of two parcels will be deed restricted to one pier. A multiple-use pier is defined as “A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.” This pier is considered multiple-parcel for the purposes of obtaining a multiple-parcel pier allocation due to the retirement of future shorezone development potential, and is designed to multiple-use pier standards.

The Governing Board may find the pier will be a multiple-parcel/multiple-use pier as it results in both the reduction of shorezone development potential and serves two or more primary residential littoral parcels, subject to deed restriction provisions.

2018 Shoreline Plan:

The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New single-parcel and multiple-parcel/multiple-use piers are allowed as a part of that plan. A maximum of 128 piers will be distributed over the life of the plan, and every two years TRPA will distribute allocations for single-parcel and multiple-parcel piers. In 2021, TRPA awarded four allocations for new single-parcel piers and eight allocations for new multiple-parcel piers. The allocations for multiple-parcel piers were awarded based on codified prioritization criteria. The eight applications that ranked highest per the prioritization criteria were awarded allocations and given six months to then submit complete project applications. Staff has analyzed the potential environmental impacts of the proposed pier and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 23, Crystal Bay, which is not in attainment with the TRPA Scenic Threshold. Up to 400 square feet of visible mass is allowed for multiple-parcel/use piers serving two or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 367 square feet which counts towards the 400 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 367 square feet. This means that 734 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area already achieves a Composite Scenic Score of 25, and therefore complies with this requirement. Additional visible mass associated with the pier will be mitigated by utilizing remaining allowable visible mass associated with the project area composite contrast rating score of 27. The two properties will be deed restricted for scenic purposes.

The project area is also located in Scenic Roadway Unit 21, Stateline, which is not in attainment with TRPA scenic thresholds. The project area is visible from this section of roadway, specifically from resource points 21-1 and 21-2 of the Lake Tahoe Basin Scenic Resources Inventory describe the views from this section of roadway. The description for these resource points describes the view from this section of roadway as “Repeated but uninterrupted panoramas of lake from elevated viewing position, revealing unbroken mountain ridgelines to east, on both sides of Mt. Rose. Views are marred by rooftops below road and guardrails.” The proposed pier is relatively short (51 feet) and sits well below the roadway along this portion of shoreline, making the pier impossible to see from this section of roadway. Additionally, the resource point highlights the ridgeline views to the east, and the pier sitting at lake level will not have an impact on any ridgeline views from the roadway. Therefore, the proposed pier is consistent with maintaining the scenic threshold rating. The proposed pier also complies with the TRPA length limitations afforded to a pier serving two littoral residential parcels. TRPA staff has determined that the proposed pier will not have an impact on the scenic threshold rating.

- B. Fish Habitat: This property is located in feed and cover fish habitat. The new pier will have 14 new pilings resulting in approximately 10 square feet of new lake bottom disturbance. The lake bottom disturbance located in feed and cover habitat will be mitigated at a 1 to 1 ratio (10 s.f. x 1 = square feet of mitigation). Fish habitat mitigation will occur in the form of one rock pyramid placed underneath the proposed pier. The pier will be constructed using an open piling methodology, resulting in a pier that is 90 percent open.

As required by Article 10: *Miscellaneous* of the TRPA Rules of Procedure Section 10.8.E.4.a.i, which requires \$60 per foot be paid for additional pier length to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a shorezone mitigation fee of \$3,060 for the construction of 51 additional feet of pier length (refer to Attachment B – Draft Permit).

As required by Article 10: *Miscellaneous* of the TRPA Rules of Procedure Section 10.8.E.4.a.iii, which requires a \$600 to additions to piers per application to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a

shorezone mitigation fee of \$600 for the addition of a boatlift (refer to Attachment B – Draft Permit).

- C. Deed Restriction: The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The two parcels associated with the project area will be deed restricted against future shorezone development and limited to one pier.
- D. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40 foot setback from all other piers as measured from the pierhead and 20 feet from the outer-most parcel boundary projection lines associated with the project area. The proposed pier complies with these setback requirements.
- E. Pier Length: TRPA Code, Section 84.4.3.C states “Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length may be permitted for piers serving three or more residential littoral parcels.” The new pier, extends 30 feet beyond elevation 6,219 Lake Tahoe Datum, which is the limiting factor for determining pier length.

Environmental Review:

The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long-term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation (fisheries and scenic). Additionally, the property would be deed restricted limiting the four subject properties to one shared pier. The IEC is provided as Attachment D.

Public Comment:

Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Regional Plan Compliance:

The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds. The proposed project is for a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Contact Information:

For questions regarding this agenda item, please contact Tiffany Good, Principal Planner, at (775) 589-5283 or tgood@trpa.gov.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. 2018 Shorezone Code Conformance Table
- D. Initial Environment Checklist
- E. Proposed Plans

Attachment A

Required Findings/Rationale

Required Findings/Rationale  
Yount New Multiple-Parcel Pier Construction

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 80, 82, and 84 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Washoe County Tahoe Area Plan – Crystal Bay Regulatory Zone, the Code and other TRPA plans and programs.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an IEC. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available online at <https://parcels.laketahoeinfo.org/Parcel/Detail/123-211-01>

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, Nevada Department of Wildlife, Nevada Division of State Lands, Nevada Department of Environmental Protection, and Washoe County to ensure the project will meet or exceed all federal, state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

2. Chapter 80 – Shorezone Findings:

- (a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas. The site is mapped as suitable habitat for the Sierra Nevada yellow-legged frog. The proposed pier will not have an additional, adverse impact on suitable Sierra Nevada yellow-legged frog because the shorezone and upland areas in the immediate vicinity are already developed.

(b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed multiple-parcel pier will be accessory to the primary upland residential uses located at 300 State Route 28.

(c) Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

While there are several mooring buoys along this section of shoreline, there are few existing piers. The lake bottom in this area descends dramatically from the shoreline, and the deep water makes pier construction difficult, which could contribute to the lack of pier development in this area. A few of the properties in the surrounding areas do have piers, and those piers are similar in length and size to the proposed pier. Based on review of TRPA GIS maps and the proposed pier plan provided by the applicant, the proposed pier would extend approximately 30 feet past the lake bottom elevation 6,219. The piers in the vicinity generally extend to the same point. The pierhead line is lakeward of lake bottom elevation 6,219 and the piers in the area do not extend to the pierhead line. The proposed pier will not extend beyond the length limitations placed on multiple-parcel piers serving two or more residential littoral parcels. Therefore, the proposed pier will be compatible with the surrounding shorezone facilities.

(d) Use: The use proposed in the foreshore or nearshore is water dependent.

The pier is located in the shorezone of Lake Tahoe and is therefore a water dependent structure.

(e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

- (f) Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

For pier construction, primary access will be via a barge or amphibious vehicle. Caissons will be installed around the new piling locations. The pilings will then be driven into the lakebed until refusal. Decking will then be installed atop the structure allowing for construction of the lighting and adjustable catwalks. Storage and staging of pier construction materials will be stored on a secondary barge, and no construction equipment or materials will occur on the shoreline. The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe Yellow Cress.

- (g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pierhead line was established for the purpose of protecting navigation and safety. The proposed pier will not extend beyond the pierhead line, but will extend 30 feet beyond lake bottom elevation 6,219 and in accordance with the length limitations provided in TRPA code, Section 84.4.3.C. Further, the pier will not extend in front of any adjacent parcels. The proposed pier will sit a minimum of forty feet from any neighboring piers. The project was taken to the Shoreline Review Committee on November 17, 2022, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project was taken to the Shoreline Review Committee on November 17, 2022 and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, Nevada Department of Wildlife, Nevada Division of State Lands, Nevada Department of Environmental Protection, and Washoe County.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Permitted development or continued use may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding areas from further destruction.

The proposed project is located in Shorezone Tolerance District 3, which is characterized by armored granite shorezones with slopes exceeding 30 percent. The erosion potential is high immediately above the shore, with moderate potential for disturbance in the steep nearshore zone. Removal of vegetation in the backshore may lead to mass movement and erosion. The shoreline where the pier will sit is made up of very large boulders, and therefore will not need to be further stabilized. There is already an

existing access stairway in place, connecting the lake house to the shoreline and therefore it is not anticipated that erosion will occur.

- (b) Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to accelerate or initiate backshore erosion.

The proposed pier will connect to the existing access stairway in the backshore. The shoreline in this project area is made up of large boulders, and there is little if any opportunity for erosion to occur. Due to the minimal disturbance to the backshore as a result of pier construction, and the general makeup of the shoreline, TRPA finds that this project is unlikely to accelerate or initiate backshore erosion.

- (c) Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

Access to the backshore from the lake house is limited to the existing access stairway. There is no other possible access to the shoreline as this property is characterized by very steep slopes and large boulders.

Attachment B

Draft Permit

**Conditional Permit**

PROJECT DESCRIPTION: New multiple-parcel/multiple-use pier

APNs: 123-211-01 & -02

PERMITTEES: Stuart and Geraldine Yount Family Trust  
Courage Sans Peur Trust IX

FILE #: ERSP2022-0029

COUNTY/LOCATION: Washoe/300 State Route 28

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **December 14, 2022**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **December 14, 2025**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

**NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:**

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.



	<u>12/14/2022</u>
TRPA Executive Director/Designee	Date

PERMITTEES’ ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance.

I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

(PERMIT CONTINUED ON NEXT PAGE)

**APNs 123-211-01 & -02**

**FILE NO. ERSP2022-0029**

Project Security Posted (1): Amount \$ 10,000 Type Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee (2): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Shorezone Mitigation Fee (3): Amount \$ 3,060 Type Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Shorezone Mitigation Fee (4): Amount \$ 600 Type Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

- (1) See Special Condition 3.K, below.
- (2) Consult the TRPA filing fee schedule for the current security administration fee.
- (3) See Special Condition 3.L, below.
- (4) See Special Condition 3.M, below.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

***SPECIAL CONDITIONS***

1. This permit authorizes a new multiple-parcel/multiple-use pier to serve two littoral parcels located at 300 State Route 28 in Crystal Bay, Washoe County, Nevada. The proposed pier will extend 51 feet from the High Water Line elevation of 6,229.1, Lake Tahoe Datum, and includes two 12,000-pound boatlifts located at the pierhead. The boatlifts will be the result of the conversion of two legally existing buoys. The pierhead will be 15 feet wide. The pier will extend from the existing rock stairway access to the shoreline. The pier deck will be at an elevation of 6,234 as recommended by the pier engineer to deal with wind and wave action in the Crystal Bay area. The proposed pier complies with development and location standards for multiple-parcel piers serving two littoral parcels. The pier complies with all development and location standards for a multiple-use pier serving two parcels, and is consistent with TRPA Code of Ordinances chapters 80 through 85. There is existing access from the upland down to the shoreline, and as such there is no change in coverage associated with the project and TRPA-approved coverage is not included.

This property is located in feed and cover fish habitat. The new pier will have 14 new pilings resulting in approximately 10 square feet of new lake bottom disturbance. The lake bottom disturbance located in feed and cover habitat will be mitigated at a 1 to 1 ratio (10 s.f. x 1 = square

feet of mitigation). Fish habitat mitigation will occur in the form of one rock pyramid placed underneath the proposed pier. The pier will be constructed using an open piling methodology, resulting in a pier that is 90 percent open.

Once the permit has been acknowledged, the two parcels associated with the project area will be deed restricted to one shared pier, two mooring buoys, and two boatlifts.

The two parcels associated with this project are considered a project area for scenic mitigation purposes. The proposed contrast rating scores for the parcels are as follows:

APN 123-211-01:	Composite Contrast Rating Score of 27
APN 123-211-02:	Composite Contrast Rating Score of 26
Project Area:	Composite Contrast Rating Score of 27

The proposed project is located within Scenic Shoreline Unit 23, Crystal Bay, which is not in attainment with the TRPA Scenic Threshold. Up to 400 square feet of visible mass is allowed for multiple-parcel/use piers serving two or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 367 square feet which counts towards the 400 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 367 square feet. This means that 734 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area already achieves a Composite Scenic Score of 25, and therefore complies with this requirement. Additional visible mass associated with the pier will be mitigated by utilizing remaining allowable visible mass associated with the project area composite contrast rating score of 27. The two properties are already deed restricted for scenic purposes. project completion.

2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
  - A. Plan sheet P1.0 shall be revised to include the following:
    1. Include a plan notation indicating that there will be no staging activity on the shoreline, and that all access associated with pier demolition and construction activities shall occur from the lake by barge; and that delivery, removal, and staging of all construction equipment and materials shall occur on the barge.
    2. Include a plan notation that indicates pile driving operations and other piling installation methods (i.e. pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be

removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.

3. Identify the mooring number and the corresponding tag number for the buoy that will be converted to a boatlift.
- B. Sheet P2.0 indicates lighting positioned on the side of the pier. TRPA code section 84.4.3.A.8 requires that pier lights for navigational purposes must be approved by the United States Coast Guard and the United States Army Corps of Engineers. The permittee shall provide approval from both aforementioned agencies for the navigation lights. Note that TRPA will not approve red and/or green navigation lights as indicated on the plans.
- C. On Sheet P3.2, remove the note that states "Relocate boulders as necessary to clear mooring lane." This permit does not authorize the relocation of boulders for navigational purposes.
- D. On the utility plan, specify the amount of cubic yards needed to be graded/trenched as a result of installing utilities for the pier. Include temporary BMPs as appropriate.
- E. Sheet T1.0 shall include a note that states "The property complies with Level 5, Option 2 of the visual magnitude system (section 63.3.3) of the TRPA Code or Ordinances. The property has a composite contrast rating score of 27 and the allowable visible area for this property based on code is 6,671 square feet, and the approved visible area for this project area is 582 square feet, leaving a remainder of 5,776 square feet of remaining allowable visible area. To mitigate the additional visible mass of 367 square feet associated with the new pier, an additional 734 square feet of allowable visible area will be retired. This will leave a remaining 161 square feet of allowable visible mass associated with the project area."
- F. The permittee shall provide underwater photos of the project area indicating the conditions prior to the start of construction. For the purposes of this condition, the project area shall include the areas where the approved pier will be built as well as the area where the buoy blocks for the buoys that will be converted to a boatlifts will be removed. Prior to security return, the permittee shall provide post-construction underwater photos of the same locations of the project area. Note that prior to security return, the permittee must demonstrate proof that all components of the buoy block have been removed, the area of lake bottom restored, and the fish habitat disturbance mitigated.
- G. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.
- H. The permittees shall record a deed restriction to be prepared by TRPA that will create a project area of the subject APNs (123-211-01 & 123-211-02) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject

parcels. The deed restriction shall also create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the Washoe County Recorder's Office, and provide either the original recorded deed restriction or a certified copy of the recorded deed restriction to TRPA prior to permit acknowledgement.

- I. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30<sup>th</sup> prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
  - J. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.
  - K. The project security required under Standard Condition A.3 of Attachment S shall be \$10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. **Prior to release of security, the permittee shall provide to the TRPA inspector the GPS locations of the buoys that remain in the water as well as the buoy tags for the buoys that are removed for the conversion.**
  - L. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$3,060 for the construction of 51 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
  - M. Pursuant to Section 10.8.5.E.4.a.ii of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$600.00 for the addition of a boatlifts to the proposed pier (assessed at \$600 per application).
  - N. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. It is the Permittee's responsibility to receive authorization, and obtain any necessary permits from other responsible agencies for the proposed project.
6. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.
7. Disturbance of lake bed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
8. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
10. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

**END OF PERMIT**

Attachment C

2018 Shorezone Code Conformance Table

**Yount Multiple Use Pier Conformance Review Table**

**Table 1: Pier Conformance Review Under 2018 Shorezone Code**

<b>Standard</b>	<b>2018 Shzne Code</b>	<b>Proposed Pier</b>	<b>Conformance</b>
Streams	Outside of Stream Mouth Protection Zone (SMPZ)	2.6 miles away from the nearest SMPZ located at Incline Creek	<b>In conformance</b>
Fish Habitat	Mitigation at 1:1 for feed/cover fish habitat	Restore fish habitat adjacent to project, mitigation of \$3,060 for additional 51 linear feet of pier length	<b>In conformance</b>
Length	Pierhead may extend 30 feet past 6219 or 60 feet past pierhead line, whichever is more limiting. An additional 15 feet may be permitted for piers serving three or more primary residential parcels	<b>51</b> , extends 30 feet past lake bottom elevation 6,219, consistent with length allowances for piers serving two primary residential parcels	<b>In conformance</b>
Setbacks	20' for new piers from outermost property boundary projection lines, & 40' from existing piers as measured from the pierhead	Conforms with external projection line setbacks	<b>In Conformance</b>
Width	Maximum 15' wide excluding catwalks	15' with one (2) boatlifts on either side of the pier.	<b>In conformance</b>
Catwalk	Maximum of 3' by 45'	No catwalk proposed	<b>In conformance</b>
Boatlift	One boat lift per littoral parcel (max. 4)	Two (2) 12,000 pound boatlifts	<b>In conformance</b>
Pier Height	6,232' maximum, may extend to elevation 6,234 if TRPA finds that the additional height is necessary for safety reasons, local wave characteristics that present a real threat to the integrity of the	<b>6,234'</b> , based on recommendation from the pier engineer and concurrent TRPA findings that the local wave characteristics in Crystal Bay could	<b>In conformance</b>

	structure, or to provide lateral public access.	pose a threat to the integrity of the structure.	
Free Flowing Water	Piers required to be floating or have an open piling foundation	Open piling foundation (90%)	<b>In conformance</b>
Superstructures (Boat House)	Prohibited	NA	<b>In conformance</b>
Colors & Materials	Dark colors that blend with background	Brown decking, flat black structural components	<b>In conformance</b>
Visual Mass Limitation	400 sf of visible mass allowed for piers serving 2 primary residential littoral parcels (does not include accessory structures such as boatlifts, boats, handrails, and ladders).	367 square feet	<b>In conformance</b>
Visual Mass Mitigation	In Visually Modified Character Types mitigation required at a 1:2 ratio	Additional visible mass, including accessory structures, will be mitigated at a 1:2 ratio through retirement of allowable visible mass associated with the upland project area.	<b>In conformance</b>
Retirement of Shorezone Development Potential	An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.	Deed restriction to be recorded prior to permit acknowledgement.	<b>In conformance</b>

Attachment D

Initial Environmental Checklist



OFFICE  
128 Market St.  
Stateline, NV  
Phone: (775) 588-4547  
Fax: (775) 588-4527

MAIL  
PO Box 5310  
Stateline, NV 89449-5310  
www.trpa.org  
trpa@trpa.org

HOURS  
Mon. Wed. Thurs. Fri  
9 am-12 pm/1 pm-4 pm  
Closed Tuesday  
New Applications Until 3:00 pm

Print Form

**INITIAL ENVIRONMENTAL CHECKLIST  
FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

**I. Assessor's Parcel Number (APN)/Project Location**

APN# 123-211-01; 02  
300 State Route 28

**Project Name** Yount Trust & Courage Sans Peur Trust New Multi-use Pier **County/City** Washoe

**Brief Description of Project:**

The proposed project is to construct a new multi-use 51-ft pier serving two parcels, there will be no increase in coverage, but 4.9 sq.ft. of 1b coverage in the backshore will be removed and 2.4 sq. ft. will be relocated in the backshore at 1.5:1. The pier will be accessed from the land via existing steps down to the water from the existing residence on 123-211-01. The pier will be 15' wide and will be accessed from the existing steps via a ramp to the pier. The pier will have one 12,000 lb boat hoist on the south side and 1 adjustable jet ski platform that will be adjustable via 12,000 lb boat lift and accessed via an adjustable stair on the north side. The pier will have low level "turtle" lights for safety on the pier at night, and similar lights on the sides shining down on the platform and boat lift as well as navigation lights on the north (red) and south (green). Two benches will be located on the pier deck, and removable safety rails will be located on the sides of the pier for safety of elderly persons walking on the pier. The scenic mitigation, at 1.5:1 will improve the screening of the funicular, as will repainting it to better blend into the vegetation as seen from the Lake. The 16 pilings will create 12.4 s.f. of coverage of the lakebed rocks. Fish mitigation will be  $3.12 \times 3.0 = 9.36 \text{ s.f.} \times 1.5 = 18.7 \text{ s.f.}$

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

**II. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

some existing coverage for the steps to the Lake will be removed and relocated at 1.5:1 for the portion of the ramp

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

temporary and permanent BMPs will be installed and maintained for the work in the backshore for the access and to trench for the electrical power to the pier.

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

The proposed pier will not cause erosion of beach sand nor alter the natural littoral processes, as the pier will be built on an open piling system foundation to allow free circulation of water.

- Yes  No  
 No, With Mitigation  Data Insufficient

- g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes  No  
 No, With Mitigation  Data Insufficient

## 2. Air Quality

Will the proposal result in:

- a. Substantial air pollutant emissions?

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Deterioration of ambient (existing) air quality?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. The creation of objectionable odors?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Increased use of diesel fuel?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes  No  
 No, With Mitigation  Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes  No  
 No, With Mitigation  Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes  No  
 No, With Mitigation  Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes  No  
 No, With Mitigation  Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes  No  
 No, With Mitigation  Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes  No  
 No, With Mitigation  Data Insufficient

#### 4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

See mitigation note on page 21 of IEC

- Yes       No  
 No, With Mitigation       Data Insufficient

## 6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to severe noise levels?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

## 7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

For safety purposes, low level LED pier lights are proposed every 15-ft. The lights are shielded and directed inward on the pier. The lights will not create a glare or illumination upon the lake nor the adjacent properties.

Yes

No

No, With Mitigation

Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

Yes

No

No, With Mitigation

Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

Yes

No

No, With Mitigation

Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

Yes

No

No, With Mitigation

Data Insufficient

## 8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

Yes

No

No, With Mitigation

Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes       No  
 No, With Mitigation       Data Insufficient

**9. Natural Resources**

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes       No  
 No, With Mitigation       Data Insufficient

**10. Risk of Upset**

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

The contractor will have a spill containment kit on the amphibian/barge at times, in the event of an accident.

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes  No  
 No, With Mitigation  Data Insufficient

## 12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes  No  
 No, With Mitigation  Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes  No  
 No, With Mitigation  Data Insufficient

Number of Existing Dwelling Units: \_\_\_\_\_

Number of Proposed Dwelling Units: \_\_\_\_\_

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes  No  
 No, With Mitigation  Data Insufficient

### 13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**14. Public Services**

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Police protection?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Schools?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Parks or other recreational facilities?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes                       No  
 No, With Mitigation       Data Insufficient

f. Other governmental services?

- Yes       No  
 No, With Mitigation       Data Insufficient

**15. Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

**16. Utilities**

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Communication systems?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Storm water drainage?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes       No  
 No, With Mitigation       Data Insufficient

**18. Scenic Resources/Community Design**

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

The new pier will be visible from Lake Tahoe.  
The visible mass of the new pier will be mitigated on the upland portion of the property.

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

see 18a above

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes  No  
 No, With Mitigation  Data Insufficient

**19. Recreation**

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**20. Archaeological/Historical**

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

an evaluation of the potential historical architecture and archaeological features of the site did not indicated any resources in the project area.

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

see comment on item 20a.

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

see comment on item 20a.

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

see comment on item 20a.

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

see comment on item 20a.

- Yes  No  
 No, With Mitigation  Data Insufficient

**21. Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes       No  
 No, With Mitigation       Data Insufficient

**DECLARATION:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

*Gary D. Midkiff* At Douglas Date: 12.6.22  
Person Preparing Application County

**Applicant Written Comments:** (Attach additional sheets if necessary)

Item 5(d) - although some pilings may be bolted/ pinned to rocks, we assume all will be successfully driven to full depth. The area of the piling footprints will be 9 sq.ft. Mitigation required at 1.5:1 = 14 sq.ft.. Two (2) rock cobble pyramids of 9 sq.ft. each will be constructed beneath the pier.

Print Form

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes

No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes

No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

Yes

No

\_\_\_\_\_  
Signature of Evaluator

Date: \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator

# ADDENDUM FOR TRANSFERS/CONVERSIONS OF USE

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any development right transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (\*) notes threshold subjects.

a) Land\*

Does the proposal result in any additional land coverage?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b) Air Quality\*

Does the proposal result in any additional emission?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c) Water\*

Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d) Does the proposal result in an increase in the volume of discharge?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e) Noise\*

Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

f) Aesthetics

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

- Yes                       No  
 No, With Mitigation       Data Insufficient

g) Recreation\*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

- Yes                       No  
 No, With Mitigation       Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

- Yes                       No  
 No, With Mitigation       Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

- Yes                       No  
 No, With Mitigation       Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

- Yes                       No  
 No, With Mitigation       Data Insufficient

k) Transportation

Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

- Yes                       No  
 No, With Mitigation       Data Insufficient

m) Utilities

Does the proposal result in additional water use?

- Yes                       No  
 No, With Mitigation       Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

- Yes                       No  
 No, With Mitigation       Data Insufficient

o) Historical

Does the proposal result in the modification or elimination of a historic structure or site?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**DECLARATION:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

*Jary D. Midkiff* At Douglas Date: 12.6.22  
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.gov

**Determination:**

**On the basis of this evaluation:**

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure  YES  NO
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.  YES  NO
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures.  YES  NO

**Tiffany Good**

Digitally signed by Tiffany Good  
DN: cn=Tiffany Good, o=TRPA, ou,  
email=tgood@trpa.org, c=US  
Date: 2022.12.07 08:28:41 -08'00'

Signature of Evaluator

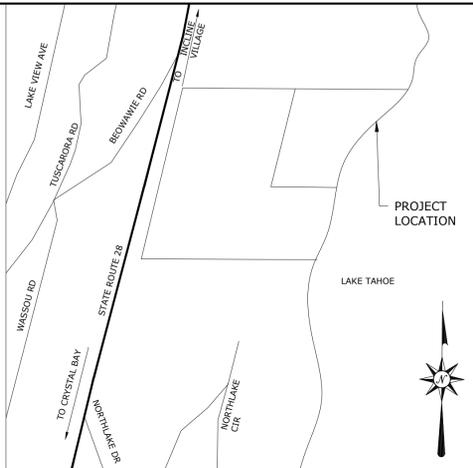
Date

Title of Evaluator

Attachment E

Proposed Plans

# CRYSTAL POINTE MULTIPLE USE PIER



## VICINITY MAP

N.T.S.

## INFORMATION

**OWNERS:** COURAGE SAN PEUR TRUST IX et al (PARCEL A)  
G STUART & GERALDINE YOUNT TRUST (PARCEL B)

**MAILING ADDRESS:** CHRISTOPHER G. YOUNT, TRUSTEE  
11135 BOULDER GLEN WAY  
RENO, NV 89511

**PERMIT COORDINATION:** MIDKIFF & ASSOCIATES, INC.  
P.O. BOX 12427  
ZEPHYR COVE, NV 89448  
PHONE: 775-588-1090  
EMAIL: GARY@MIDKIFFANDASSOC.COM

**PROPERTY ADDRESS:** 300 STATE ROUTE 28  
CRYSTAL BAY, NEVADA 89402  
123-211-02 & 123-211-01

**CIVIL ENGINEER:** RENO TAHOE GEO ASSOCIATES, INC.  
P.O. BOX 18449 RENO, NV 89511  
PHONE: 775-853-9100  
E-MAIL: MDAVIS@RTGEO.COM

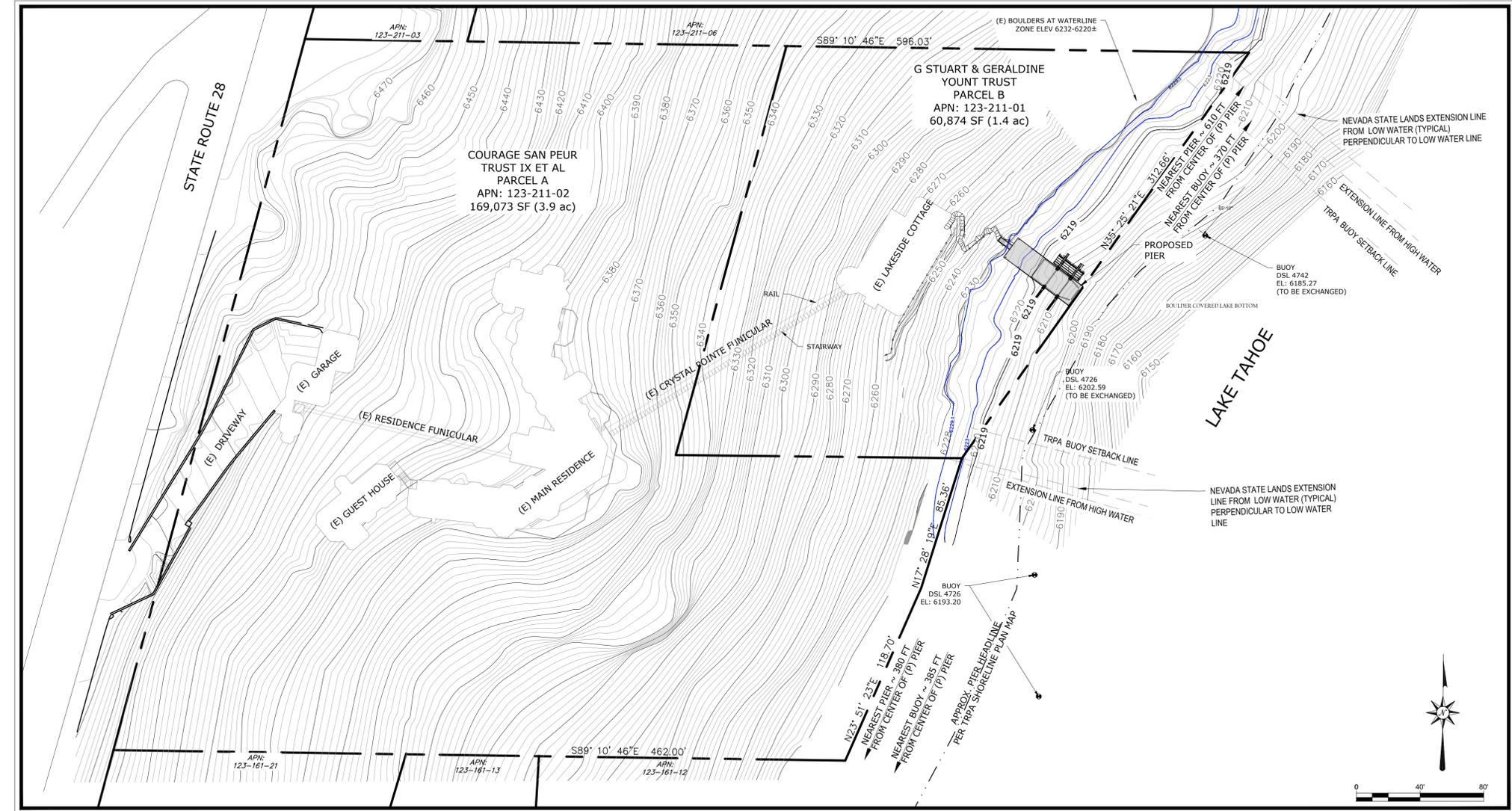
**STRUCTURAL ENGINEER:** GABBART AND WOODS STRUCTURAL ENGINEERS  
1680 MONTCLAIR AVE, SUITE B  
RENO, NEVADA 89509  
VGABBART@GABBARTANDWOODS.COM

## GENERAL NOTES

- BATHOMETRIC CONTOURS ARE A GENERAL AVERAGE AT THE TOP OF SUBMERGED BOULDERS.
- CONTRACTOR TO HAVE THE APPROVED TAHOE REGIONAL PLANNING ASSOCIATION (TRPA) PERMIT AND STAMPED PLANS ON SITE AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR SHALL COMPLY WITH THE TRPA SPECIAL AND STANDARD CONDITIONS SET FORTH IN THE PERMIT.
- LOCATION OF EXISTING UNDERGROUND UTILITIES WAS NOT A PART OF THIS DESIGN. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION.
- CONTRACTOR TO VERIFY ON SITE ALL ASPECTS OF PROPOSED DESIGN PRIOR TO BEGINNING OF WORK. IF CONFLICT ARISES, IMMEDIATELY CONTACT RENO TAHOE GEO ASSOCIATES (RTGA) FOR RE-DESIGN.
- LOCATION OF EXISTING STRUCTURES AND TOPOGRAPHY ARE APPROXIMATE. SUBSEQUENT FIELD VERIFICATIONS, AND REVIEW OF RECORD ARCHIVAL DOCUMENTS WERE PERFORMED BY MIDKIFF & ASSOCIATES, INC. THE SURVEYS LISTED BELOW, ARCHIVAL DOCUMENT REVIEW AND FIELD VERIFICATIONS WERE UTILIZED TO PREPARE THIS PROJECT SITE MAPPING.
- CONTRACTOR SHOULD AQUAINT THEMSELVES WITH SITE CONDITIONS. CONTRACTOR SHOULD BE AWARE OF AND ANTICIPATE EXTRAORDINARY PILE INSTALLATION CONDITIONS.
- CONTRACTOR MUST PROVIDE CONSTRUCTION MEANS AND METHODS FOR REVIEW BY ENGINEER THAT COMPLIES WITH THESE PLANS AND SPECIFICATIONS.
- NO EXISTING TREES SHALL BE REMOVED OR TRIMMED FOR VIEW ENHANCEMENT MEASURES WITHOUT WRITTEN APPROVAL FROM EITHER THE TAHOE REGIONAL PLANNING AGENCY OR NEVADA DEPARTMENT OF FORESTRY, OR LOCAL FIRE DISTRICT.
- ALL BARREN AND DISTURBED LAND AREAS CREATED BY THE CONSTRUCTION ACTIVITY SHALL BE RE-VEGETATED OR RESTORED IN ACCORDANCE WITH THE TRPA "HANDBOOK OF BEST MANAGEMENT PRACTICES" AND "LIVING WITH FIRE, LAKE TAHOE BASIN", SECOND EDITION.

## ABBREVIATIONS

(E) EXISTING  
IVGID INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT  
NTFPD NORTH TAHOE FIRE PROTECTION DISTRICT  
(P) PROPOSED  
RTGA RENO TAHOE GEO ASSOCIATES, INC.  
TRPA TAHOE REGIONAL PLANNING AGENCY



## 1 PLAN OF PARCELS AND PROJECT AREA

1" = 40'

APN: 123-211-02 Area: 165,449	
Land Capability: 1a R+F	Allowage coverage: (1%) 1,654
<b>Existing Coverage Approved 12/2/2014</b>	
Main House	7,620
Decks (Raised)	430
Concrete Landings	51
Entry Bridge	108
Guest House	1,475
Decks (Raised)	52
Stair Connection	63
Concrete Landings	20
Garage/Entry Pavilion	1,363
Bridges (Raised)	55
Walk Below	64
Driveway	3,205
Spa, rockstairs & Deck	260
Tram supports (5sf each) Verified	45
Water Feature / Pond	460
Main Pathway	476
Guest Path	153
Garage Path	198
Garage Stairway	55
Raised Gas Meter Roof	9
Vault Stairway	61
Transfore Vault	68
Walk to Vault	60
Transformers	24
Tram Supports	20
Tram Stair	35
<b>Total</b>	<b>16,430</b>

APN: 123-211-01 Area: 49,229	
Land Capability: IPES	Allowage coverage: (1%) 492
Transferred Coverage: 2,130	Total allowable: 2,622
<b>Existing Coverage</b>	
Residence	1,837
Deck (raised)	530
Funicular Stairs / Landing (raised)	75
Permanent Natural Rock Path to Lake	176
<b>Total</b>	<b>2,618</b>
<b>Proposed Ramp Coverage</b>	
Existing rock path Coverage to be removed	4.9
Additional coverage from ramp	2.4
<b>Total coverage mitigated at 1.5:1</b>	<b>3.6</b>
Banked 1b coverage	1.3

## SHORELINE

APN 123-211-01: 325 LF  
APN 123-211-02: 204 LF

## PROJECT DESCRIPTION

THIS PLAN SET IS TO SUPPORT DESIGN AND CONSTRUCTION OF A MULTIPLE USE PIER FOR PARCELS 123-211-01 AND 123-211-02.

### VISIBLE MASS:

LOOKING NORTHWEST (END OF PIER): 35 SQUARE FT  
LOOKING SOUTHEAST (NORTHSIDE): 117 SQUARE FT  
TOTAL: 152 SQUARE FT

### SCENIC MITIGATION:

LOOKING NORTHWEST (END OF PIER): 156 SQUARE FT  
LOOKING SOUTHEAST (NORTHSIDE): 227 SQUARE FT  
TOTAL: 383 SQUARE FT

TOTAL PILE CROSS SECTIONAL AREA: 12.4 SQUARE FT

## REFERENCES

**TOPOGRAPHY:**  
BATHYMETRY: CRYSTAL POINTE BATHYMETRIC SURVEY, TIESLAU CIVIL ENGINEERING, INC., DATED 8/19/2018  
SITE TOPOGRAPHY: Abh-11-SITE2008.DWG, 2008, KENNETH F. BARROW, P.L.S., LAND SURVEYOR

## LEGEND

MAJOR AND MINOR CONTOURS 2 FT INTERVALS  
PROPERTY LINE

FOR TRPA REVIEW 5/5/2022

## SHEET INDEX

T1.0 TITLE SHEET  
P1.0 CONSTRUCTION STAGING AND BMP'S  
P2.0 PLAN OF PIER  
P3.0 NORTH PROFILE & ELEVATION  
P3.1 CENTERLINE PROFILE  
P3.2 SOUTH PROFILE & ELEVATION  
P4.0 BRACED PILE SECTION DETAILS  
P5.0 PIER DETAILS  
P6.0 PIER UTILITIES  
P7.0 VISIBLE MASS AND SCENIC MITIGATION  
P8.0 STRUCTURAL DETAILS  
P8.1 STRUCTURAL DETAILS - 2

REV.	DATE	BY	APP'D
1	9/7/22	JWP	JWP

**Reno Tahoe Geo Associates, Inc.**  
CONSULTING CIVIL ENGINEERS  
P.O. Box 18449  
Reno, Nevada 89511  
TEL (775)853-9100  
FAX (775)853-9199

**TITLE SHEET**  
CRYSTAL POINTE MULTIPLE USE PIER  
300 STATE ROUTE 28  
CRYSTAL BAY  
APNS: 123-211-02 & 123-211-01  
NEVADA  
WASHOE COUNTY



DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: MED  
DRAWN BY: JGA/JJM  
CHECKED BY: JWP

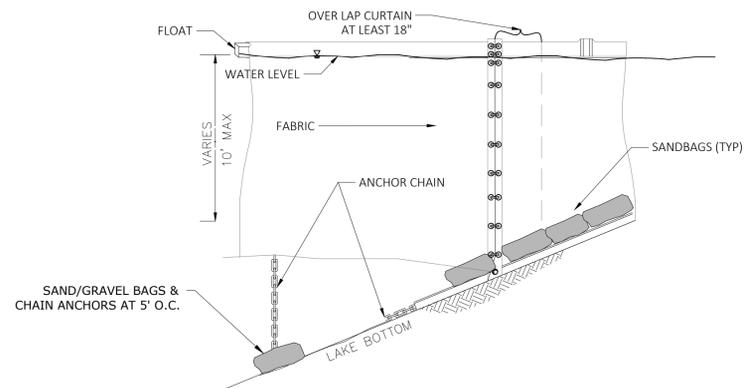
SHEET  
T1.0

**GENERAL BMP NOTES**

1. THE CONTRACTOR SHALL, AT ALL TIMES DURING CONSTRUCTION, PROTECT FROM DAMAGE EXISTING IMPROVEMENTS ON AND AROUND THE SITE INCLUDING BUT NOT LIMITED TO, PAVEMENT, CURB & GUTTER, SIDEWALK, LANDSCAPING, SIGNAGE, STORM DRAIN AND SANITARY SEWERS, BUILDING FENCES AND ALL UTILITIES. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE REPAIR OF ANY IMPROVEMENTS (EXISTING AND PROPOSED) DAMAGED THROUGHOUT THE COURSE OF CONSTRUCTION.
2. THE CONTRACTOR SHALL PURSUE THE WORK IN A CONTINUOUS AND DILIGENT MANNER, CONFORMING TO ALL PERTINENT SAFETY REGULATIONS, TO INSURE A TIMELY COMPLETION OF THE PROJECT.
3. WHERE THE REMOVAL OF ANY VEGETATION IS IN QUESTION, THE CONTRACTOR SHALL PROTECT THE AREA UNTIL A DECISION BY THE OWNER CAN BE MADE. IF ANY TREES ARE SCARRED, THEY SHALL BE IMMEDIATELY REPAIRED WITH AN APPROVED TREE SEAL.
4. THE LOCATION OF ALL UTILITIES AND OTHER UNDERGROUND FACILITIES WITHIN THE WORK AREA, SHALL BE LOCATED FOR THEIR PROTECTION.
5. ALL TEMPORARY BMPS SHALL BE REMOVED FOLLOWING COMPLETION OF PROJECT CONSTRUCTION. ROCK FALL PROTECTION DEVICES ARE CONSIDERED TEMPORARY BMPS.
6. BMP CONSTRUCTION/INSTALLATION SHOULD BE MONITORED TO CHECK THAT THEY ARE CLEAN, IN GOOD REPAIR, AND PROPERLY FUNCTIONING.
7. CONSTRUCTION ACTIVITIES ASSOCIATED WITH EXCAVATION AND SITE PREPARATION WILL BE PERMITTED BEGINNING MAY 15 AND CONTINUE UNTIL OCTOBER 1.
8. EXCAVATION, FILLING, OR BACKFILLING FOR A VOLUME NOT IN EXCESS OF THREE CUBIC YARDS, PROVIDED THE ACTIVITY IS COMPLETED WITHIN A 48-HOUR PERIOD AND THE EXCAVATION SITE IS STABILIZED TO PREVENT EROSION. THIS EXEMPTION SHALL NOT BE CONSTRUED TO EXEMPT A SERIES OF EXCAVATIONS, FILLING, OR BACKFILLING THAT COLLECTIVELY WOULD CONSTITUTE A PROJECT.
9. ALL PROJECT RELATED VEHICLES SHALL PARK ON EXISTING PAVED SURFACES, EXISTING COMPACTED ROAD SHOULDERS, OR IN THE AREA DESIGNATED BY THE CONTRACTOR AND OWNER.
10. TURBIDITY CURTAIN SHALL BE INSPECTED FOR ATTACHMENT AND ADEQUACY EACH DAY BEFORE CONSTRUCTION ACTIVITY.
11. SOIL STOCK PILES SHALL NOT BE PLACED ON TOP OF EXISTING VEGETATION. ALL EXCAVATED MATERIAL SHALL BE PLACED UPHILL OF PROPOSED TRENCH LOCATIONS. ALL TEMPORARY STOCKPILES SHALL BE CONTAINED BY TEMPORARY EROSION CONTROL FENCES OR FIBER ROLL LOGS (12" MIN DIAMETER) AND COVERED WITH NON-PERMEABLE MATERIAL AT THE END OF THE WORK DAY AND/OR DURING PERIODS OF PRECIPITATION OR HIGH WINDS.
12. TEMPORARY BMPS MAY BE FIELD ADJUSTED BY THE ENVIRONMENTAL COMPLIANCE INSPECTOR WHERE APPROPRIATE TO FIT EXISTING CONDITIONS SUCH AS BOULDERS AND TREES.
13. GRADING IS PROHIBITED ANY TIME OF THE YEAR DURING PERIODS OF PRECIPITATION AND FOR THE RESULTING PERIOD OF TIME WHEN THE SITE IS COVERED WITH SNOW, OR IS SATURATED, MUDDY, OR UNSTABLE.
14. THE LENGTH OF OPEN TRENCHES (EXCLUDING FOUNDATIONS) SHALL NOT EXCEED 50 FEET AT THE END OF EACH WORKING DAY, UNLESS APPROVED BY THE TRPA.
15. LOOSE SOIL MOUNDS OR SURFACES SHALL BE PROTECTED FROM WIND AND WATER EROSION BY BEING APPROPRIATELY COVERED AND CONTAINED WHEN ACTIVE CONSTRUCTION IS NOT OCCURRING.
16. EQUIPMENT OF A SIZE AND TYPE THAT WILL DO THE LEAST AMOUNT OF DAMAGE TO THE ENVIRONMENT SHALL BE USED. CLEANING OF EQUIPMENT, INCLUDING CONCRETE MIXERS, SHALL NOT BE PERMITTED UNLESS APPROVED BY TRPA.
17. NO GRADING, FILLING, CLEARING OF VEGETATION, OPERATION OF EQUIPMENT OR DISTURBANCE OF THE SOIL SHALL TAKE PLACE IN AREAS WHERE ANY HISTORIC OR PREHISTORIC RUINS OR MONUMENTS OR OBJECTS OF ANTIQUITY ARE PRESENT OR COULD BE DAMAGED. IF ANY HISTORIC OR PREHISTORIC RUINS OR MONUMENTS OR OBJECTS OF ANTIQUITY ARE DISCOVERED, ALL GRADING, FILLING, CLEARING OF VEGETATION, OPERATION OF EQUIPMENT OR DISTURBANCE OF THE SOIL SHALL IMMEDIATELY CEASE AND SHALL NOT RECOMMENCE UNTIL A RECOVERY PLAN IS APPROVED BY THE TRPA.
18. ALL CONSTRUCTION SITES SHALL BE WINTERIZED NO LATER THAN OCTOBER 15 OF EACH YEAR AS FOLLOWS:
  - A. INACTIVE WINTER SITES SHALL CONTAIN EROSION AND DRAINAGE IMPROVEMENTS NECESSARY TO PREVENT DISCHARGE FROM THE SITE, INCLUDING, BUT NOT LIMITED TO: INSTALLATION OF TEMPORARY EROSION CONTROLS, INSTALLATION OF TEMPORARY PROTECTIVE FENCING OF VEGETATION, STABILIZATION OF ALL DISTURBED AREAS, CLEANUP AND REMOVAL OF ALL CONSTRUCTION SLASH AND DEBRIS, INSTALLATION OF PERMANENT MECHANICAL STABILIZATION AND DRAINAGE IMPROVEMENTS, WHERE FEASIBLE, AND REMOVAL OR STABILIZATION OF SPOIL PILES.
  - B. ACTIVE WINTER SITES SHALL COMPLY WITH THE FOLLOWING: INSTALLATION OF ALL PERMANENT MECHANICAL EROSION CONTROL DEVICES, INCLUDING PAVING OF ALL DRIVEWAY AND PARKING AREAS, INSTALLATION OF ALL PERMANENT DRAINAGE IMPROVEMENTS, PARKING OF VEHICLES, EQUIPMENT, AND STORAGE OF MATERIALS SHALL BE RESTRICTED TO PAVED AREAS.
19. WORK SHALL BE PERFORMED IN SUCH A MANNER THAT THE PROJECT CAN BE WINTERIZED WITHIN 24 HOURS.
20. REHABILITATION AND CLEANUP OF THE SITE FOLLOWING CONSTRUCTION SHALL INCLUDE, BUT NOT BE LIMITED TO, REMOVAL OF ALL CONSTRUCTION WASTE AND DEBRIS.
21. THE TRPA PERMIT AND THE FINAL CONSTRUCTION DRAWINGS SHALL BE PRESENT ON-SITE FROM THE TIME CONSTRUCTION COMMENCES UNTIL THE FINAL TRPA SITE INSPECTION.
22. THE PROJECT AREA WILL REQUIRE CLEAN UP ON A REGULAR BASIS DUE TO THE LIMITED SPACE FOR WASTE STORAGE.
23. ALL CONSTRUCTION STAGING AND MATERIAL STORAGE SHALL BE LOCATED ON THE MOORED BARGES AT THE SITE AND WITHIN THE CONSTRUCTION FOOTPRINT.
24. THE USE OF FERTILIZER AND IRRIGATION IN THE BACKSHORE IS PROHIBITED.
25. ALL BARREN AREAS AND AREAS DISTURBED BY CONSTRUCTION SHALL BE REVEGETATED WITH NATIVE SPECIES IN ACCORDANCE WITH THE TRPA HANDBOOK OF BEST MANAGEMENT PRACTICES AND LIVING WITH FIRE, LAKE TAHOE BASIN, CURRENT EDITION. APPLICATION OF MULCH MAY ENHANCE VEGETATIVE ESTABLISHMENT.



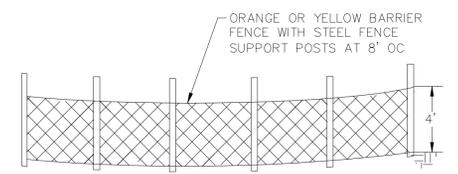
**NOTES:**  
 1. FIBER ROLL INSTALLATION REQUIRES KEY IN AND STAKE EVERY 4 FT AND TRENCH IN AT LEAST 30% OF THE DEPTH OF THE ROLL (3'-5" DEEP), UTILIZING 1"x2" STAKES. DUG ALONG CONTOUR. RUNOFF MUST NOT BE ALLOWED TO PASS UNDER OR AROUND ROLL. SINGLE STAKES CAN BE EITHER DRIVEN THROUGH THE FIBER ROLL OR PAIRS OF STAKES CAN BE UTILIZED IN TANDEM ON OPPOSITE SIDES TO SECURE THE ROLL.



**NOTE:**  
 INSTALL TYPE 2 DOT SUSPENDED TURBIDITY CURTAIN. INSTALLATION OF TURBIDITY CURTAIN SHALL BE APPROVED BY TRPA COMPLIANCE INSPECTOR PRIOR TO CONSTRUCTION

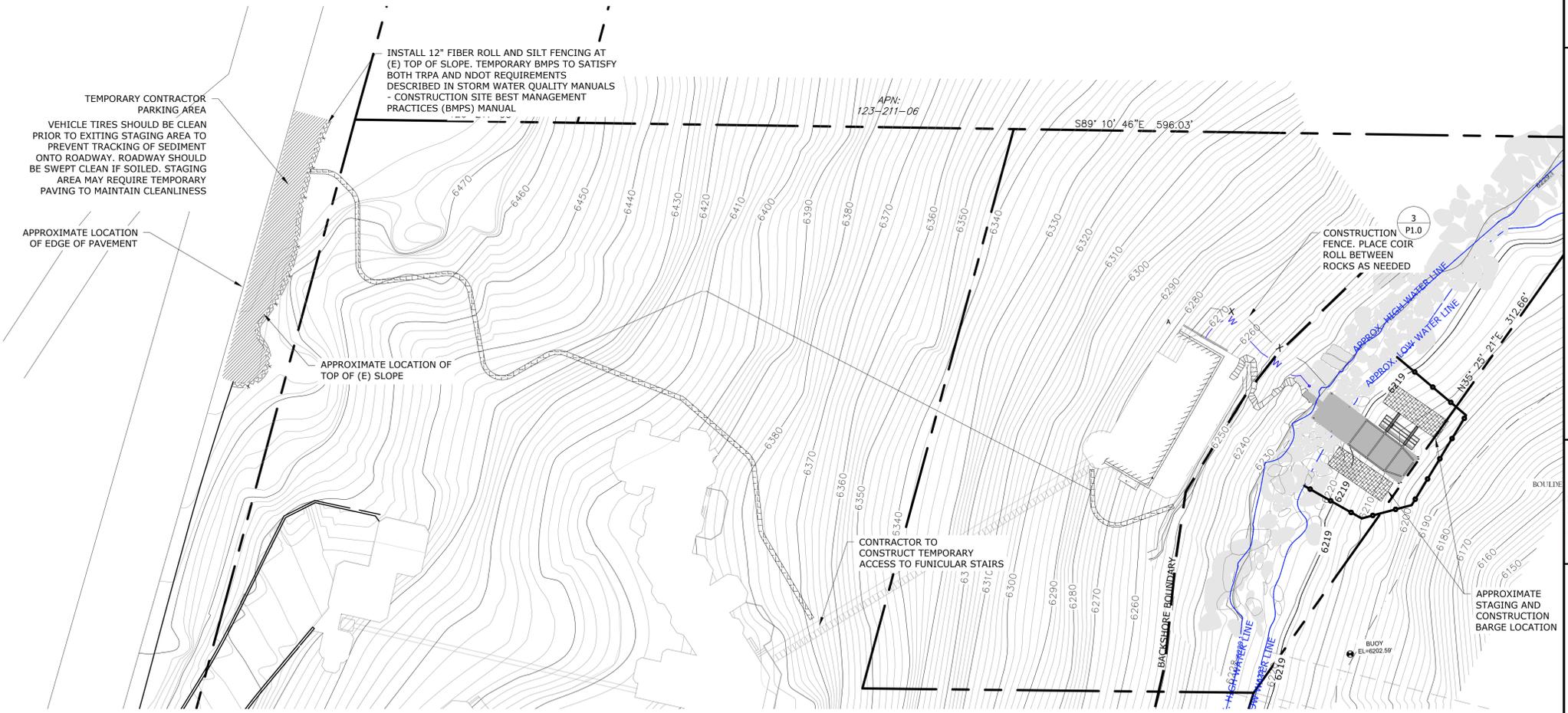
**3 TURBIDITY CURTAIN**  
 P1.0 NTS

**4 TYPICAL TEMP EROSION CONTROL SEDIMENT LOG**  
 P1.0 NTS



**NOTES:**  
 1. ORANGE CONSTRUCTION FENCE TO BE INSTALLED PER PLAN (SEE SHEET P1.0) TO PROTECT AREAS OUTSIDE OF THE PROJECT AREA.  
 2. CONSTRUCTION FENCING SHALL NOT BE PLACED ALONG THE HIGHLY EROSION BANKS AND ACROSS THE CREEK BED (WITHIN THE RIPARIAN ZONE AS DEFINED ON SHEET C-1) IN ORDER TO PREVENT FURTHER DEGRADATION OF THE BANKS AND DISTURBANCE WITHIN THE CREEK BED. CONTRACTOR TO USE ENDPOINTS OF FENCING ON EITHER SIDE OF THE CHANNEL AS REFERENCE TO THE CONSTRUCTION LIMITS.

**2 CONSTRUCTION FENCE**  
 P1.0 NTS



**1 TEMPORARY BMP PLAN**  
 P1.0 1" = 30'

**FOR TRPA REVIEW 5/5/2022**

BY	JWP
APP'D	
REV	9/7/22
DATE	REVISION
	JETSKE PLATFORM

**Reno Tahoe Geo Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS  
 P.O. Box 18449  
 Reno, Nevada 89511  
 TEL (775)853-9100  
 FAX (775)853-9199

**CONSTRUCTION STAGING & BMPs**  
 CRYSTAL POINTE MULTIPLE USE PIER  
 300 STATE ROUTE 28  
 APNS: 123-211-02 & 123-211-01  
 CRYSTAL BAY  
 WASHOE COUNTY NEVADA

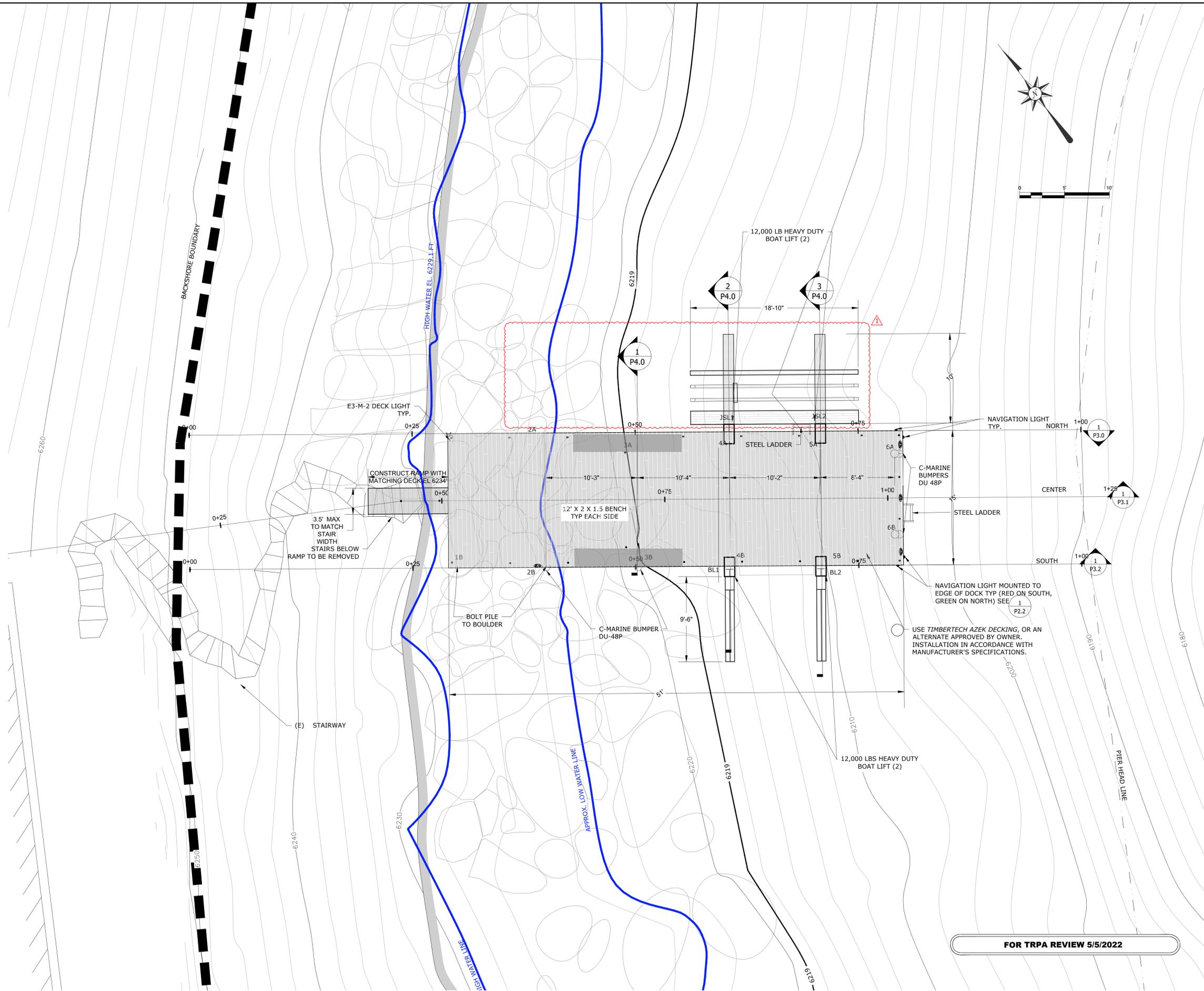
Professional Engineer Seal for Jonathan W. Pease, License No. 18094, State of Nevada, Exp. 12-31-23.

DATE: 5.3.2022  
 JOB NUMBER: 8051.010  
 DESIGNED BY: JWP  
 DRAWN BY: JGA/JJM  
 CHECKED BY: JWP

SHEET  
**P1.0**

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- SHEET LEGEND**
- E3-M-2 DECK LIGHT
  - NAVIGATION LIGHT
  - 8" FOLDING CLEAT
  - JSL1 BOAT LIFT PILE ASSEMBLY
  - 4A PIER PILE



FOR TRPA REVIEW 5/5/2022

REV.	DATE	BY	APP'D	
1	9/7/22	JWP	JWP	MODIFY JETSKI PLATFORM

**Reno Tahoe Geo Associates, Inc.**  
CONSULTING CIVIL ENGINEERS

TEL (775)853-9100  
FAX (775)853-9199

**PLAN OF PIER**  
CRYSTAL POINTE MULTIPLE USE PIER  
300 STATE ROUTE 28  
APNS: 123-211-02 & 123-211-01  
CRYSTAL BAY

NEVADA  
WASHOE COUNTY

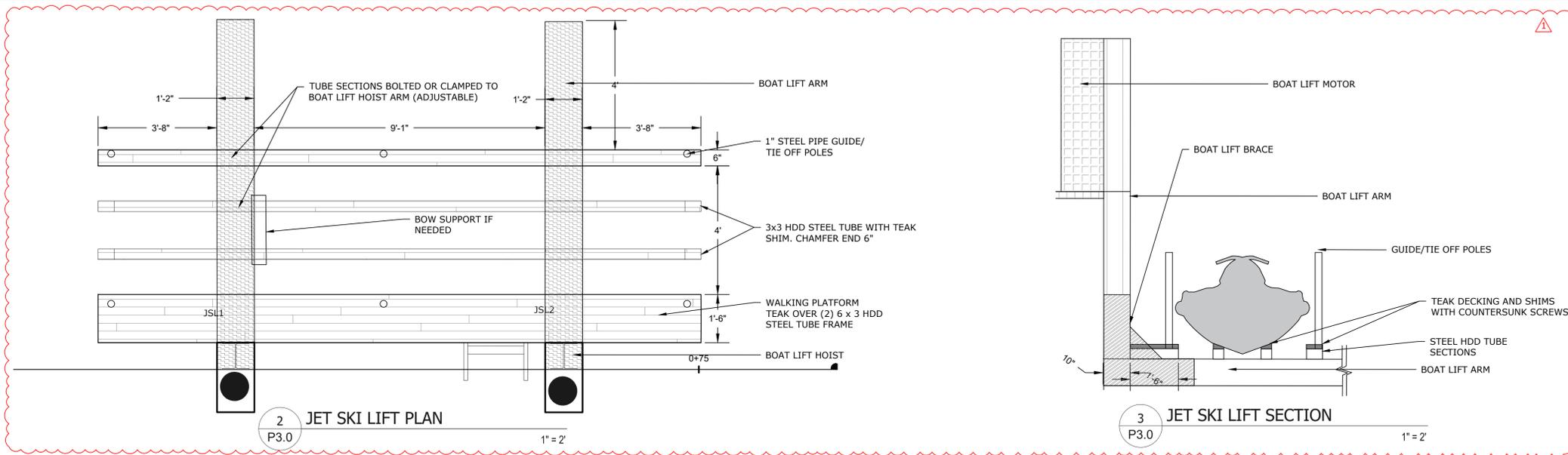
  

DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: MDA  
DRAWN BY: JGA/JJM  
CHECKED BY: MED

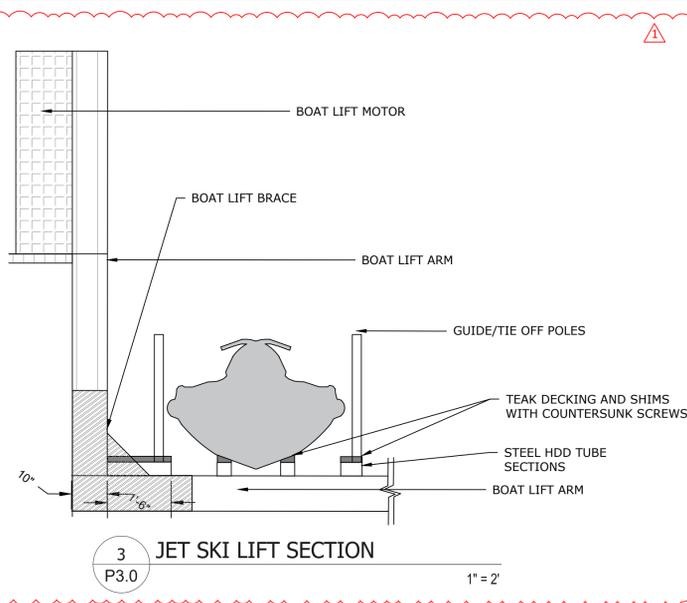
SHEET  
**P2.0**



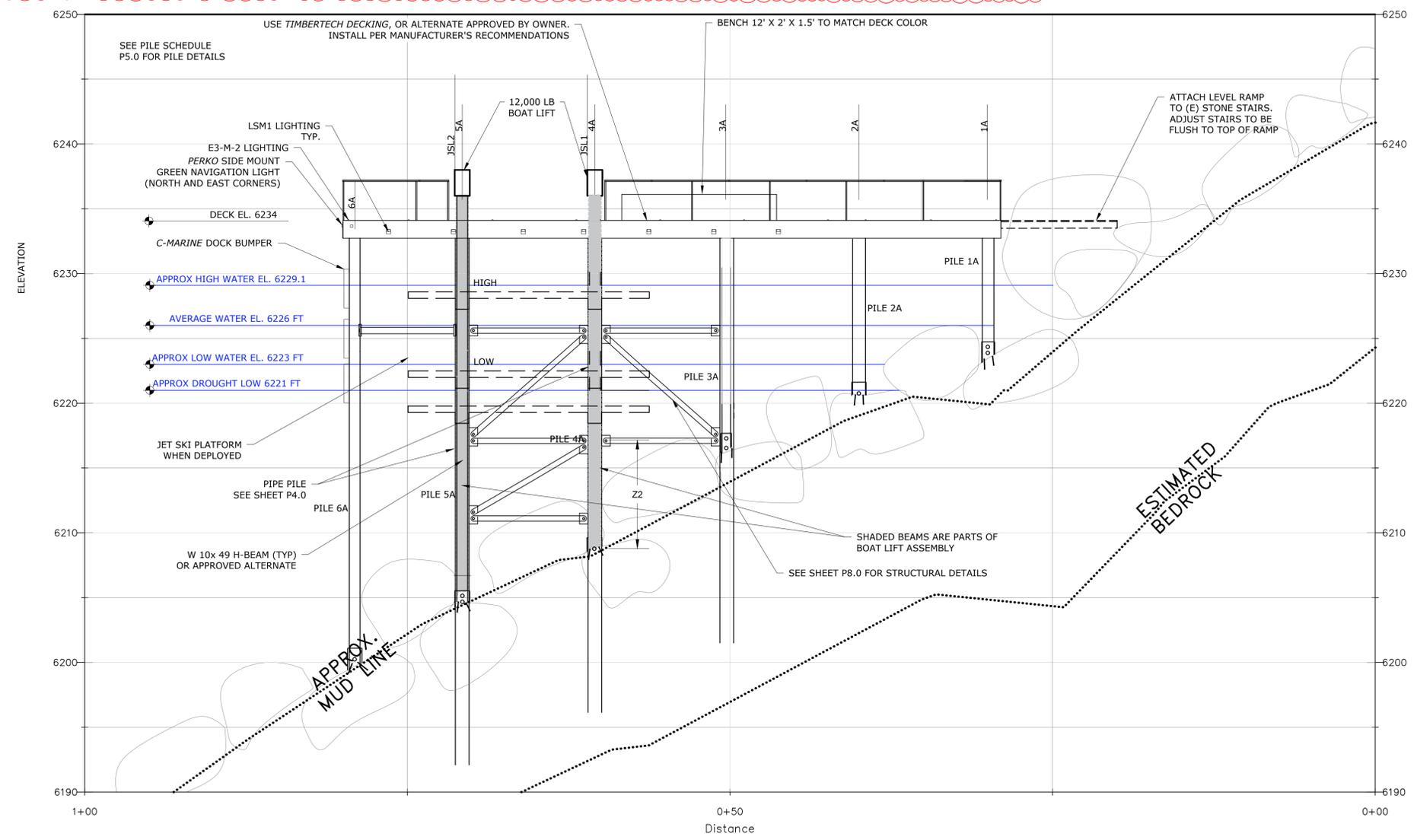
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2 JET SKI LIFT PLAN  
P3.0 1" = 2"



3 JET SKI LIFT SECTION  
P3.0 1" = 2"



1 PIER NORTH ELEVATION  
P3.0 1" = 5' H&V

FOR TRPA REVIEW 5/5/2022

NOTE: BOAT MOORING ELEVATION RANGE SHOWN IN BLUE.

REV.	DATE	BY	APP'D
1	9/7/22	JWP	
2			
3			
4			
5			
6			
7			
8			
9			
10			

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Reno, Nevada 89511

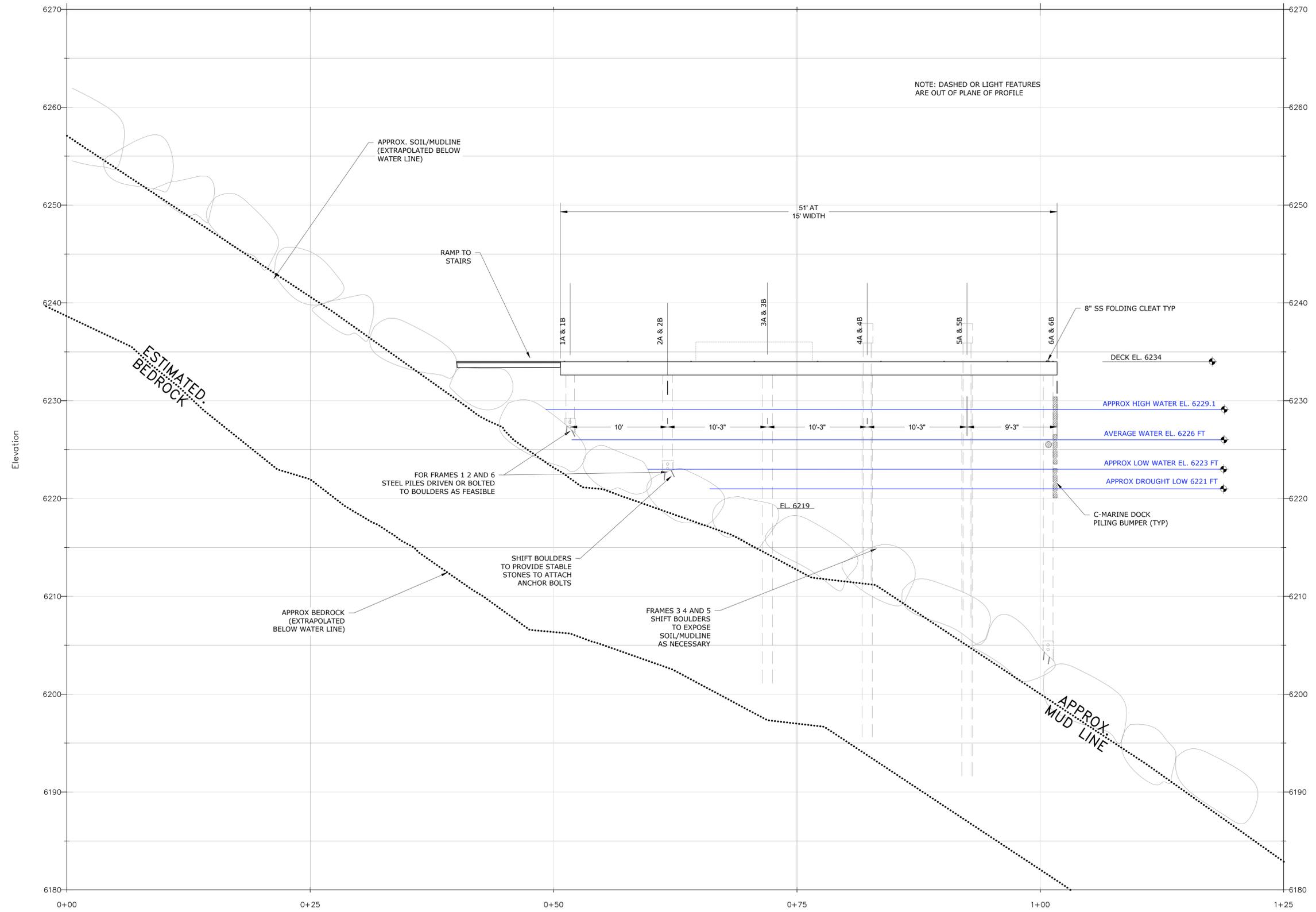
**NORTH PROFILE & ELEVATION**  
PROPOSED PIER  
300 STATE ROUTE 28  
APNS: 123-211-02 & 123-211-01  
CRYSTAL BAY  
WASHOE COUNTY NEVADA



DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: MED  
DRAWN BY: JGA/JJM  
CHECKED BY: MED

SHEET  
**P3.0**

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1  
P3.1

PIER CENTERLINE PROFILE  
1" = 5' H&V

FOR TRPA REVIEW 5/5/2022

REV.	DATE	BY	APP'D

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Reno, Nevada 89511  
TEL (775)853-9100  
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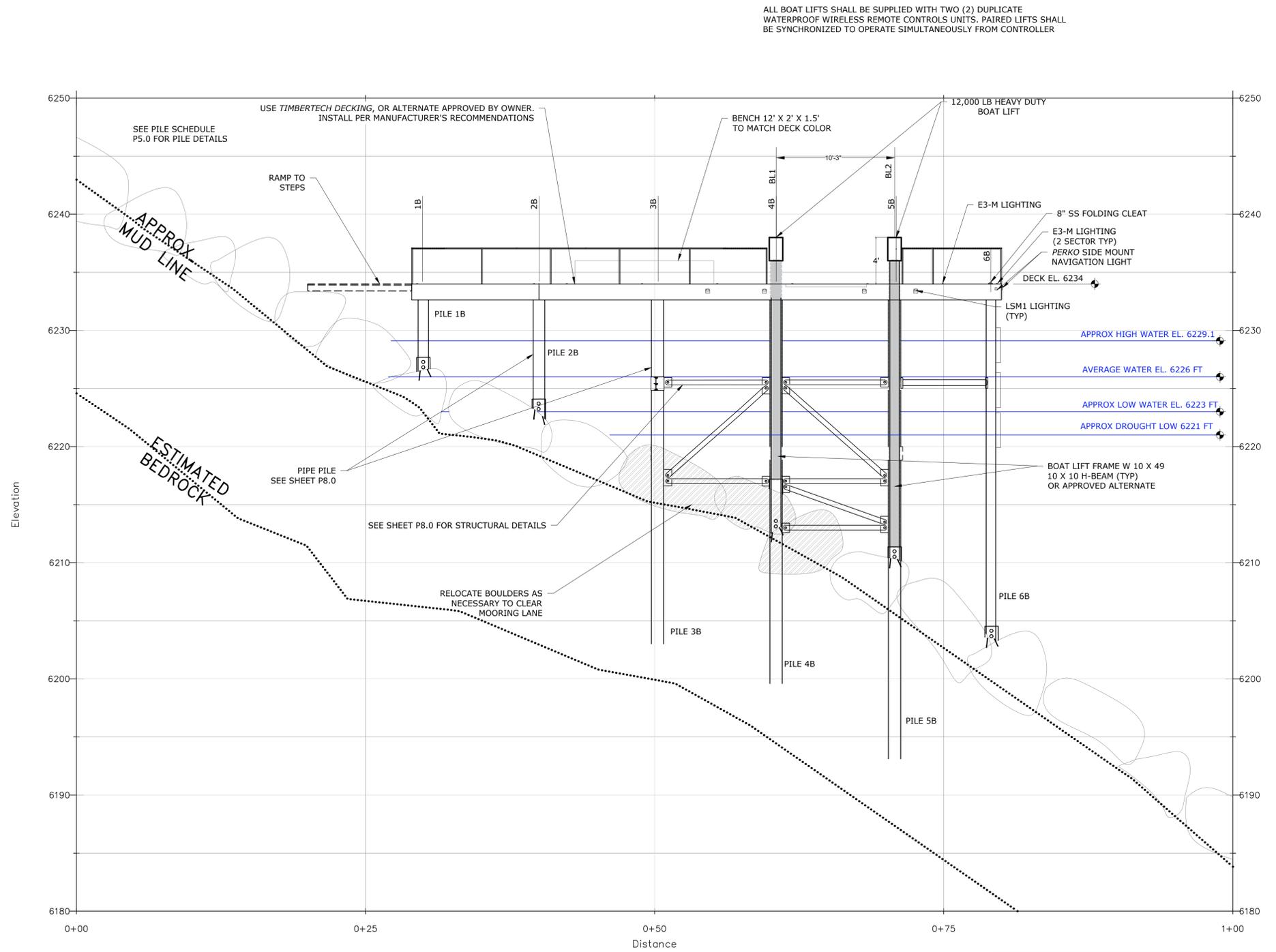
**CENTERLINE PROFILE**  
PROPOSED PIER  
300 STATE ROUTE 28  
APNS: 123-211-02 & 123-211-01  
CRYSTAL BAY  
NEVADA  
WASHOE COUNTY



DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: MED  
DRAWN BY: JGA/JJM  
CHECKED BY: MED

SHEET  
P3.1

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ALL BOAT LIFTS SHALL BE SUPPLIED WITH TWO (2) DUPLICATE WATERPROOF WIRELESS REMOTE CONTROLS UNITS. PAIRED LIFTS SHALL BE SYNCHRONIZED TO OPERATE SIMULTANEOUSLY FROM CONTROLLER

1 PIER SOUTH ELEVATION  
P3.2 1"=5' H&V

FOR TRPA REVIEW 5/5/2022

NOTE: BOAT MOORING ELEVATION RANGE SHOWN IN BLUE.

REV.	DATE	BY	APP'D

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CONSULTING CIVIL ENGINEERS  
TEL (775)853-9100  
FAX (775)853-9199  
P.O. Box 18449  
Reno, Nevada 89511

**SOUTH PROFILE & ELEVATION**  
PROPOSED PIER  
300 STATE ROUTE 28  
CRYSTAL BAY  
APNS: 123-211-02 & 123-211-01  
NEVADA  
WASHOE COUNTY

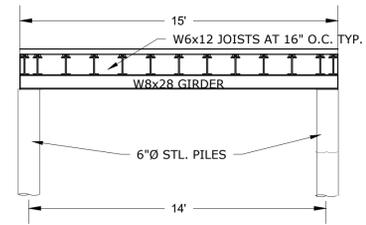


DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: MED  
DRAWN BY: JGA/JJM  
CHECKED BY: MED

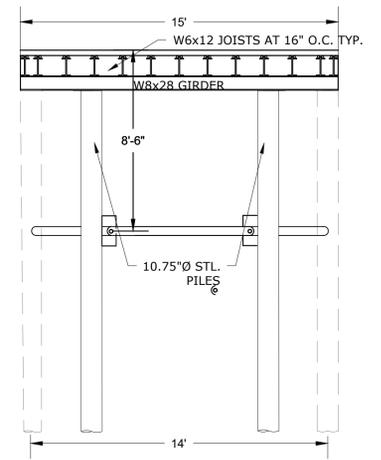
SHEET  
**P3.2**

**CONSTRUCTION NOTES**

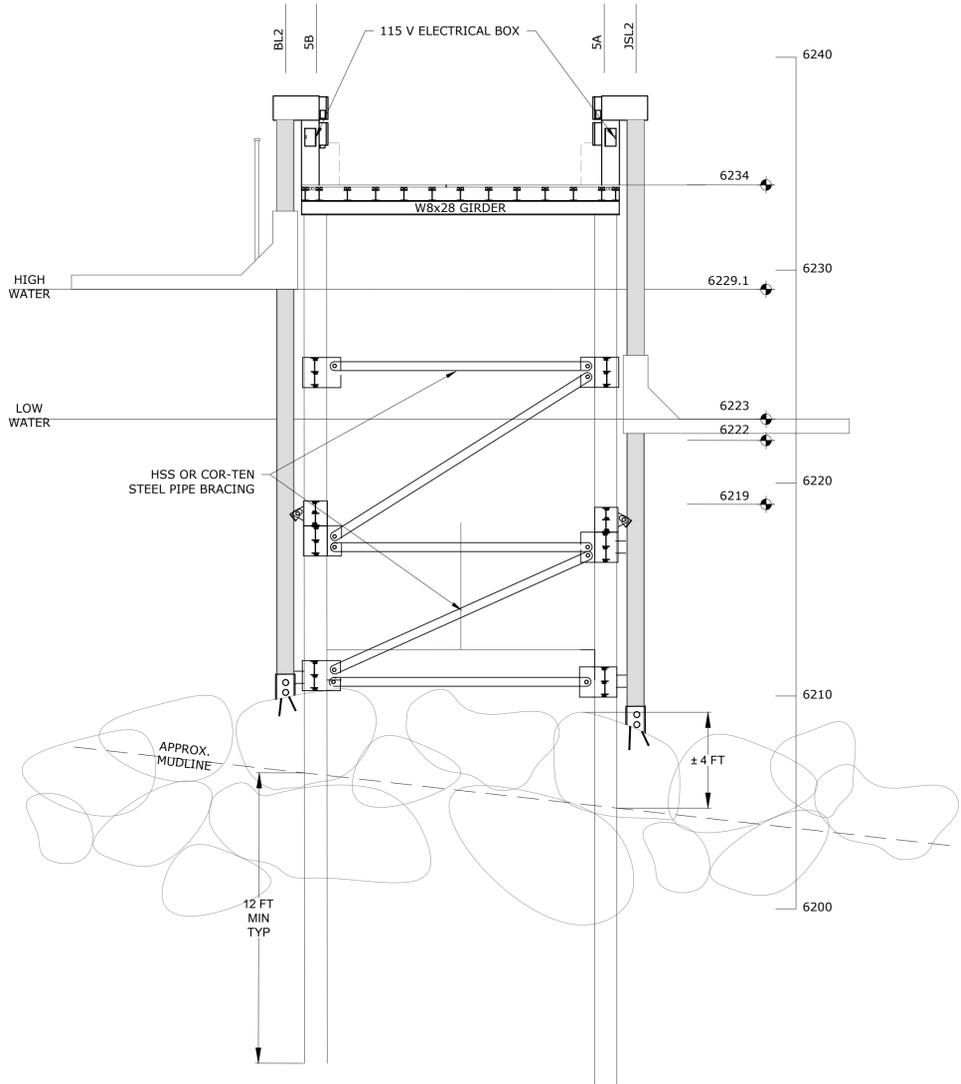
**COLORS:**  
 PILES: POWDER COAT UPPER 20 FEET OF PILES AND BOAT LIFT RAILS TO MEDIUM GREY (MUNSEL 10R-7/1 TO 10R-6/1).  
 DECK FRAME: COR-TEN STEEL. POWDER COAT UPPER 20 FEET TO MEDIUM GREY (MUNSEL 10R-7/1 TO 10R-6/1).  
 INTERIOR DECK FRAME: UNCOATED COR-TEN STEEL  
 DECK: *TIMBERTECH AZEK WEATHERED TEAK*, OR OTHER SYNTHETIC DECK MATERIAL APPROVED BY OWNER.  
 SEA STAIRS & BOAT LIFTS: POWDER COAT MEDIUM GREY, (MUNSEL) 10R-7/1, 10R-6/1, OR 10R-5/1  
 STRUCTURAL DETAILS BELOW EL 6226 MAY VARY



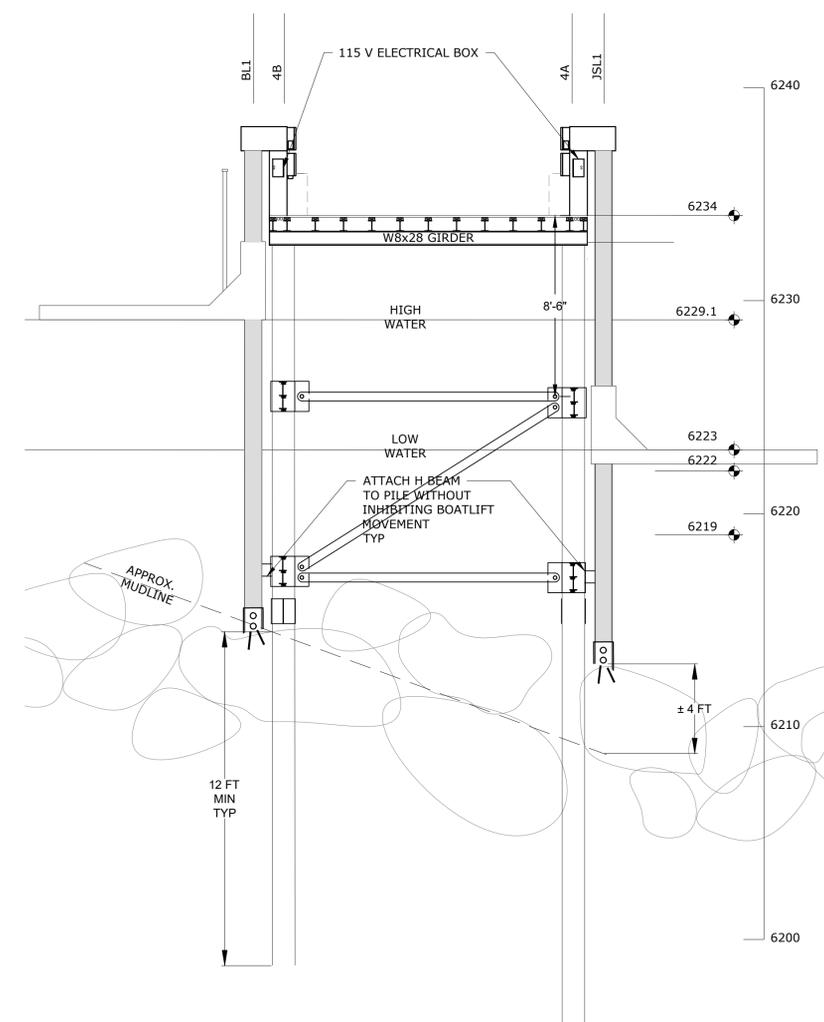
5 PILES 1A, 1B, 2A & 2B  
 P4.0 1/2" = 1'



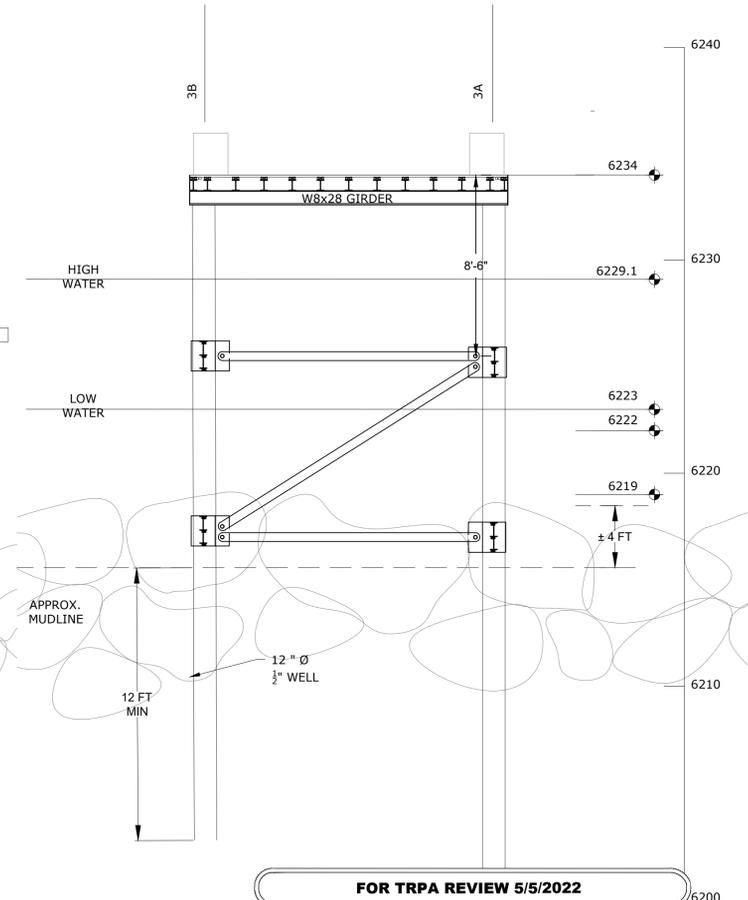
5 PILES 6A & 6B  
 P4.0 1/2" = 1'



3 5A-5B SECTION  
 P4.0 1" = 4" H&V



2 4A-4B SECTION  
 P4.0 1" = 4" H&V



1 3A-3B SECTION  
 P4.0 1" = 4" H&V

**FOR TRPA REVIEW 5/5/2022**

REV.	DATE	BY	APP'D

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 FAX (775)853-9199  
 P.O. Box 18448  
 Reno, Nevada 89511

**BRACED PILE SECTION DETAILS**  
 PROPOSED PIER  
 300 STATE ROUTE 28  
 APNS: 123-211-02 & 123-211-01  
 CRYSTAL BAY  
 WASHOE COUNTY  
 NEVADA



DATE: 5.3.2022  
 JOB NUMBER: 8051.010  
 DESIGNED BY: MDA  
 DRAWN BY: JGA/JJM  
 CHECKED BY: MED

SHEET  
**P4.0**

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RANDOM BOULDERS AT 40 FEET FROM THE SHORELINE

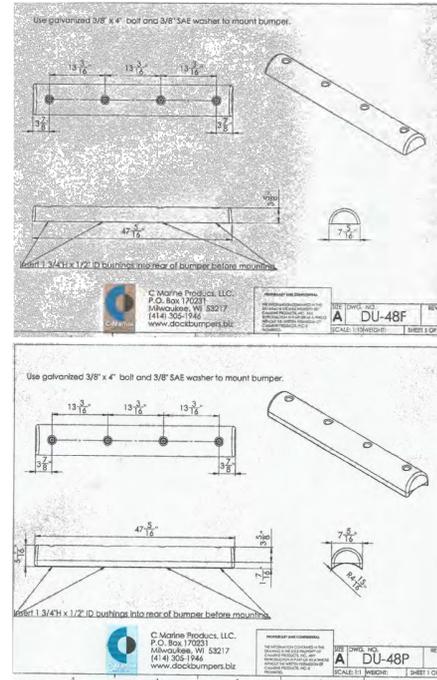


VIEW OF UNDERWATER BOULDERS. NOTE PLATE-LIKE SHAPE AND RANDOM, UNSTABLE ORIENTATION AND BRIDGING.

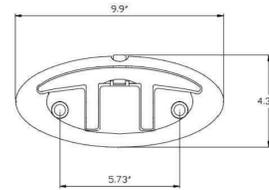


VIEW OF UNDERWATER BOULDERS. NOTE OPENING BENEATH THE BOULDER. TAPE IS APPROXIMATELY 1/2 INCH WIDE.

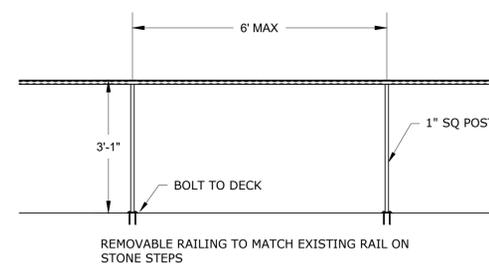
- NOTES:
1. RELOCATE SUSPENDED OR UNSTABLE BOULDERS IN MOORING LANE AND FOUNDATION ZONES.
  2. STACK RELOCATED BOULDERS AROUND DEEPER PILES TO INCREASE IMBEDMENT DEPTH, PREFERABLY.



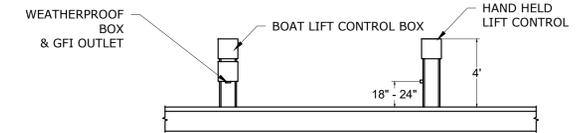
7 C-MARINE BUMPERS NTS



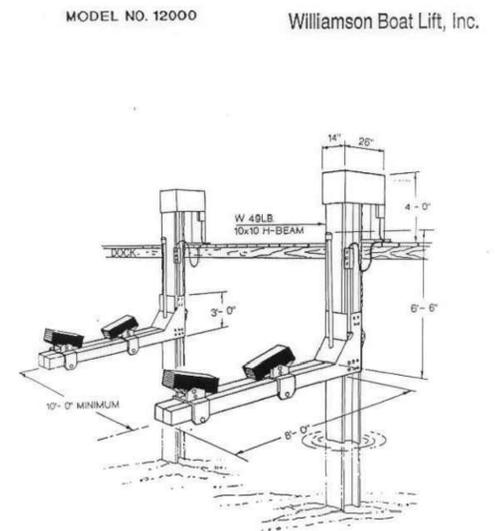
6 BOAT OUTFITTERS SURFACE MOUNT 8" FOLDING CLEAT NTS



2 TYPICAL REMOVABLE RAILING 1" = 1"



5 SOUTHWEST SIDE OF BOAT LIFT POSTS 1" = 5"



FOR TRPA REVIEW 5/5/2022

1 WILLIAMSON 12,000 LB HEAVY DUTY BOAT LIFT SCHEMATIC OR APPROVED ALTERNATE 1" = 5"

PILE SCHEDULE					
PILE #	MINIMUM PILE LENGTH <sup>1</sup> (FT)	CONNECTION	PILE TYPE	VERTICAL LOAD (KIPS)	HORIZONTAL LOAD (KIPS)
1A	8.5	DRIVEN	PIPE 10.75 X 0.375		
1B	8.5	DRIVEN	PIPE 10.75 X 0.375		
2A	10.5	DRIVEN	PIPE 12 X 0.438		
2B	10.5	DRIVEN	PIPE 12 X 0.438		
3A	31.5	MIN 12 FT EMBEDMENT	PIPE 12.75 X 0.5		
3B	30.0	MIN 12 FT EMBEDMENT	PIPE 12.75 X 0.5		
4A	37.0	MIN 12 FT EMBEDMENT	PIPE 12.75 X 0.5		
4B	34.0	MIN 12 FT EMBEDMENT	PIPE 12.75 X 0.5		
5A	41.0	MIN 12 FT EMBEDMENT	PIPE 12.75 X 0.5		
5B	40.0	MIN 12 FT EMBEDMENT	PIPE 12.75 X 0.5		
6A	29.0	DRIVEN	PIPE 10 X 0.375		
6B	29.0	DRIVEN	PIPE 10 X 0.375		
JSL1 <sup>1</sup>	24.0	DRIVEN	W49 10 X 10 H		
JSL2 <sup>1</sup>	29.0	DRIVEN	W49 10 X 10 H		
BL1 <sup>1</sup>	23.0	DRIVEN	W49 10 X 10 H		
BL2 <sup>1</sup>	29.5	DRIVEN	W49 10 X 10 H		

<sup>1</sup> TOTAL LENGTH INCLUDES 4 FOOT STICK UP ABOVE DECK  
**PILE NOTES:**

1. USE A5252 GRADE 3 PIPE PILES OR APPROVED ALTERNATE.
2. USE EITHER INTERIOR OR EXTERIOR CONICAL PIPE PILE POINTS. PILE POINT TO HAVE INTERNAL RIBS AND WELDED CONNECTION.
3. PILES TO BE POWDER COATED TO A MINIMUM OF 7 FEET BELOW LOW WATER LINE.
4. TOTAL PILE CROSS SECTIONAL AREA 12.4 SQUARE FEET.

### E3-M P2 Preliminary: Pending Approval

The E3-M is a small marker fixture with a minimal 2.125" (54mm) footprint. Fixture can be used in masonry or wood applications.

**Construction** Solid brass trim with brass cylindrical lamp compartment. PVC outer housing with brass splice box.

**Lens** Frosted, cylindrical, borosilicate glass helps to diffuse light evenly. Tempered soda lime glass seals lamp compartment below.

**Voltage** 12 Volts AC. Remote transformer required.

**Mounting** Ground or wall-mount installation for indoor or outdoor applications. Suitable for wood and masonry installation. Optional Deck Mount accessory allows for adaptation to wood deck of varying thicknesses. Brass wiring compartment features two side and one bottom 1/2" NPT threaded holes. Trim and lamp compartment are friction-fit into sleeve using o-rings, eliminating the need for visible fasteners.

**Lamps**

Cree XP-E LED module Amber (1500K) Trac dimmable to 25%	<b>2W-A-SP</b>	2 Watt Amber 10" spot
Cree XP-E LED module Warm White (3000K) Trac dimmable to 25%	<b>3W-SP</b>	3 Watt 10" spot
MR11 LED Cree chipset Amber (1500K) Trac dimmable to 25%	<b>2W-A-MR11-SP</b>	2 Watt Amber 15" spot
MR11 LED Cree chipset Warm White (3000K) Trac dimmable to 25%	<b>2W-MR11-SP</b>	2 Watt 15" spot

\*Also available in other color temperatures. Add color suffix to lamp specification, e.g. 3W-NFL-2700K

**Mounting Accessory** **CFK** Concrete Form Kit **DM** Deck Mount adapter ring for wooden decks.

**Finish:** Unfinished is standard; no specification required. The fixture will weather to a natural patina. The patina process is natural with brass and copper. Rate of patina and eventual color is dependent upon climate and proximity to the ocean. Thus, Beachside does not guarantee any specific appearance.

**E3-M**

FOUR SECTOR ILLUMINATION (STANDARD)

**E3-M-1**

SINGLE SECTOR

**E3-M-2**

TWO SECTOR

**E3-M-OP**

TWO SECTOR OPPOSITE

IP 67  
 CSA Listing pending  
 10 year fixture warranty  
 5 year LED module warranty  
 3 year MR11 LED lamp warranty

**MADE IN USA**

Project: **E3-M-2** By: **3W-SP** Date: \_\_\_\_\_  
 For ordering purposes, please specify (example: E3-M-2-2W-MR11-SP-DM)  
 Fixture: **2** Lamp / Beam: **DM** Accessory: \_\_\_\_\_

BEACHSIDE LIGHTING • 800-405-6732 • www.BeachsideLighting.com January 2017

4 DECK MOUNTED LIGHTING N/A

### auroralight TYPE: **WW2** CAT #: LSM1

**Preliminary: Pending Approval LSM1**

The LSM1 is a low energy surface mounted LED wall light that offers excellent illumination of walls and walkways in a stylish yet rugged design. The solid copper back plate is laser cut to adapt to any 3" or 4" round electrical box recessed into the wall or may be simply surface mounted without any additional box. Radial slotted mount holes allow the fixture to be rotated to level and then tightened securely in place ensuring a perfect installation.

**Features include:**

- 1.25 Watts
- Cree XLAMP® (XP-G) LED
- 2700, 3000 or 4500K (CRI 80 typ.)
- 12 VAC Electronic or Magnetic Source Compatible
- Dimmable to <10% typ.
- Solid Copper and Brass Construction

**ORDERING GUIDE LSM1: L (LED) SM (SURFACE MOUNT) 1 (SERIES)**

**HOUSING** [BR] Brass [CU] Copper \*Backplate will always be Copper

**BODY** [S] Smooth [G] Grooved

**LED** [27] 2700K [30] 3000K [45] 4500K [27W] 2700K [30W] 3000K [45W] 4500K [D] = Dimmable

**LENS** [F] Frosted [C] Clear

**FINISH** [NAT] Natural [BLP] Bronze Living Patina [BLP-XD] BLP Extra Dark [M] Nickel PVD [PC] Powder Coat: Specify Color

**Verify Finish**

CARLSBAD, CA | PHONE 877 942 1179 | FAX 760 931 2916 | E-MAIL SALES@AURORALIGHT.COM | AURORALIGHT.COM  
 is a continuing product improvement program. Auroralight reserves the right to modify product specifications without notification. © 2015 Auroralight, Inc. 217401-V-0

3 SIDE MOUNTED LIGHTING AT JET SKI & BOAT LIFT N/A

BY APP'D \_\_\_\_\_  
 REV. DATE \_\_\_\_\_

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 TEL (775)853-9100  
 FAX (775)853-9199

P.O. Box 18449  
 Reno, Nevada 89511

**PIER DETAILS**  
 CRYSTAL POINTE MULTIPLE USE PIER  
 300 STATE ROUTE 28  
 APNS: 123-211-02 & 123-211-01  
 CRYSTAL BAY  
 WASHOE COUNTY NEVADA

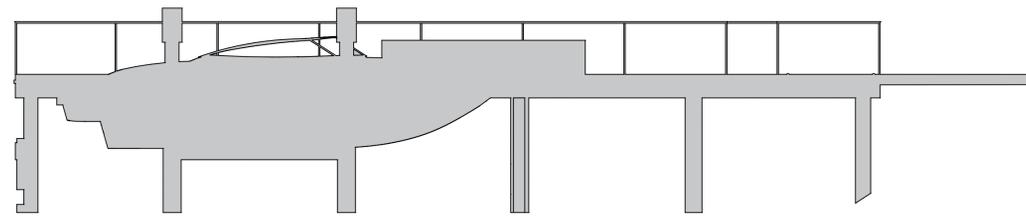
PROFESSIONAL ENGINEER - STATE OF NEVADA  
 JONATHAN W. PEAKE  
 Exp. 12-28-23  
 CIVIL  
 No. 16039

DATE: 5.3.2022  
 JOB NUMBER: 8051.010  
 DESIGNED BY: MDA  
 DRAWN BY: JGA/JJM  
 CHECKED BY: MED

SHEET  
**P5.0**

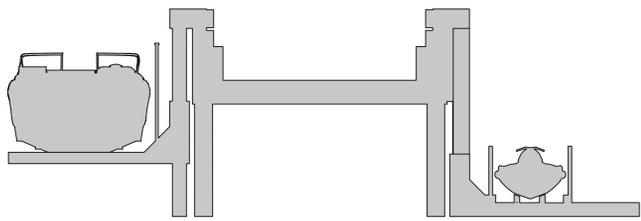


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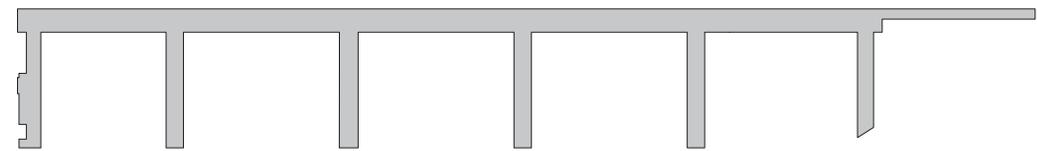
4 SCENIC MITIGATION LOOKING SOUTHEAST (NORTH SIDE) 1" = 5'

5 SCENIC MITIGATION LOOKING NORTHWEST (END OF PIER) 1" = 5'



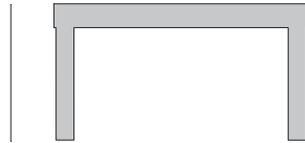
6 SCENIC MITIGATION CALCULATIONS NTS

SCENIC MITIGATION:  
LOOKING NORTHWEST (END OF PIER) 138 SQUARE FT  
LOOKING SOUTHEAST (NORTH SIDE) 229 SQUARE FT  
TOTAL 367 SQUARE FT



1 VISIBLE MASS LOOKING SOUTHEAST (NORTH SIDE) 1" = 5'

2 VISIBLE MASS LOOKING NORTHWEST (END OF PIER) 1" = 5'



3 VISIBLE MASS CALCULATIONS NTS

VISIBLE MASS:  
LOOKING NORTHWEST (END OF PIER) 35 SQUARE FT  
LOOKING SOUTHEAST (NORTH SIDE) 117 SQUARE FT  
TOTAL 152 SQUARE FT

FOR TRPA REVIEW 5/5/2022



DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: MED  
DRAWN BY: JGA/JJM  
CHECKED BY: JWP

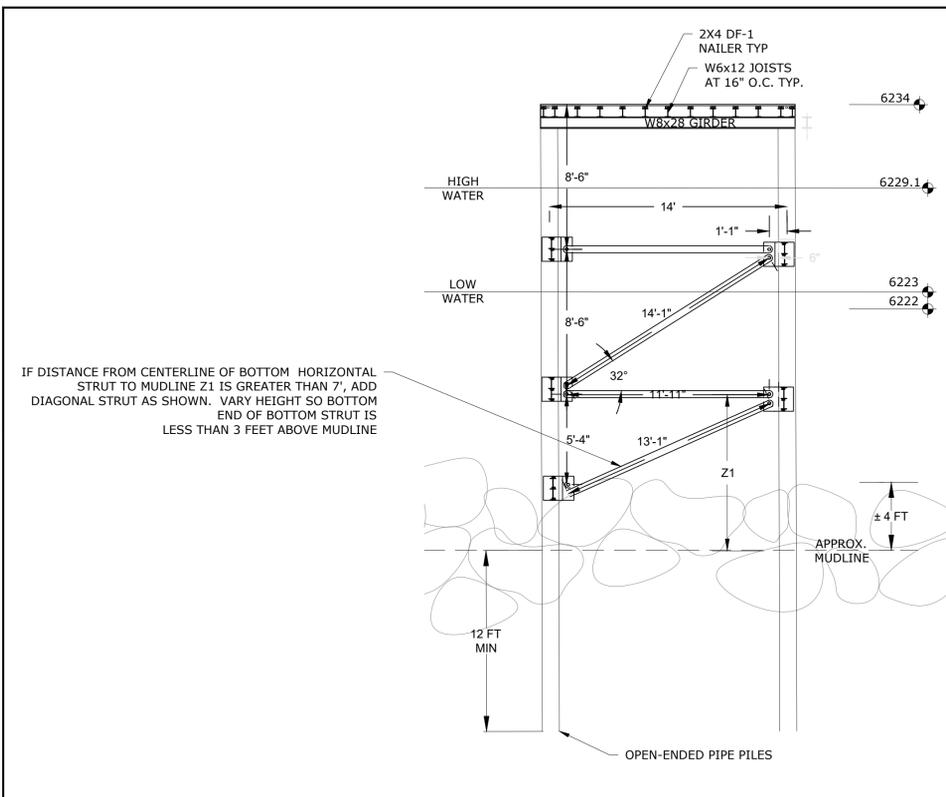
SHEET P7.0

VISIBLE MASS & MITIGATION  
CRYSTAL POINTE MULTIPLE USE PIER  
300 STATE ROUTE 28  
APNS: 123-211-02 & 123-211-01  
CRYSTAL BAY  
WASHOE COUNTY NEVADA

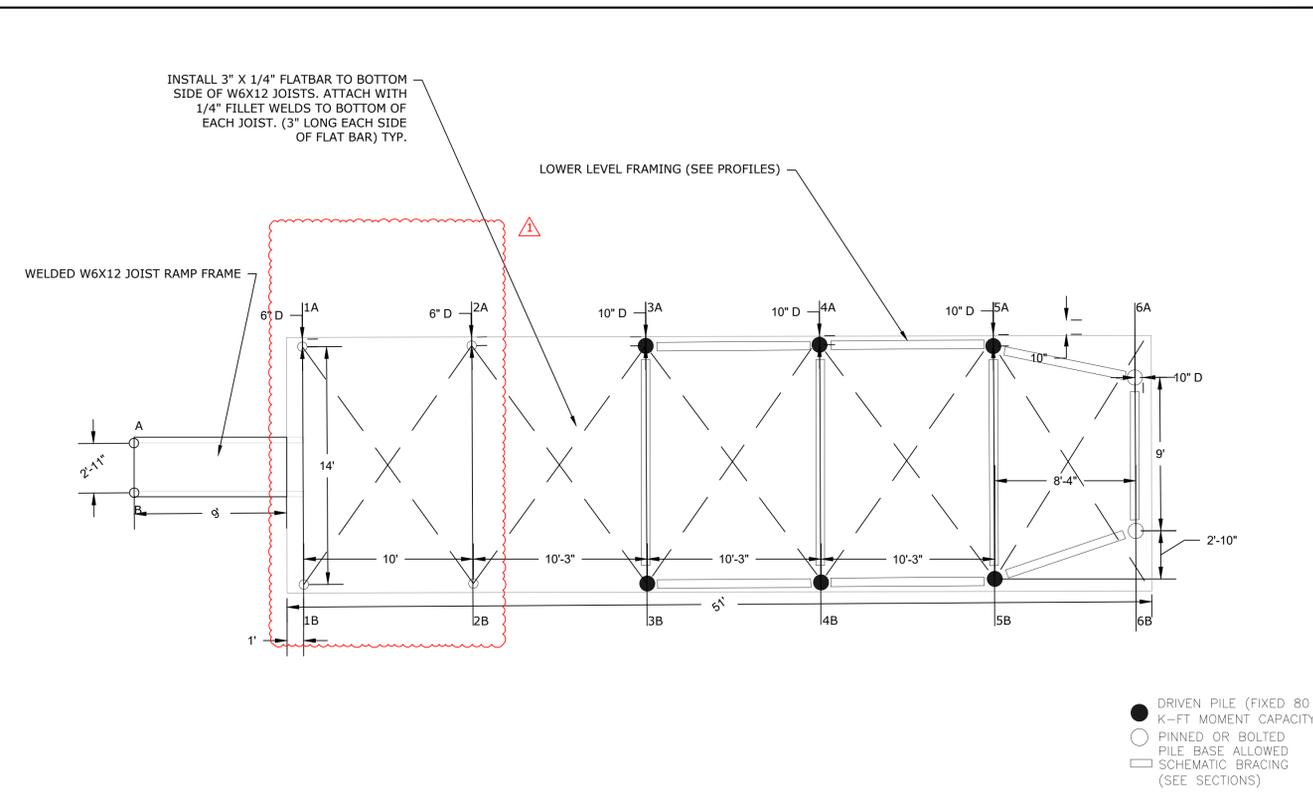
Reno Tahoe Geo Associates, Inc.  
CONSULTING CIVIL ENGINEERS  
P.O. Box 18449  
Reno, Nevada 89511  
TEL (775)853-9100  
FAX (775)853-9199

REV.	DATE	BY	APP'D
Δ	9/7/22	JWP	

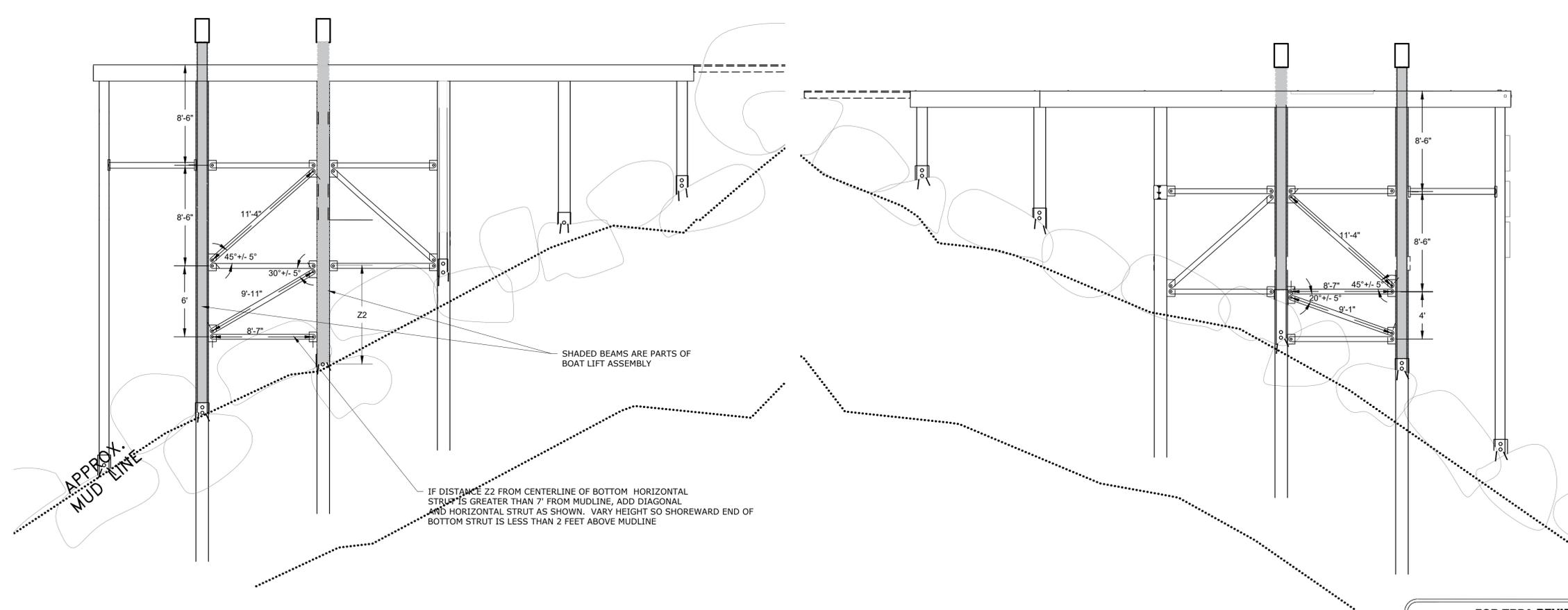
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4  
P8.0 E-W BRACING  
FRAMES 3, 4 AND 5 1" = 5'



1  
P8.0 PIER STRUCTURE PLAN 1" = 5'



3  
P8.0 NORTH BRACING  
PILES 3A, 4A, & 5A 1" = 5'

2  
P8.0 SOUTH BRACING  
PILES 3B, 4B, & 5B 1" = 5'

FOR TRPA REVIEW 5/5/2022

REV.	DATE	BY	APP'D
1	9/7/22	JWP	JWP
2			
3			
4			
5			
6			
7			
8			
9			
10			

**Reno Tahoe Geo Associates, Inc.**  
CONSULTING CIVIL ENGINEERS  
TEL (775)853-9100  
FAX (775)853-9199  
P.O. Box 18449  
Reno, Nevada 89511

**STRUCTURAL DETAILS**  
CRYSTAL POINTE MULTIPLE USE PIER  
300 STATE ROUTE 28  
APNS: 123-211-02 & 123-211-01  
CRYSTAL BAY  
WASHOE COUNTY NEVADA



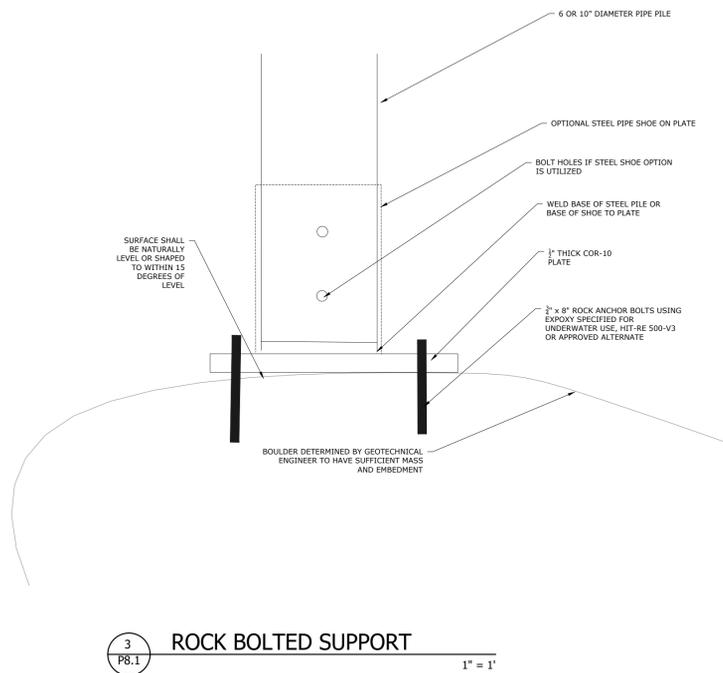
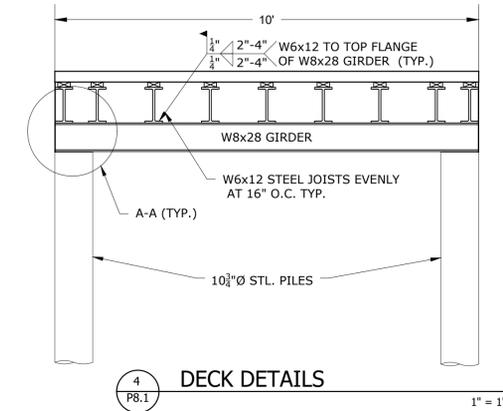
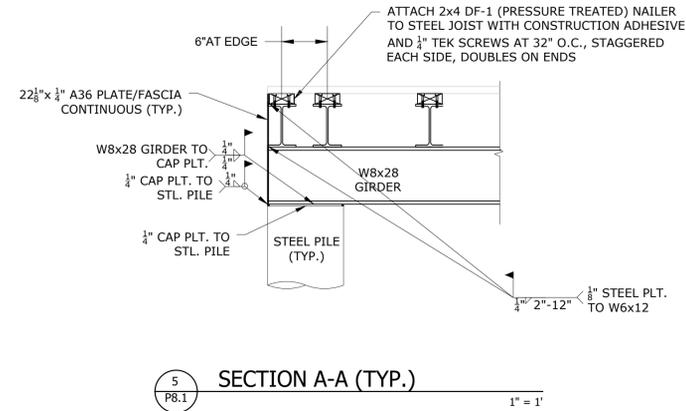
DATE: 5.3.2022  
JOB NUMBER: 8051.010  
DESIGNED BY: JWP  
DRAWN BY: JJM  
CHECKED BY: JWP

SHEET  
**P8.0**

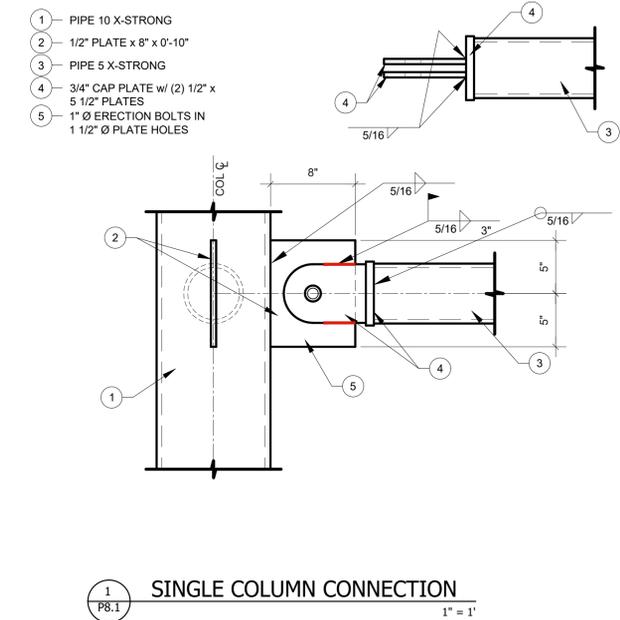
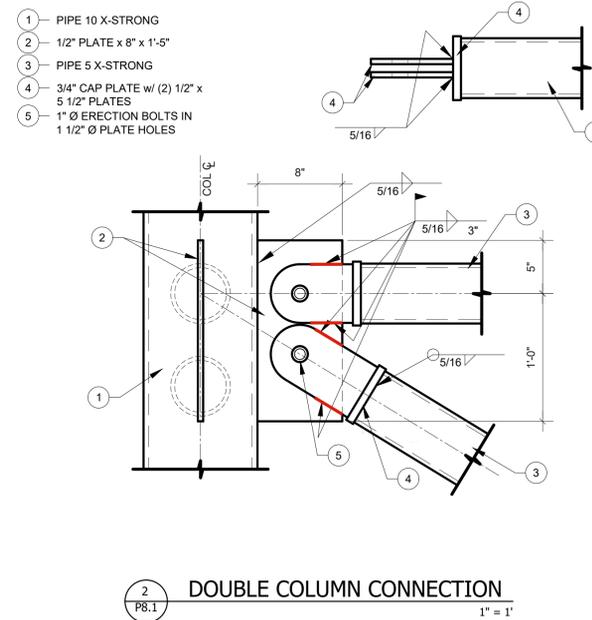
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**NOTES:**

- BRACING LOCATIONS TO BE FIELD ADJUSTED
- CONTRACTOR TO SUBMIT PROPOSED DETAIL FOR PINNED PILE CONNECTION
- CONTRACTOR TO SUBMIT PROPOSED DETAIL FOR TRUSS CONNECTIONS
- BOLT IS FOR ALIGNMENT PURPOSES ONLY - FINAL STRUCTURAL CONNECTION IS WELDED AREAS SHOWN
- PROCURE SHADED BEAMS ON C8.0 5 FEET LONGER THAN DEPTH TO MUDLINE
- DIMENSIONS ON THIS SHEET SHOWN FOR TYPICAL DESIGN AND COSTING.



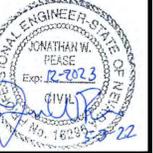
NOTE: BOLT HOLES ARE FOR EASE OF ALIGNMENT AND INSTALLATION ONLY, PERMANENT LOAD IS CARRIED BY WELDS. A PIPE WITH A 7/16\"/>



REV.	DATE	BY	APP'D

**Reno Tahoe Geo Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS  
 P.O. Box 18449  
 Reno, Nevada 89511  
 TEL (775)853-9100  
 FAX (775)853-9199

**STRUCTURAL DETAILS - 2**  
 CRYSTAL POINTE MULTIPLE USE PIER  
 300 STATE ROUTE 28  
 APNS: 123-211-02 & 123-211-01  
 CRYSTAL BAY  
 WASHOE COUNTY NEVADA



DATE: 5.3.2022  
 JOB NUMBER: 8051.010  
 DESIGNED BY: JWP  
 DRAWN BY: JJM  
 CHECKED BY:

**FOR TRPA REVIEW 5/5/2022**

SHEET  
**P8.1**





**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.gov

## STAFF REPORT

Date: December 7, 2022  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Local Government Coordination Report

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### Summary and Staff Recommendation:

This Local Government Coordination Report (Report) was developed to inform the Governing Board on progress being made toward the development, adoption, and implementation of Area Plans and associated permit delegation Memoranda of Understanding (MOU) in the Tahoe Region. In addition, this Report was prepared, pursuant to Tahoe Regional Planning Agency (TRPA) Code, Section 13.8: *Monitoring, Certification, and Enforcement of Area Plans*, to provide the Governing Board a recommendation to either certify, certify with conditions, or revoke all or part of a permit delegation MOU based on audit results. The City of South Lake Tahoe, Placer County, and El Dorado County all have MOUs in effect. Pursuant to TRPA Code, Section 13.8.3: *Annual Review*, TRPA audited a sample of permits issued by MOU partners. Based on the information in the Report, TRPA staff recommends that the Governing Board recertify the MOUs. The Report is provided as Attachment A.

### Required Motion:

In order to recertify the MOUs, the Governing Board must make the following motion based on the staff report:

- 1) A motion to find that the City of South Lake Tahoe, Placer County, and El Dorado County are meeting the requirements of their MOUs and to recertify the MOUs.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

### Background:

TRPA as a regional agency guides and oversees the implementation of its adopted Regional Plan. Local jurisdictions through adopted Area Plans play a key role in meeting local community needs while accomplishing the broader goals for the Tahoe Region. The Regional Plan specifies TRPA will periodically review the implementation of adopted Area Plans and associated permit delegation MOUs for continuing conformance with the Regional Plan. Based on the review, TRPA may then recertify, recommend adaptive actions to improve Area Plan implementation, or revoke local government Area Plan delegation. The Report gathers the information needed for the Board to consider the review and recertification of adopted local government Area Plans to date and reports the status of other local government planning matters supported by TRPA. Based on experience so far, the Report also reviews and recommends ways to improve coordination between TRPA and local jurisdictions.

Regional Plan Compliance:

Regional Plan Land Use Goals and Policies encourage local jurisdictions to develop area plans and take on additional permitting through MOUs (Regional Plan Goal LU-4 and Policies LU 4.1 – 4.13).

Contact Information:

If you have questions regarding this item, please contact Brandy McMahon, AICP, Local Government Coordinator, at (775) 589-5274 or [bmcmahon@trpa.gov](mailto:bmcmahon@trpa.gov).

Attachment:

- A. Local Government Coordination Report

Attachment A

Local Government Coordination Report



# LOCAL GOVERNMENT COORDINATION REPORT



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# INTRODUCTION

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This Local Government Coordination Report was developed by the Tahoe Regional Planning Agency (TRPA) to inform the Advisory Planning Commission and Governing Board on progress being made toward the development, adoption, and implementation of Area Plans and associated permit delegation Memoranda of Understanding (MOUs) in the Tahoe Region.

# BACKGROUND

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TRPA’s Regional Plan Goals and Policies serve as a guide for future land use decisions within the Tahoe Region. To further the Goals and Policies, the 2012 Regional Plan encourages local jurisdictions to develop Area Plans to supersede and bring current the Plan Area Statements and Community Plans developed to implement the 1987 Regional Plan. The majority of Community Plans and Plan Area Statements are over 20 years old. The Area Plan process was developed to give local jurisdictions the ability to develop their own sub-regional plans within the “sideboards” established under the Regional Plan, incentivize the environmental redevelopment of Town Centers, streamline the permitting process, and make further progress towards environmental threshold attainment.

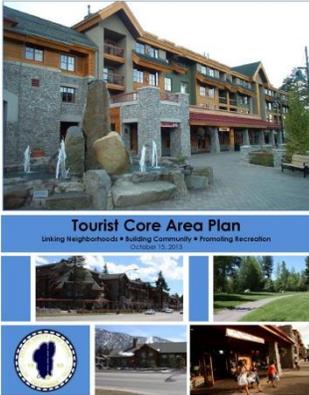
# ADOPTED AREA PLANS

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With the adoption of the Washoe County Tahoe Area Plan in 2021, there are now six Area Plans covering approximately 71,913 acres, or 34 percent of the land area of the Tahoe Region and 89 percent of Town Centers. This section includes an overview of Area Plans and associated permit delegation MOUs.

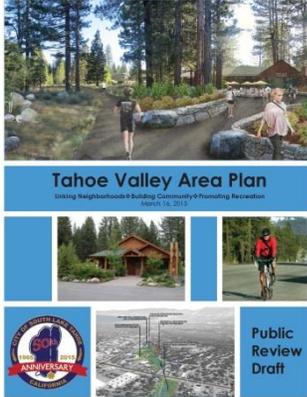
## CITY OF SOUTH LAKE TAHOE, CA

### Tourist Core Area Plan



This Area Plan includes approximately 300 acres located along Highway 50, between Ski Run Boulevard and the state line, in the City of South Lake Tahoe, California. The Governing Board adopted the Area Plan in 2013. The Governing Board approved Area Plan amendments to incentivize town center redevelopment and housing development in 2020. The Governing Board adopted a delegation MOU with the City in December 2014. The MOU covers areas both within and outside of Area Plans in the City of South Lake Tahoe. The MOU took effect in the third quarter of 2015.

### Tahoe Valley Area Plan

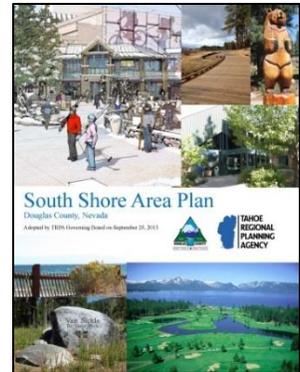


This Area Plan includes 337 acres near the intersection of Highways 50 and 89 (“Y” area) in the City of South Lake Tahoe, California. The Governing Board adopted the Area Plan in July 2015. In 2020, the Governing Board approved updates to the Area Plan to facilitate the development of the Sugar Pine Village affordable housing project, as well as future affordable housing projects. The City delegation MOU that took effect in 2015 includes the Area Plan.

## DOUGLAS COUNTY, NV

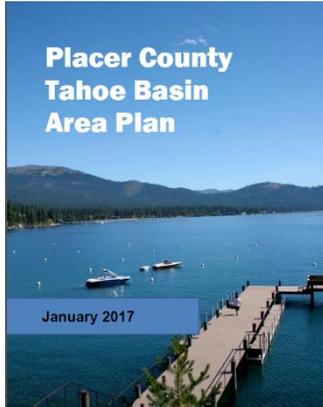
### South Shore Area Plan

This Area Plan includes approximately 667 acres located along Highway 50, between Kahle Drive and the state line, in Douglas County, Nevada. The Governing Board adopted the Area Plan and an associated MOU in 2013. Due to staffing constraints at the County, the MOU never went into effect. TRPA currently reviews all permit applications in the Tahoe Basin portion of Douglas County.



## PLACER COUNTY, CA

### Placer County Tahoe Basin Area Plan

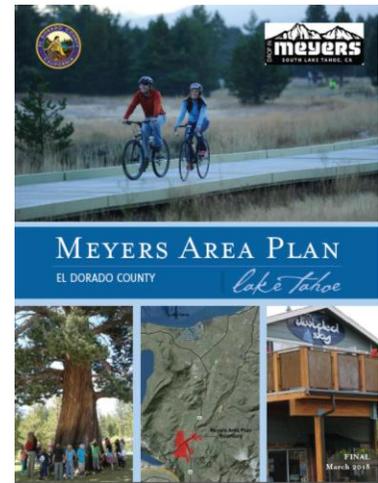


This Area Plan includes all property under the jurisdiction of TRPA in Placer County, California. The Governing Board originally adopted the Area Plan in February 2017. In 2021, the Governing Board approved updates to the Area Plan to better align the Area Plan with the County's housing goals and TRPA Regional Plan updates. The Governing Board approved an MOU in October 2017. The MOU includes three phases of permit delegation. The MOU (Phase I & II) went into effect in May 2018.

## EL DORADO COUNTY, CA

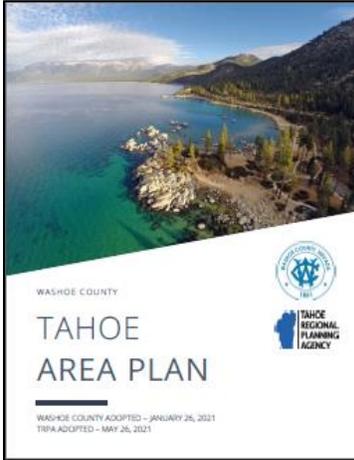
### Meyers Area Plan

This Area Plan includes approximately 669 acres in the Meyers community in El Dorado, California. The Governing Board adopted the Area Plan in February 2018. A delegation MOU that covers the Meyers Area Plan and future Area Plans, as well as the rest of El Dorado County in the Tahoe Region, was adopted by the Governing Board in November of 2018. The MOU includes three phases of permit delegation. The MOU (Phase I & II) went into effect in January 2020.



## WASHOE COUNTY, NV

### Washoe County Tahoe Area Plan



This Area Plan includes all property within the Tahoe Basin portion of Washoe County, Nevada. The Governing Board approved the Area Plan in May of 2021. The plan guides growth by recognizing critical conservation areas, establishing existing and future land use and transportation patterns, and identifying current and future public service and facility needs. This is the most recently adopted Area Plan in the Tahoe Basin. TRPA is currently working with Washoe County on a new MOU.

Area Plans and associated permit delegation MOUs are available on the TRPA website ([trpa.gov](http://trpa.gov)). The location of adopted Area Plans are shown in Exhibit 1.

## ANNUAL AREA PLAN PERMITTING ACTIVITY

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This section includes an overview of permitting activity from 2019 to 2021 and other highlights that have occurred within the geographic areas covered by Area Plans.

### CITY OF SOUTH LAKE TAHOE - TOURIST CORE AREA PLAN

During 2021, 22 project applications were submitted to TRPA and 2 project applications were submitted to the City of South Lake Tahoe (CSLT) within the Tourist Core Area Plan. A summary of these applications is shown in Table 1.

**Table 1: Permit Activity within the Geographic Area of the Tourist Core Area Plan, Calendar Year 2019-2021**

	2019		2020		2021	
	CSLT	TRPA	CSLT	TRPA	CSLT	TRPA
<b>Applications Received<sup>1</sup></b>	<b>18</b>	<b>25</b>	<b>5</b>	<b>25</b>	<b>2</b>	<b>22</b>
Residential Projects <sup>2</sup>	0	0	0	2	0	2
Commercial Projects <sup>2</sup>	6	0	4	0	2*	1
Recreation/Public Service Projects <sup>2</sup>	0	0	1	0	0	1
Environmental Improvement Construction Projects	0	0	0	0	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	1	0	0	0	1
Grading Projects	0	2	0	2	0	0
Verification and Banking <sup>3</sup>	0	19	0	19	0	10
Development Rights Transfers and Conversions	0	0	0	1	0	3
Other <sup>4</sup>	12	3	0	1	0	4

**Notes:**

<sup>1</sup> Does not include Exempt Activities, Qualified Exempt Declarations, Tree Removal Applications, or Administrative Applications.

<sup>2</sup> Includes New Development and Additions/Modifications.

<sup>3</sup> Includes Soils/Hydrology Verifications, IPES Applications, Land Capability Verifications, Land Capability Challenges, Verifications of Coverage, Verifications of Uses, Site Assessments and Standalone Banking Applications.

<sup>4</sup> 'Other' includes Historic Determinations, Lot Line Adjustments, Resource Management, Temporary Activities, Projects, and Structures, Scenic, Underground Tank Removal, Subdivision of Existing Uses, Signs, Allocation Assignments, and other miscellaneous project types.

\* Includes 933 & 943 Poplar Tourist Accommodation project.

Sources: TRPA Accela Permit Records, Local Jurisdiction Permitting System Data, & Correspondence with Local Jurisdiction Staff.

**Area Plan highlights:**

- The Bijou Market Place (Whole Foods) Project is complete. This project included the removal of the old Knights Inn, a new Whole Foods, restaurants, and retail stores, “daylighting” Bijou Creek, and stream environment zone (SEZ) restoration at the intersection of Ski Run and Hwy 50.
- The 20-unit Gondola Vista (under the Gondola) residential project is complete.
- The Novus Select building was remodeled on Ski Run.
- The bi-state US 50/South Shore Revitalization Project was approved.
- The Main Street Management Plan to implement the approved US 50/South Shore Revitalization Project was approved.
- The City approved a 4-unit multi-family housing project at 3794 Montreal Road.
- The City approved Phase II of Hotel Desolation at 933 and 943 Poplar Avenue.



**Bijou Market Place  
“Whole Foods & SEZ Restoration”**

**CITY OF SOUTH LAKE TAHOE - TAHOE VALLEY AREA PLAN**

During 2021, 23 project applications were submitted to TRPA and 2 project applications were submitted to the City of South Lake Tahoe (CSLT) within the Tahoe Valley Area Plan. A summary of these applications is shown in Table 2.

<b>Table 2: Permit Activity within the Geographic Area of the Tahoe Valley Area Plan, Calendar Year 2019-2021</b>						
	<b>2019</b>		<b>2020</b>		<b>2021</b>	
	<b>CSLT</b>	<b>TRPA</b>	<b>CSLT</b>	<b>TRPA</b>	<b>CSLT</b>	<b>TRPA</b>
<b>Applications Received<sup>1</sup></b>	<b>16</b>	<b>2</b>	<b>7</b>	<b>8</b>	<b>2</b>	<b>23</b>
Residential Projects <sup>2</sup>	1	0	2	3	2**	0
Commercial Projects <sup>2</sup>	6	0	5	0	1**	0
Recreation/Public Service Projects <sup>2</sup>	1	0	0	0	0	2
Environmental Improvement Construction Projects	0	0	0	0	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	0	0	0	0	0
Grading Projects	0	0	0	0	0	1
Verification and Banking <sup>3</sup>	0	0	0	3	0	6
Development Rights Transfers and Conversions	0	1	0	2	0	12
Other <sup>4</sup>	8	1	0	0	0	2

\*Notes and Sources are shown under Table 1.

\*\*941 Emerald Bay Road is a mixed-use project and is included in the residential and commercial rows.

Area Plan highlights:

- The Sugar Pine Village Project, a 248-unit affordable multi-family housing project with a childcare facility and non-profit office space, was approved and the first phase of the project has commenced.
- Blue Granite Climbing Gym was constructed near the “Y”.
- A facilities Master Plan for Barton Memorial Hospital was completed.
- The Center of Excellence at the Barton Memorial Hospital, a 25,000-square foot orthopedic, sports performance, rehabilitation and wellness center, is now open. Mitigation for the project included the retirement of more than 33,600 square feet of land coverage previously removed from an SEZ at the Lake Tahoe Airport.
- The City approved three new multi-family units over South Shore Bikes.
- "The Factory Stores at the Y" went through a major remodel and were transformed into "The Crossings at Tahoe Valley."
- Six EV charging stations were recently constructed at The Crossings at Tahoe Valley.
- An old hardware store was turned into the South Lake Brewing Company near the “Y”.
- The McDonald’s at the “Y” was rebuilt.
- The Toyota Dealership underwent an expansion/remodel.
- The City approved and has started the design of the Tahoe Valley Greenbelt.
- The City approved six new multi-family housing units at 906 Emerald Bay Road.
- The City approved a mixed-use project at 941 Emerald Bay Road.
- The City approved a 14-unit multi-family project at 3<sup>rd</sup> Street and Barton Avenue
- The City approved the AleWorx backyard grill.



**Sugar Pine Village Affordable Housing Project**

## DOUGLAS COUNTY - SOUTH SHORE AREA PLAN

During 2021, 17 project applications were submitted to TRPA within the South Shore Area Plan. A summary of these applications is shown in Table 3. TRPA currently reviews all project applications within the Douglas County portion of the Tahoe Basin.

	2019		2020		2021	
	DC	TRPA	DC	TRPA	DC	TRPA
<b>Applications Received<sup>1</sup></b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>17</b>
Residential Projects <sup>2</sup>	0	2	0	0	0	0
Commercial Projects <sup>2</sup>	0	1	0	1	0	1
Recreation/Public Service Projects <sup>2</sup>	0	6	0	1	0	1
Environmental Improvement Construction Projects	0	3	0	0	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	0	0	0	0	0
Grading Projects	0	0	0	0	0	5
Verification and Banking <sup>3</sup>	0	1	0	2	0	3
Development Rights Transfers and Conversions	0	0	0	0	0	0
Other <sup>4</sup>	0	2	0	2	0	7

\*Notes and Sources are shown under Table 1.

### Area Plan highlights:

- The Tahoe Blue Event Center is under construction.
- The new Lake Link microtransit shuttle system is now in operation on the south shore. The Lake Link microtransit is mitigation for trips generated from the new Tahoe Blue Event Center.
- Improvements were made to both the exterior and interior at the Bally's Lake Tahoe, including modified signage, color upgrades to building exterior, landscaping, parking lot refurbishment, and the removal of 4,898 square feet of coverage.
- The old Horizon Casino/Hotel went through a substantial interior and exterior remodel and was transformed into the Hard Rock Casino/Hotel.
- The Lake Tahoe Epic Curling Facility was completed by a tenant in the TRPA Office building.
- Construction of the Edgewood Lodge which contains 154 tourist accommodation units, a restaurant and spa as well as the associated water quality improvement



**Tahoe South Event Center**

projects is complete. The current phase under construction consists of four new detached buildings that will contain a total of 14 new tourist accommodation units (TAUs). Future phases include the construction of an additional 26 TAUs in several detached “cottage” structures, expansion of the golf course clubhouse and several threshold improvement projects, such as enhancements to Golf Course Creek.

- The casinos implemented a paid parking program to encourage the use of alternative modes of transportation.
- The bi-state US 50/South Shore Revitalization Project was approved.
- The Main Street Management Plan to implement the approved US 50/South Shore Revitalization Project was approved.
- An application has been submitted to TRPA to demolish the older Wells Fargo Bank building next to the Hard Rock Casino/Hotel and redevelop the property with a mixed-use 40-unit residential condominium and commercial project.
- The Lakeside Inn Casino property was purchased by Barton Hospital and the buildings on the site are in the process of being demolished to accommodate a future medical facility.

## PLACER COUNTY – TAHOE BASIN AREA PLAN

During 2021, 233 project applications were submitted to TRPA and 148 project applications were submitted to Placer County within the Placer County Tahoe Basin Area Plan. A summary of these applications is shown in Table 4.

	2019		2020		2021	
	PC	TRPA	PC	TRPA	PC	TRPA
<b>Applications Received<sup>1</sup></b>	<b>169</b>	<b>253</b>	<b>151</b>	<b>194</b>	<b>148</b>	<b>233</b>
Residential Projects <sup>2</sup>	85	44	89	39	80	47
Commercial Projects <sup>2</sup>	0	8	0	7	0	4
Recreation/Public Service Projects <sup>2</sup>	0	7	0	7	0	10
Environmental Improvement Construction Projects	8	0	0	1	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	88	0	18	0	63
Grading Projects	0**	5	0**	8	0**	11
Verification and Banking <sup>3</sup>	71	77	58	90	64	74
Development Rights Transfers and Conversions	0	4	0	4	0	2
Other <sup>4</sup>	5	20	4	20	0	22

\*Notes and Sources are shown under Table 1.

\*\*Placer County did not issue any grading permits. All grading was permitted as part of a project.

In some cases, a “0” is indicated because Placer County does not have MOU authority to review a permit.

### Area Plan highlights:

- The Tahoe City Lodge Project, a redevelopment project in Tahoe City, has been approved and the original building was demolished in 2021. The applicant delayed

construction in 2021/2022 due to material and labor costs. An extension of time for the project was approved in October 2022 with an anticipated construction start in the spring of 2023.

- 39° North (formerly the Kings Beach Center Project), proposes the redevelopment of two non-contiguous project sites in Kings Beach, totaling 5.15 acre. The proposed project includes a 153 key hotel, 36 market-rate townhomes, 10,500 square feet of retail and restaurant space and a 74-unit deed restricted achievable multi-family development. The project description is being refined in anticipation of a Notice of Preparation and scoping for a joint EIR/EIS in 2023.
- The Boatworks Redevelopment project is a joint EIR/EIS mixed-use project in Tahoe City. The project proposal includes 80 to 85 hotel units, 31 residential condominiums, conference facilities, full-service spa, swimming pool/hot tubs, fitness center, food and beverage outlets and retail space. The project description is being refined in anticipation of a Notice of Preparation and scoping in 2023.
- Planning for the proposed Dollar Creek Crossing Affordable Housing Project, a multi-family affordable housing project, is underway with an application submittal anticipated in winter 2023.
- Lake View Development is a mid-size mixed use project including 10 market rate multi-family units, 10 tourist accommodation units and 1,455 square feet of professional office in Kings Beach. The project is undergoing a joint review with Placer County and TRPA.
- Tahoe Basin Area Plan Updates to accelerate the production and supply of affordable-achievable housing in the North Tahoe-Placer area were adopted in February 2021.
- Current Tahoe Basin Area Plan updates are under review with the intent of providing more development incentives and flexibility to encourage economic redevelopment and housing in the North Tahoe-Placer area.
- Several Placer County Department of Public Works projects that support Area Plan implementation were either started or completed in 2020/2021, including:
  - SR 28/Hwy 267 Roundabout project / Griff creek watershed restoration.
  - SR 89/Fanny Bridge Revitalization (second phase with roundabout at the “wye,” Fanny bridge replacement and complete streets improvements).
  - TART Connect Micro-shuttle service pilot program was successful and extended for another year.
  - Free TART services pilot program was successful and extended for another year.
  - Resort Triangle Transportation Plan adopted by Board of Supervisors as an ordinance to expand parking waiver and exemption opportunities with project contribution to transit, shared parking, etc. (expires April 2023 with option to extend). Implementation of Adaptive Corridor Management and Parking Management continues.
  - Dollar Creek Shared Use Trail completed and North Tahoe Bike Trail segments 1 and 3.
  - West Shore Pedestrian Improvements
  - Lakeside Trail – Commons Beach to Fanny Bridge

- Kings Beach Water Quality Project – Secline Beach Project

### EL DORADO COUNTY – MEYERS AREA PLAN

During 2021, 3 project applications were submitted to TRPA and no project applications were submitted to El Dorado County within the Meyers Area Plan. A summary of these applications is shown in Table 5.

	2019		2020		2021	
	ED	TRPA	ED	TRPA	ED	TRPA
<b>Applications Received<sup>1</sup></b>	<b>1</b>	<b>8</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>3</b>
Residential Projects <sup>2</sup>	0	0	0	0	0	0
Commercial Projects <sup>2</sup>	0	1	1**	0	0	0
Recreation/Public Service Projects <sup>2</sup>	0	0	0	0	0	0
Environmental Improvement Construction Projects	0	0	0	0	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	0	0	0	0	0
Grading Projects	0	0	0	0	0	0
Verification and Banking <sup>3</sup>	0	4	0	3	0	2
Development Rights Transfers and Conversions	0	0	0	0	0	0
Other <sup>4</sup>	1	3	0	3	0	1

\*Notes and Sources are shown under Table 1.

\*\*This was for a commercial change of use in an existing building.

Area Plan highlights:

- The California Department of Transportation (CalTrans) constructed a roundabout at US Highway 50 and State Route 89 in Meyers. El Dorado County is planning to construct a second roundabout at US Highway 50 and Pioneer Trail.
- El Dorado County is beginning construction on the San Bernardino Class 1 Bike Path and plans to complete construction in 2023.
- El Dorado County is in the design phase of the Apache Avenue Pedestrian Safety and Connectivity Project.
- El Dorado County completed Phase I of the Meyers Stream Environment Zone/Erosion Control Project and Phase II of the Project is in the design phase and will most likely be constructed in 2023.

### WASHOE COUNTY - TAHOE AREA PLAN

During 2021, 282 project applications were submitted to TRPA within the geographic area of the Washoe County Tahoe Area Plan. The Area Plan was adopted in 2021. TRPA currently reviews all project applications within the Washoe County portion of the Tahoe Basin.

**Table 6: Permit Activity within the Geographic Area of the Washoe County Tahoe Area Plan, Calendar Year 2020 -2021**

	2020		2021	
	WC	TRPA	WC	TRPA
<b>Applications Received<sup>1</sup></b>	<b>0</b>	<b>252</b>	<b>0</b>	<b>282</b>
Residential Projects <sup>2</sup>	0	106	0	110
Commercial Projects <sup>2</sup>	0	0	0	4
Recreation/Public Service Projects <sup>2</sup>	0	3	0	8
Environmental Improvement Construction Projects	0	2	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	7	0	16
Grading Projects	0	11	0	10
Verification and Banking <sup>3</sup>	0	97	0	101
Development Rights Transfers and Conversions	0	1	0	6
Other <sup>4</sup>	0	25	0	27

\*Notes and Sources are shown under Table 1.

Area Plan highlight:

- Site work has started for new natural grocery shop. It will replace three legacy commercial buildings. This is one of the first projects to take advantage of additional redevelopment incentives that were adopted under the Washoe County Tahoe Area Plan.



**Rendering of Natural Grocers**

# ANNUAL REVIEW AND AUDIT

## RESIDENTIAL AUDIT FINDINGS

In 2021, TRPA completed residential project review and code compliance audits for each jurisdiction (City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, and Washoe County) in the Tahoe Basin, as required by TRPA Code of Ordinances, Section 50.5.2.E: *Distribution and Administration of Residential Allocations*. The purpose of these audits is to (1) ensure residential projects reviewed and inspected by Memorandum of Understanding (MOU) partners on behalf of TRPA comply with the TRPA Code and Rules of Procedure, (2) identify project review training and education opportunities for MOU partners, and (3) provide the Performance Review Committee<sup>1</sup> with a summary of MOU performance for the distribution of residential allocations. The vast majority of permits reviewed and issued by local jurisdictions on behalf of TRPA under an MOU in the Tahoe Region fall under the residential category. As shown in Table 7 (below), four of the five local jurisdictions received a score of 90% percent or greater on project review and compliance in 2021.

Jurisdiction	Project Review	Compliance	Average
City of South Lake Tahoe	93.5	93.2	93.35
Douglas County	97	92.2	94.6
El Dorado County	93	85.2*	89.1
Placer County	96	87.65	91.83
Washoe County	93	95.7	94.35

\*The average security return score was 93.8 and the average winterization score was 76.6, for an average compliance score of 85.2 in El Dorado County. The average winterization score was lower than normal due to the Caldor Fire which happened in the fall of 2021. Areas within the Tahoe Basin and in El Dorado County were evacuated towards the end of construction season and many El Dorado County staff members were reassigned to assist with fire related matters.

TRPA staff also completed a project review audit for projects permitted by the City of South Lake Tahoe within adopted Area Plans in 2021, as required by TRPA Code of Ordinances, Section 13.8.3: *Annual Review*. The annual Area Plan audit includes projects reviewed by local jurisdictions in Area Plans that are not covered in the annual single-family residential audit, such as commercial, tourist, public service or multi-family housing projects. During the audit, TRPA found that the City of South Lake Tahoe approved two projects in the Tourist Core Area Plan and two projects within the Tahoe Valley Area Plan. Placer County and El Dorado County did not review or approve any projects within their Area Plans that required an additional audit by TRPA.

<sup>1</sup> The Performance Review Committee, comprised of staff from each participating local jurisdiction and TRPA, is tasked with providing a recommendation on the proposed distribution of residential allocations to the Advisory Planning Commission and Governing Board every two years.

Pursuant to TRPA Code, Section 13.8.4: *Effect of Annual Review; Annual Report*, the Governing Board may certify, conditionally certify, or revoke part or all of an MOU associated with an Area Plan based on an audit.

#### **CITY OF SOUTH LAKE TAHOE AUDIT FINDINGS AND RECOMMENDATIONS**

During this year's audit, TRPA staff found once again that the projects being implemented in the City's Area Plans are helping to further the Goals and Policies of the Regional Plan and that delegation of permitting is working. TRPA also found that procedural improvements, including providing trainings, attending Development Review Team meetings to provide input on projects early on in the process, and having MOU Liaison meetings has improved coordination between the City and TRPA. Overall, TRPA has found that City staff is dedicated to working with TRPA to ensure successful implementation of the MOU. **Based on the audit results and recommended procedural improvements, TRPA staff recommends, pursuant to TRPA Code, Section 13.8.4: *Effect of Annual Review; Annual Report*, that the Governing Board recertify the City's MOU.**

#### **PLACER COUNTY AUDIT FINDINGS AND RECOMMENDATIONS**

During a review of projects reviewed and issued by Placer County on behalf of TRPA, TRPA found the vast majority of projects reviewed and issued by Placer County were residential (Phase I of MOU). The new activities taken on by Placer County (Phase II of MOU) include land coverage and use verifications, qualified exempt activities, and signs. Placer County has chosen not to take on commercial, tourist or public service projects at this time (Phase III of MOU). Following a review of projects issued by Placer County in 2021, TRPA staff found that the projects reviewed and approved by Placer County were in the residential category and already covered in the residential audit. As a result, no additional audits were required. Placer County does an excellent job of coordinating with TRPA on the permitting of projects. **As a result, TRPA staff recommends, pursuant to TRPA Code, Section 13.8.4: *Effect of Annual Review; Annual Report*, that the Governing Board recertify Placer County's MOU.**

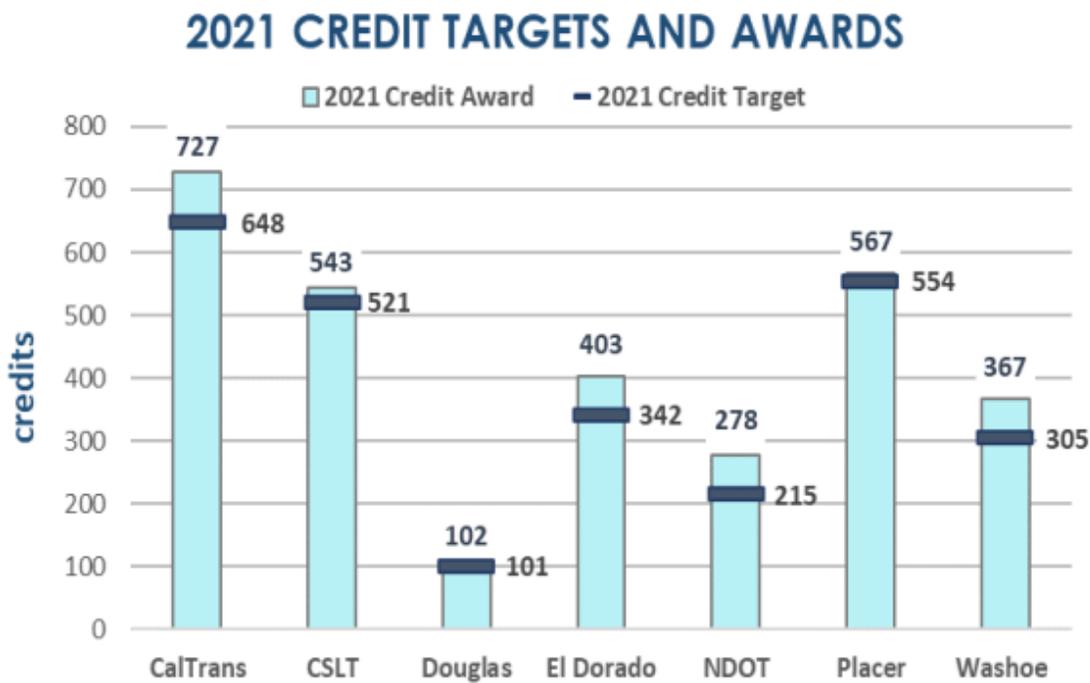
#### **EL DORADO COUNTY AUDIT FINDINGS AND RECOMMENDATIONS**

Under the El Dorado County delegation MOU that covers the Meyers Area Plan and future Area Plans, as well as the rest of El Dorado County in the Tahoe Region, adopted by the Governing Board in 2018, the County reviews and issues residential permits (Phase I of MOU) on behalf of TRPA. The new activities taken on by El Dorado County (Phase II of MOU) includes use verifications, qualified exempt activities, signs, and temporary activities. El Dorado County has chosen not to take on commercial, tourist or public service projects at this time (Phase III of MOU). Since the County did not approve any projects outside of residential projects that required an audit, no additional audits beyond the residential audit were required. Similar to other MOU partners, TRPA staff has found that El Dorado County does an excellent job of coordinating with TRPA on the permitting of projects and ensuring trainings provided by TRPA are well attended. **As a result, TRPA staff recommends, pursuant to TRPA Code, Section 13.8.4: *Effect of Annual Review; Annual Report*, that the Governing Board recertify El Dorado County's MOU.**

MOUs are available at: [www.trpa.gov/where-to-apply-for-a-permit](http://www.trpa.gov/where-to-apply-for-a-permit).

### TMDL LOAD REDUCTION AND FOUR-YEAR RECERTIFICATION

The California Lahontan Regional Water Quality Control Board (Water Board) and Nevada Division of Environmental Protection (NDEP), together with Total Maximum Daily Load (TMDL) Management Agencies, administer the Lake Tahoe TMDL Program. The program is a long-term process that guides efforts to restore Lake Tahoe’s clarity to depths of nearly 100 feet. To meet this goal, the program aims to reduce fine sediment particles by 65 percent; total nitrogen loads by 10 percent; and total phosphorous loads by 35 percent. To ensure Area Plans are in conformance with the Lake Tahoe TMDL, TRPA Code, Section 13.8.5: *Four-Year Recertification*, requires TRPA use catchment data and all reports to inform the four-year Area Plan recertification. The last four-year recertification was in 2021. The Lake Tahoe TMDL Program 2022 Performance Report summarizes TMDL Program accomplishments through 2021 and found that all local jurisdictions were meeting or exceeding their credit targets for 2021 (see below). The Report is available at: [laketahoeinfo.org](http://laketahoeinfo.org).



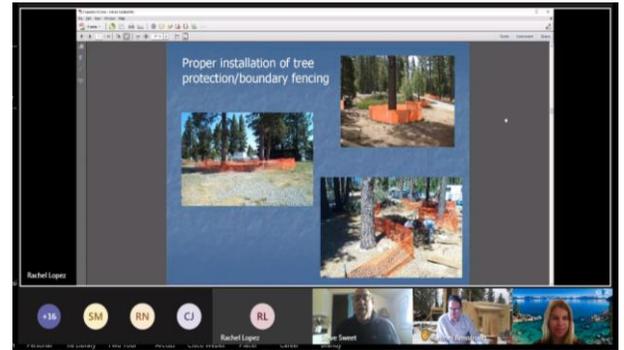
Source: Lake Tahoe TMDL Program 2022 Performance Report

### PROCESS IMPROVEMENTS

This section includes recommended process improvements.

## TRAININGS

In 2021 and 2022, TRPA provided virtual and in person trainings to MOU Partners on a wide range of topics, including Project Review, Best Management Practices, Coverage, Development Rights, Defensible Space, and Inspections. Since these trainings have proven to be extremely beneficial, TRPA staff plans to provide additional trainings next year.



**Virtual Permit Review Training**

## PERMITTING IMPROVEMENTS

In 2022, the Governing Board endorsed a TRPA Permitting Improvements Action Plan. The Action Plan outlines a strategy and work program to improve TRPA's permitting system. The Action Plan was developed to address challenges the agency has faced in recent years, including the COVID-19 Pandemic requiring a shift to remote work, a multi-year real-estate boom, increasingly complicated project applications, funding limitations, and an influx of applications following the approval of new ordinances. Recommended changes include process improvements and code amendments focused on the following priority topics:

- Establish more efficient, consistent, and predictable application review processes.
- Simplify and shorten review processes for minor applications and sequential approvals.
- Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.
- Prioritize public communication and customer services.
- Expand tools for staff development and training.
- Maintain adequate and dependable funding to support quality application reviews.

TRPA will be reaching out to local jurisdiction staff in the coming months to get feedback on the proposals. The Action Plan is available at: [https://www.trpa.gov/wp-content/uploads/documents/Action-Plan-for-TRPA-Permitting-Improvements\\_approved\\_2022-08-24.pdf](https://www.trpa.gov/wp-content/uploads/documents/Action-Plan-for-TRPA-Permitting-Improvements_approved_2022-08-24.pdf)

## HOUSING

In 2020, TRPA formed the Tahoe Living: Housing and Community Revitalization Working Group. This committee, made up of members from local agencies and organizations, housing developers, and community members, has and continues to develop policy recommendations to address critical housing issues and further the availability of affordable, moderate-income,

and local achievable workforce housing. Information on the Working Group is available on [trpa.gov](http://trpa.gov).

## DESIRED OUTCOME

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Overall, the desired outcome is that TRPA and local jurisdictions work together to develop and implement Area Plans and strategic initiatives that accelerate environmental threshold gain and realize the Goals and Policies of the Regional Plan and streamline permitting through the implementation of permit delegation MOUs.

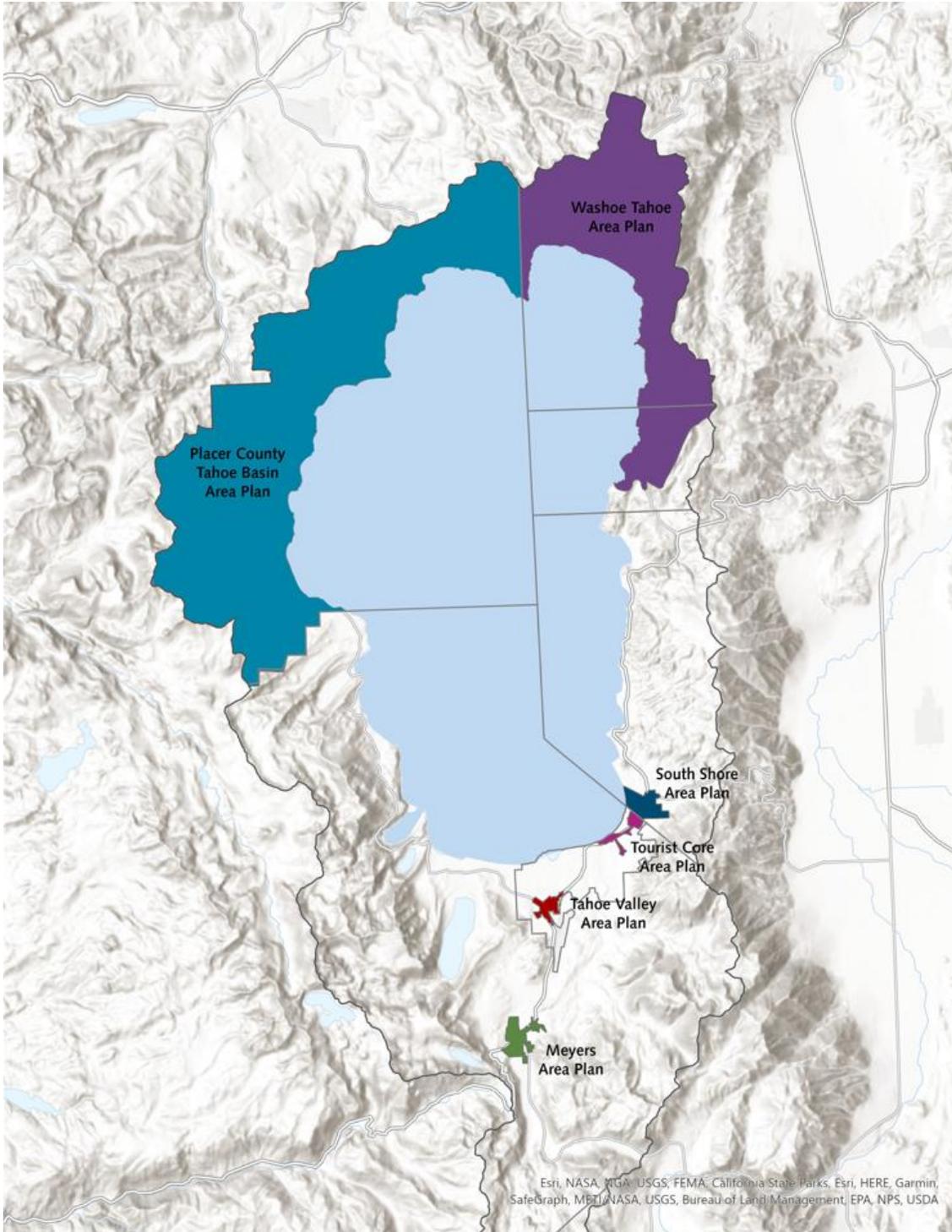
## ACTION ITEMS

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The following Action Items have been identified to improve the local government coordination process:

- 1.1 Continue to work with local jurisdictions to accelerate environmental threshold gain through the development and implementation of Area Plans;
- 1.2 Continue to work with local jurisdictions on implementing delegation MOUs associated with adopted Area Plans to streamline permit processing;
- 1.3 Enter into a new MOU with Washoe County;
- 1.4 Work with local jurisdictions on integrating permit data into Lake Tahoe Info; and
- 1.5 Streamline the TRPA permitting process through implementation of the Permitting Improvements Action Plan.

**Exhibit 1**  
**Adopted Area Plans**







**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.gov

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STAFF REPORT

Date: December 7, 2022

To: TRPA Governing Board

From: TRPA Staff

Subject: Latitude 39 Mixed Use Residential and Commercial Project, 110 Lake Parkway, Douglas County, Nevada, Assessor's parcel number (APN) 1318-27-001-010, TRPA file number ERSP2022-0119

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Summary and Staff Recommendation:

Staff recommends that the Governing Board make the required findings, including a mitigated finding of no significant effect and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions based on the staff report:

- 1) A motion to approve the required findings, including a mitigated finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit (as shown in Attachment B).

In order for the motions to pass, an affirmative vote of 5 members of the Governing Board from Nevada and 9 members overall is required.

Governing Board Review:

The South Shore Area Plan requires Governing Board review of the project because it involves greater than 50,000 square feet of new building floor area, per Section 20.703.320.

Project Location:

The Latitude 39 project is located at 110 Lake Parkway, Stateline, Nevada. The 1.81-acre site is at the southwest corner of Highway 50 and Lake Parkway, directly across the street from the new events center and next door to the Hard Rock Hotel and Casino parking garage. The developed site is developed with a large parking lot and structure formally Wells Fargo bank.

#### Project Description:

The proposed project is a mixed use, residential and commercial, structure. The project includes the construction of 40 new residential units, rooftop access, two levels of parking, entry-level amenities, and a 3,688 square-foot public commercial restaurant and bar space. The project is located within the South Shore Area Plan boundary and is considered part of the high-density tourist district. This project will demolish the existing building and parking lot to construct the project.

#### Building Design and Height:

The structure will be 95 feet tall, including 7 levels plus rooftop amenities. The building footprint will be 41,523 square feet, and the total floor area is approximately 230,145 square feet. Code section 20.703.080 of the South Shore Area Plan development standards allows for a height of up to 95 feet in the high-density tourist district. This project, as proposed, will be constructed to 95 feet. Within 100 feet of the right of way from highway 50, the max allowable height of 80% of the structure is 56 feet. As proposed, the max height of the structure within 100 feet of the right of way is 49'6". The exterior of the structure will be constructed with natural stone siding, aluminum panels, low-reflectivity glass, and steel. The materials will be similar to the new events center, blending with the architecture of the area. The first level is only accessible by the driveway from Lake Parkway, and it includes parking spaces, a dog wash, mechanical equipment, storage lockers, a small lobby, elevators, and stairs. The second level is a continuation of the underground parking and includes additional storage lockers, mechanical equipment, elevators, and stairs. The third level is ground level with highway 50 and includes pedestrian access to and from the building. This level also includes a public restaurant and bar, and private amenities for owners, including a private outfitter, theater, kids zone, lobby, clubroom, offices, outdoor spaces, and a fitness center. Floors four through seven are identical, with six four-bedroom units and four three-bedroom units. The rooftop will include lounge areas, swimming pools, hot tubs, gas fire pits, and pickleball courts. The project incorporates an array of sustainable components, including solar power, high-efficiency heating, heat recovery, vehicle-to-grid integration, and energy storage/resiliency.

#### Excavation:

TRPA file number LCAP2022-0253 concluded that seasonal high water occurs seven feet from the surface of ground elevations on the parcel. Based on these findings, the project is approved for an excavation of six feet below the ground surface. The project proposes to meet these excavation depths by making shallow footings.

#### Site Design and Pedestrian Access:

Outside of the building envelope, a new multi-use 6-foot sidewalk will be constructed on the north side, adjacent to Lake Parkway. The existing sidewalk adjacent to highway 50 will remain. Extensive landscaping will be installed, including evergreen trees, deciduous trees, shrubs, grasses, and perennials. Walkways from highway 50 and Lake Parkway will meet the needs of pedestrian traffic. Bike Racks will be installed at the west and east entrances.

#### Area Plan and Zoning:

The project is located in the South Shore Area Plan. The Land Use Classification for the project area is High-Density Tourist. The High-Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities for residents.

This project adds housing in the town center, contributing to park and walk opportunities, redevelopment of the aging built environment, and creates mixed-use development, all consistent with the South Shore Area Plan and the Lake Tahoe Regional Plan. The High-Density Tourist District is the appropriate location for the Region's highest-intensity development. The proposed residential and commercial use is listed as an allowed use.

Land Capability and Coverage:

The parcel is 78,949 square feet. The land capability for the parcel is Bailey class 7. Base allowable coverage is 23,684 square feet. Verified coverage on site is 48,982 square feet. The max allowable based on chapter 30.4 of the TRPA code of ordinances is 70% of the project area, equaling 55,264 square feet. The total proposed coverage is 54,953 square feet and will be required to meet the transfer ratio requirements of chapter 30.4.3.A, which could include a transfer ratio of up to 2:1. Coverage in the access easement associated with the driveway will reduce coverage in the access easement.

Air Quality/Vehicle Miles Travelled (VMT):

The proposed project is subject to TRPA's updated Code of Ordinances for project impact assessment (Section 65.2). The updated project assessment process replaces average daily vehicle trip ends with VMT to determine a project's impact on transportation. The updated process screens projects from additional analysis depending on their location: less than 1,300 average daily VMT when a project is within, or within ½ mile of, a town or regional center; less than 715 average daily VMT in all other areas in the Region.

The proposed project will generate an additional 1,298 VMT per average day over the course of the year. The proposed project is in a town center and, therefore, below the screening level for its location (1,300 VMT). The project is therefore screened from additional analysis but is required to pay the Mobility Mitigation Fee. The VMT calculation accounts for the existing trips and associated VMT from the most recent permanent use, a drive-through ATM. The proposed VMT analysis can be found in the Transportation Study prepared by LSC Transportation Consultants, Inc., dated November 10<sup>th</sup>, 2022. The building design and operation are based on the details listed in such report. The project mobility mitigation fee is \$106,776.40 (\$196.20 x 450 VMT residential + \$21.80 x 848 VMT commercial).

Vehicle Access and Parking:

The vehicle access to the site will continue to be from Lake Parkway. The existing access from Lake Parkway to the property is through an easement which will remain in perpetuity. To meet fire access requirements, the access road from Lake Parkway will wrap around the east side of the property out to highway 50. Parking bollards will be installed to restrict access to the west entrance only. The fire access road will only be used in case of emergency. Per the Transportation Memo prepared by LSC Transportation Consultants dated November 10, 2022, the parking demand of the project is 115 parking spaces. This project proposes 119 parking spaces on the first two levels of the structure to meet the demand for 115 parking spaces. A residential shuttle will also be provided consisting of a Green Power EV star van or similar for seating up to 19 people. The shuttle will be used to provide residents with rides, and vanpool assistance for employees to meet the requirements of the CTR program.

Development Rights:

Based on the prior use of a bank, 13,296 square feet of commercial floor area (CFA) has been verified on-site. The project proposes to construct 40 residential units and a 3,688 square foot restaurant and bar. Per TRPA code section 51.4, conversion between commercial floor area, tourist accommodation units, and residential units of use is allowed.

This project is reviewed as if being constructed as multi-family, at a later time, the applicants may come in for a two-step subdivision to make the residential units individual condos. As proposed, multi-family and CFA, the project requires 11,688 square feet of CFA. If the applicant proceeds with a subdivision creating individual units, the project will require 15,688 square feet of CFA, which would require a transfer of CFA.

Density:

Based on the South Shore Area Plan development standards, table 20.70.080, the maximum density for the high-density tourist district is 25 units per acre for multiple-family residential. The site is 78,949 square feet or 1.81 acres, allowing for up to 45 multiple-family residential units. This project proposes 40 units.

Scenic Quality:

The proposed project will be visible from TRPA-designated scenic roadway travel routes (unit 31 Meadow and Unit 32 Casino Area), recreation area 36 (El Dorado Beach), and shoreline unit 30 (Edgewood). Based on the existing built environment and tree canopy, the new structure will have minimal effect and mostly include screening from the designated scenic corridors. The project is in an urban corridor where the dominant features are the built environment, including casino towers and the new event center. The project is primarily being constructed over existing disturbed areas (i.e., parking lot) and replacing an old structure. The new structure, through a combination of building materials, colors, façade articulation, and setback from the roadway, will incorporate architectural design strategies and site planning principles to upgrade the character and quality of the nearby built environment and complement the Tahoe events center. The low-reflectivity glass will be used on the windows and railings. The new structure will have pedestrian amenities, landscaping, and a modern design. The new structure will be at the entry gateway into the casino core. Per the design guidelines, the structure will incorporate a setback design, with a max allowable height of 56 feet within 100 feet of the right of way, reducing the risk of a canyon effect.

Water Quality:

Water Quality Best Management Practices (BMPs), are currently being treated as part of the Stateline Storm Water Association (SSWA), where all of the runoff goes to a centralized treatment train, including a number of vaults, then goes to Edgewood, where it goes through several ponds before being discharged into the lake. Wells Fargo has paid into the SSWA within the last five years, and the new property owners will continue to participate in the SSWA. Regular maintenance and monitoring are completed, and continued participation will contribute to the program for the casino core.

Public Noticing: TRPA provided property owners within 300 feet of the project area notice that the Governing Board would be reviewing and considering approval of this project.

Environmental Review: The Applicant has prepared an Initial Environmental Checklist (IEC) to analyze potential environmental impacts caused by the project. Based on this IEC and conditions in the draft permit, staff recommends that a Mitigated Finding of No Significant Effects be made for the proposed project.

Regional Plan Compliance: The proposed project, as conditioned in the draft permit, is consistent with the TRPA Goals and Policies, South Shore Area Plan, TRPA Design Review Guidelines, and TRPA Code of Ordinances, including all required findings in Chapters 3, 4, and 33.

Contact Information:

For questions regarding this agenda item, please contact Aly Borawski, Senior Planner, at (775) 589-5229 or [aborawski@trpa.gov](mailto:aborawski@trpa.gov).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Site Plans, Floor Plans, & Elevations
- D. Initial Environmental Checklist ([link](#))
- E. V (G) Findings & Checklist

Attachment A

Required Findings/Rationale

## Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 3, 4, and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

### CHAPTER 3 ENVIRONMENTAL DOCUMENTATION

Finding 3.3.2.A            The project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated findings of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7

Rationale:                Based on the information submitted in the Initial Environmental Checklist (IEC), the proposed project, as conditioned in the draft permit, will not have a significant effect on the environment. TRPA has prepared a finding of mitigated no significant effect as required by the Rules of Procedure, Section 6.7.

### CHAPTER 4- REQUIRED FINDINGS

Finding 4.4.1.A:            The project is consistent with and will not adversely affect the implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs.

Rationale:                The proposed project complies with the Regional Plan and is consistent with the uses and goals and policies of the South Shore Area Plan. The mixed-use residential luxury tower is compatible with the surrounding area, and the project is consistent with the Area Plan design standards and guidelines. Therefore, the project, as conditioned in the draft permit, is compliant with all provisions of the Regional Plan and will not adversely affect its implementation.

Finding 4.4.1.B:            The project will not cause the environmental threshold carrying capacities to be exceeded.

Rationale:                TRPA staff has completed the "Article V(g) Findings" in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Based on the TRPA Initial Environmental Checklist (IEC), the proposed project, as conditioned in the draft permit, will not cause any environmental threshold carrying capacity to be exceeded.

Finding 4.4.1.C: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V (d) of the Tahoe Regional Planning Compact.

Rationale: The proposed project will not alter federal, state, or local air or water quality standards currently in place. Therefore, the strictest standards will continue to be attained,

#### **CHAPTER 33- GRADING AND CONSTRUCTION**

Finding 33.3.6.B Excavations in excess of five feet in depth or where there exists a reasonable possibility of interference or interception of a water table shall be prohibited unless TRPA finds that:

1. A Soils/Hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation

Rationale: Excavation for the project will be 6 feet below the ground surface, as approved in TRPA Soil Hydrologic application LCAP2022-0253. The site was analyzed by TRPA staff and no evidence of groundwater was found within this depth.

Attachment B

Draft Permit

December 14, 2022

PCS Stateline LLC  
3947 Landmark Street  
Culver City, CA 90232  
Liz.Goldman@teampcs.com

**LATTITUDE 39 MIXED USE PROJECT, 110 LAKE PARKWAY, STATELINE, NEVADA, ASSESSOR'S PARCEL NUMBER (APN) 1318-27-001-010, TRPA FILE NUMBER ERSP2022-0119**

Dear PCS Stateline LLC,

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page of the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgment of the permit, but rather an acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please email all required documents to finalize your project.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

If you have any questions, please contact me by phone at (775) 589-5229 or by email at [aborawski@trpa.gov](mailto:aborawski@trpa.gov).

Sincerely,



Aly Borawski  
Senior Planner  
Tahoe Regional Planning Agency

CC: Feldman Thiel LLP  
PO Box 1309  
Zephyr Cove, NV 89448  
[Kara@fimmtahoe.com](mailto:Kara@fimmtahoe.com)



**DRAFT PERMIT**

PROJECT DESCRIPTION: Latitude 39 Mixed Use Project

FILE #: ERSP2022-0119

APN: 1318-27-001-010

PERMITTEE: PCS Stateline LLC

COUNTY/LOCATION: Douglas County / 110 Lake Parkway

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **December 14, 2022**, subject to the standard conditions of approval attached hereto (Attachments Q) and the special conditions found in this permit.

This permit shall expire on **December 14, 2025**, without further notice unless the construction has commenced prior to this date and is diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities, or landscaping. Diligent pursuit is defined as the completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

**NO DEMOLITION, CONSTRUCTION, OR GRADING SHALL COMMENCE UNTIL:**

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS THE APPROPRIATE CITY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A CITY PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

Aly Boranski  
TRPA Executive Director/Designee

12/14/22  
Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

(PERMIT CONTINUED ON NEXT PAGE)



lobby, elevators, and stairs. The second level is a continuation of the underground parking and includes additional storage lockers, mechanical equipment, elevators, and stairs. The third level is ground level with highway 50 and includes pedestrian access to and from the building. This level also includes a public restaurant and bar, and accessory amenities for owners, including an outfitter, theater, kids zone, lobby, clubroom, offices, outdoor spaces, and a fitness center. Floors four through seven are identical, with six four-bedroom units and four three-bedroom units. The rooftop will include lounge areas, swimming pools, hot tubs, gas fire pits, and pickleball courts. The project incorporates an array of sustainable components, including solar power, high-efficiency heating, heat recovery, vehicle-to-grid integration, and energy storage/resiliency. Outside of the building envelope, a new multi-use 6-foot sidewalk will be constructed on the north side, adjacent to Lake Parkway. Bike Racks are required to be installed at the west and east entrances.

The outfitter on the amenity level of the structure is considered an accessory use for the residents of Latitude 39. As such, no advertising, marketing, or signage is allowed.

The units of Latitude 39 are proposed and reviewed as residential units of use. If it is found that the units are being treated as something other than residential units, it will be considered a violation of this permit.

The vehicle access to the site will continue to be from Lake Parkway. The existing access from Lake Parkway to the property is through an easement which will remain in perpetuity. To meet fire access requirements, the access road from Lake Parkway will wrap around the east side of the property out to highway 50. Parking bollards will be installed to restrict access to the west entrance only. The fire access road will only be used in case of emergency. Per the Transpiration Memo prepared by LSC Transpiration Consultants dated November 10, 2022, the parking demand of the project is 115 parking spaces. This project proposes 119 parking spaces on the first two levels of the structure to meet the demand for 115 parking spaces. A residential shuttle will also be provided consisting of a Green Power EV star van or similar for seating up to 19 people. The shuttle will be used to provide residents and employees with rides.

The parcel is 78,949 square feet. The land capability for the parcel is Bailey class 7. Base allowable coverage is 23,684 square feet. Verified coverage on site is 48,982 square feet. The max allowable based on chapter 30.4 of the TRPA code of ordinances is 70% of the project area, equaling 55,264 square feet. The total proposed coverage is 54,953 square feet and will be required to meet the transfer ratio requirements of chapter 30.4.3.A, which could include a transfer ratio of up to 2:1. Coverage in the access easement associated with the driveway will reduce coverage in the access easement. TRPA file number LCAP2022-0253 concluded that seasonal high water occurs seven feet from the surface of ground elevations on the parcel. Based on these findings, the project is approved for excavation of six feet below the ground surface. The project proposes to meet these excavation depths by making shallow footings.

No signage is proposed at this time with this project. Any future signage will require a sign permit.

This project was reviewed and approved based on the Latitude 39 Transportation Study prepared by LSC Transportation Consultants, Inc., dated November 10<sup>th</sup>, 2022. The building design and operation are based on the details listed in such report.

The parcel is a participant in the Stateline area-wide treatment best management practices. This parcel is required to continue being a participant in the area-wide treatment. BMP maintenance for the area-wide treatment is reviewed regularly. Completion of this project will not result in a reissuance of the area-wide BMP certificate.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
  - A. The permittee shall submit an Exterior Lighting Plan with specifications and/or details for all proposed exterior lighting fixtures and a proposed location plan. All exterior lighting shall be consistent with the TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
  - B. Based on the prior use of a bank, 13,296 square feet of commercial floor area (CFA) has been verified on-site. The project proposes constructing 40 residential units and a 3,688-square-foot restaurant and bar. Per TRPA code section 51.4, conversion between commercial floor area, tourist accommodation units, and residential units of use is allowed. This project is reviewed as if being constructed as multi-family and requires 11,688 square feet of CFA. If kept as multi-family, add the amount of banked CFA to the project plans. If the applicant proceeds with creating individual units, a subdivision application submittal and transfer of development rights are required. The project will require 15,688 square feet of CFA, which would require an additional 2,392 square feet of CFA or some combination of development rights. Please note that all transfers must be in compliance with the TRPA Code of Ordinances and the TRPA Rules of Procedure and may require a separate application to TRPA.
  - C. Permittee shall transfer 6,086 square feet of coverage to this parcel. All coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure. Based on chapter 30.4.3.A.2. (land coverage transfer ratios – uses within approved community plans or centers eligible for the maximum 70 percent land coverage), this transfer may require a transfer ratio of 2:1.
  - D. Provide details of the proposed pervious pavers (pervious coverage), including the manufacturer’s instructions for installation and maintenance to ensure 75% infiltration and permeability. Note that the pervious coverage may not be placed directly onto a compacted surface and must have a base that has runoff retention capabilities. Snowmelt systems typically do not allow for permeability. If snow melt systems are preferred, the coverage may need to count for full coverage.

- E. The existing and proposed access to the site is through an easement. The easement will remain in perpetuity. The current easement references a bank, please provide a copy of the revised easement document that will now reference the proposed use.
- F. The project proposes a fire access road along the south side of the structure. This road is for fire access purposes only. No access from highway 50 is reviewed or approved.
  - i. Provide details on the parking barriers or bollards that will restrict traffic from both the east side of the road (on highway 50) and the west side of the road beyond the driveway into the parking garage.
  - ii. Provide details on the driveway connections at Lake Parkway and on Highway 50. The connection should meet the needs of all people, ensuring it is accessible. This would be something other than a curb and gutter.
- G. Revise the land coverage table as follows:
  - i. Include previously mitigated land coverage. TRPA file 20040561 mitigated 102 square feet of excess land coverage.
  - ii. Coverage in the right of way may need to be modified. Please see condition 3.Q.
  - iii. Base allowable coverage is 30% of the project area and should be rounded up. Revise the base allowable coverage to 23,685.
  - iv. Excess coverage (based on base allowable) changes to 25,297.
- H. Revise the plans to include the following:
  - i. Elevations shall show the max depth of installation below the finish grade. Per the soil hydrologic approval (TRPA file LCAP2022-0253), excavation depth shall not exceed 6 feet below the ground surface.
  - ii. Indicate staging area for construction equipment and materials.
- I. Provide a snow storage plan. The plans shall also include snow storage areas.
- J. Submit for TRPA review and approval a commute trip reduction (CTR) program that will at a minimum reduce VMT by 20 VMT per year. Per the Transportation Memo prepared by LSC Transportation Consultants dated November 10, 2022, the applicant has committed to implementing a mandatory CTR program for restaurant employees for the life of the project. The CTR program report shall meet the following requirements:
  - i. Include all the following measures for the life of the property: implement bicycle trip-end facilities, vanpool assistance, assignment of an onsite transportation coordinator, flexible work schedules for carpools or transit users, preferential carpool parking, ride-matching assistance, and carpool encouragement.
  - ii. The CTR program report shall identify monitoring and reporting. The program must identify specific metrics to evaluate program success, describe data collection procedures, and provide a schedule for reporting to TRPA. The Commute Tahoe program online portal, found at <https://www.linkingtahoe.com/commute-tahoe/> shall be incorporated into the monitoring and reporting.
  - iii. Provide project plans that show structural measures identified in the monitoring and reporting program (e.g., preferential parking, signage, end-of-trip facilities, etc.).

- iv. The CTR monitoring and reporting program may be modified from time-to time, subject to TRPA approval.
- K. The Initial Environmental Checklist, dated February 2022, states that the property will have a shuttle vehicle to provide residents with rides to and from nearby attractions and employees with rides to and from work. Please provide a detailed report for the residential shuttle, it should include a schedule and plan for its use.
- L. Highway 50 is a busy street with many modes of transportation and use. Please provide details on the proposed multi-use path adjacent to highway 50, ensuring it meets the needs of all that use it.
- M. The bike racks appear to be in the proposed landscape. Provide details on the type of bike rack, location, and installation plan to ensure functionality.
- N. Please provide material samples of the proposed siding, trim, and stucco components of the building for TRPA review and approval to ensure low reflectivity.
- O. The security required under Standard Condition I.B. of Attachment Q shall be equal to 110% of the estimated BMP cost and shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. In no case shall the security be less than \$20,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- P. The affected property has 25,195 square feet of remaining unmitigated excess land coverage. To take advantage of the pervious paver coverage exemptions, the permittee shall mitigate all of the excess land coverage on this property by removing and retiring 25,195 square feet of coverage within Hydrologic Transfer Area 4 (South Stateline - Nevada side) or by submitting an excess coverage mitigation fee of \$379,470.
- Q. The access easement has 2,982 square feet of excess land coverage. The existing verified coverage in the access easement is 4,587 square feet. The proposed coverage in the access easement is 3,590. In order to take advantage of the pervious paver exemptions, an excess coverage mitigation fee of \$44,730 would be required. Since this portion of the project will not require additional coverage, excess coverage does not need to be mitigated, and the coverage exemptions do not need to be used for credit. Either revise the coverage table to remove the pervious paver exemption in the access easement or submit a payment to mitigate all excess coverage to use the coverage exemptions.
- R. The permittee shall submit an offsite coverage mitigation fee of \$37,035 for the creation of 2,469 square feet of land coverage in the public right-of-way.
- S. The permittee shall submit a mobility mitigation fee of \$106,776.40 (\$196.20 x 450 VMT residential + \$21.80 x 848 VMT commercial). Per an LSC transportation study, dated November 10, 2022, it is estimated that the site will generate an additional 1,298 VMT per average day over the course of the year. Projects within ½ mile of an urban center

that generate less than 1,300 average daily VMT are considered to be screened from further analysis.

- T. The permittee shall submit an electronic version of the final plan set for electronic stamping to TRPA.
4. Provide an annual recertification of the CTR program. Each year by July 1, the applicant shall certify to TRPA that all components of the approved CTR program are being implemented, along with a detailed summary of the data collected to meet the reduction of 20 VMT.
  5. The permittee shall submit a projected construction completion schedule to TRPA prior to the commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.
  6. Low reflectivity glass - Prior to release of the security, evidence of installation of 10% reflectivity glass for windows and 6% reflectivity for railings must be provided to the TRPA Compliance Inspector.
  7. Prior to final inspection the inspector shall verify the presence of any structural measures required to implement the CTR program.
  8. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.
  9. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 36, Section 36.8, Exterior Lighting Standards and TRPA Design Review Guidelines.
  10. Colors of structures shall be consistent with TRPA Code of Ordinances, Chapter 36, Section 36.6, Building Design Standards and TRPA Design Review Guidelines.
  11. Maximum excavation depths shall not exceed 6 feet, in accordance with the approved Soils/Hydrologic report (TRPA file LCAP2022-0253). If groundwater is encountered during excavation, immediately stop work and contact TRPA.
  12. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
  13. All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin
  14. All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. The application of mulch may enhance vegetative establishment.

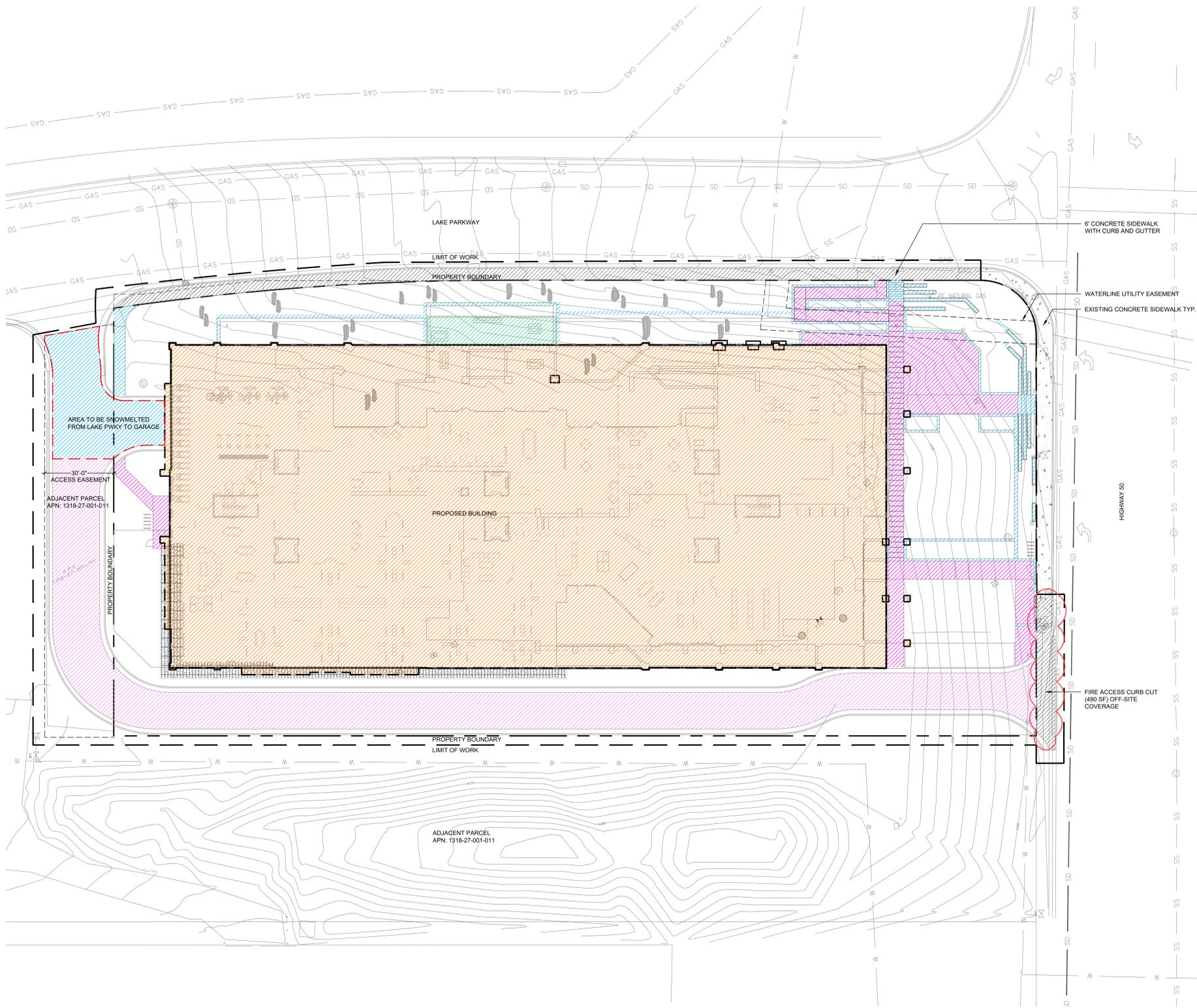
15. Dust control in the way of sweeping dirt tracked onto the pavement at the end of each day is required where necessary. Discharge of fine sediments into the road and surface drainage features is prohibited and constitutes a violation of this permit.
16. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
17. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
18. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise, or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

**END OF PERMIT**

Attachment C

Site Plans, Floor Plans & Elevations



### COVERAGE CALCULATIONS

EXISTING COVERAGE INFORMATION	PARCEL 1318-27-001-010
LAND CAPABILITY	7
PARCEL AREA	78,949 S.F.
TRPA BASE ALLOWABLE	23,684 S.F. (30% OF PARCEL)
TRPA MAXIMUM COVERAGE	55,264 S.F. (70% OF PARCEL)
EXISTING COVERAGE	48,982 S.F.

PROPOSED COVERAGE	PARCEL 1318-27-001-010
PROPOSED BUILDING COVERAGE	44,358 S.F.
PROPOSED PERVIOUS ROAD COVERAGE	6,573 S.F.
PROPOSED PERVIOUS ROAD COVERAGE (25% REDUCTION)	4,929 S.F.
PROPOSED PERVIOUS PATHWAYS & PATIO	3,995 S.F.
PROPOSED PERVIOUS PATHWAYS & PATIO (25% REDUCTION)	2,996 S.F.
PROPOSED WALLS, CONCRETE & SNOWMELT DRIVEWAY	2,220 S.F.
PROPOSED DECK	670 S.F.
PROPOSED DECK 3:1 REDUCTION	565 S.F.
<b>TOTAL PROPOSED COVERAGE</b>	<b>55,068 S.F.</b>
COVERAGE TO TRANSFER	6,086 S.F.
EXCESS COVERAGE	25,298 S.F.

EXISTING COVERAGE INFORMATION	PARCEL 1318-27-001-011 ACCESS EASEMENT
LAND CAPABILITY	7
PARCEL AREA	5,350 S.F.
TRPA BASE ALLOWABLE	1,605 (30% OF TOTAL)
TRPA MAXIMUM COVERAGE	3,745 (70% OF TOTAL)
EXISTING COVERAGE	4,587 S.F.

PROPOSED COVERAGE	PARCEL 1318-27-001-011 ACCESS EASEMENT
PROPOSED PERVIOUS ROAD COVERAGE	2,235 S.F.
PROPOSED PERVIOUS ROAD COVERAGE (25% REDUCTION)	1,675 S.F.
PROPOSED CONCRETE (SNOW MELT DRIVEWAY)	1,355 S.F.
<b>TOTAL PROPOSED COVERAGE</b>	<b>3,031 S.F.</b>
COVERAGE TO TRANSFER	0 S.F.
EXCESS COVERAGE	2,982 S.F.
COVERAGE TO BE BANKED	1,556 S.F.

### OFF-PARCEL COVERAGE CALCULATIONS

PROPOSED COVERAGE	PUBLIC RIGHT-OF-WAY
6' SIDEWALK IMPROVEMENT ON LAKE PARKWAY	1,979 S.F.
FIRE ACCESS CURB CUT	490 S.F.

### COVERAGE LEGEND

- BUILDING COVERAGE
- PERVIOUS ROAD
- PERVIOUS PATHWAYS & PATIO
- WALLS & CONCRETE & DRIVEWAY
- DECK
- PUBLIC RIGHT-OF-WAY SIDEWALK (CONCRETE)



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NOT FOR CONSTRUCTION

LATITUDE 39

APN: 1318-27-001-010  
110 LAKE BLVD  
STATELINE, NV 89449  
DOUGLAS COUNTY

JOB NO.: 202108  
DATE: 11-04-2021  
REVISIONS:

TRPA SUBMITTAL

TRPA COVERAGE PLAN

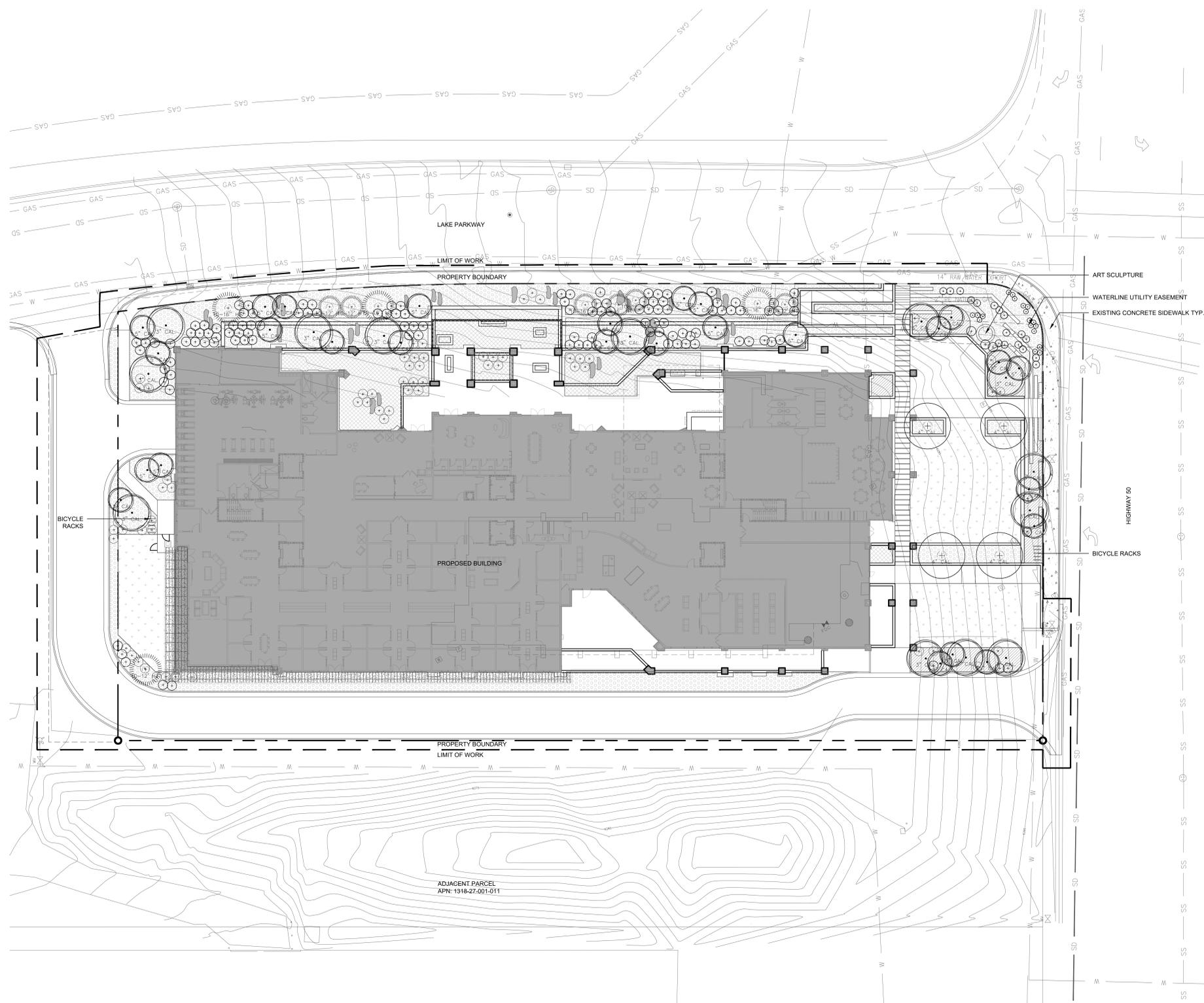
AGENCY STAMP

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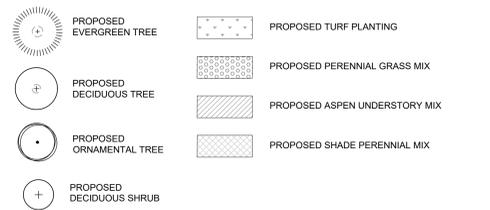
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**PLANT LIST**

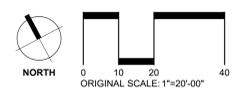
ABBR.	QTY.	BOTANICAL NAME	COMMON NAME	TYPE	SPACING
<b>EVERGREEN TREES</b>					
CD-10	5	<i>Calocedrus decurrens</i>	Incense Cedar	10' Tall	See Plan
P-J-12	3	<i>Pinus jeffreyi</i>	Jeffrey Pine	12' Tall	See Plan
<b>DECIDUOUS TREES</b>					
AG-3	4	<i>Amelanchier x g. 'Autumn Brilliance'</i>	Serviceberry	3" cal.	See Plan
PT-3	14	<i>Populus tremuloides</i>	Quaking Aspen	3" cal.	See Plan
PT-1.5	27	<i>Populus tremuloides</i>	Quaking Aspen	1.5" cal.	See Plan
<b>SHRUBS</b>					
CS-5	64	<i>Cornus stolonifera 'Farrow'</i>	Arctic Fire Dogwood	5 gal.	60" O.C.
RA-5	92	<i>Ribes alpinum</i>	Alpine Currant	5 gal.	48" O.C.
SF-5	29	<i>Spiraea douglasii</i>	Douglas's Spirea	5 gal.	48" O.C.
<b>PERENNIAL GRASS MIX</b>					
AM-1		<i>Achillea millefolium</i>	Moonshine Yarrow	1 gal.	24" O.C.
BG-1		<i>Bouteloua gracilis</i>	Blue Grama Grass	1 gal.	24" O.C.
LP-1	12,140 SF	<i>Lupinus polyphyllus</i>	Bigleaf Lupine	1 gal.	24" O.C.
PA-1		<i>Pennisetum alopecuroides</i>	Fountain Grass	1 gal.	24" O.C.
<b>ASPEN UNDERSTORY MIX</b>					
AM-1		<i>Achillea millefolium</i>	Yarrow	1 gal.	24" O.C.
BG-1		<i>Bouteloua gracilis</i>	Blue Grama Grass	1 gal.	24" O.C.
EG-1	1,585 SF	<i>Elymus glaucus</i>	Blue Wildrye	1 gal.	24" O.C.
ET-1		<i>Elymus tricooides</i>	Creeping Wildrye	1 gal.	24" O.C.
IE-1		<i>Elymus intermedia</i>	Wheatgrass	1 gal.	24" O.C.
PA-1		<i>Poa annua</i>	Bf Bluegrass	1 gal.	24" O.C.
<b>SHADE PERENNIAL MIX</b>					
AM-1		<i>Astilbe x arendsii</i>	Duetschland Astilbe	1 gal.	24" O.C.
BS-1		<i>Blechnum spicant</i>	Deer Fern	1 gal.	24" O.C.
DG-1	3,480 SF	<i>Delphinium glaucum</i>	Mountain Larkspur	1 gal.	24" O.C.
GA-1		<i>Gallium odoratum</i>	Sweet Woodruff	1 gal.	24" O.C.
GE-1		<i>Geum macrophyllum</i>	Big Leaf Avens	1 gal.	24" O.C.
LP-1		<i>Lupinus polyphyllus</i>	Bigleaf Lupine	1 gal.	24" O.C.
<b>TURF</b>					
TURF	5,000 SF	<i>Poa patens/Lolium perenne</i>	Kentucky Bluegrass/Rye	Sod	

**PLANTING LEGEND**



**LANDSCAPE PLANTING NOTES**

- Refer to Civil Engineer's utility and roadway, parking lot, site grading and drainage plans as required. If actual site conditions vary from what is shown on the plans, contact the Landscape Architect for direction as to how to proceed.
- Verify locations of pertinent site improvements installed under other sections. If any part of this plan cannot be followed due to site conditions, contact Landscape Architect for instructions prior to commencing work.
- Exact locations of plant materials shall be approved by the Landscape Architect in the field prior to installation. Stake or otherwise layout all proposed planting for review. Landscape Architect reserves the right to adjust plants to exact location in field.
- Verify plant counts and square footages. Quantities are provided as Owner information only. If quantities on plant list differ from graphic indications, then graphics shall prevail. If graphics are inconclusive contact Landscape Architect for clarification.
- Perform excavation in vicinity of underground utilities and existing tree/plant driplines with care and if necessary, by hand. The Contractor bears full responsibility for this work and disruption or damage to utilities and existing trees/plants shall be repaired or replaced immediately at no expense to the Owner.
- Trees/plants shall bear same relation to finished grade as it bore to existing in place of growth. However, at no point shall it be less than 1 inch above adjacent finish grade.
- Trees shall be planted a minimum of 5 feet from face of building and a minimum of 4 feet from edge of pavement, except as approved by Landscape Architect.
- Shrubs shall be planted a minimum of 3 feet from face of building and a minimum of 12 inches from edge of pavement, except as approved by Landscape Architect.
- All other plants (perennials, grasses, groundcover, annuals) shall be planted a minimum of 12 inches from face of building and a minimum of 6 inches from edge of pavement, except as approved by Landscape Architect.
- Provide matching forms and sizes for plant materials within each species and size designated on the drawings.
- Prune newly planted trees only as directed by Landscape Architect.
- Finish grades of planting areas and lawns shall be flush and meet smoothly and evenly with adjacent paving, providing positive drainage. Shovel V-out edges shall be provided at planting area transitions to adjacent pavement as indicated to allow for mulch installation.
- Provide specified edging as divider between planting beds and lawn areas.



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LATITUDE 39

APN: 1318-27-001-010  
 110 LAKE BLVD  
 STATELINE, NV 89449  
 DOUGLAS COUNTY

JOB NO.: 202108  
 DATE: 11-04-2021  
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TRPA LANDSCAPE PLAN

AGENCY STAMP

L8.01



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1 Revision 1 Date 1

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TRPA ELEVATIONS

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TA3.00



HEIGHT CALC OVERALL		HEIGHT CALC w/in 100' OF R.O.W.	
ORIGINAL LOW POINT NATURAL GRADE	6270'	ORIGINAL LOW POINT NATURAL GRADE	6270'
ALLOWABLE HEIGHT	95'	ALLOWABLE HEIGHT	56'
MAX ALLOWABLE HEIGHT	6365'	MAX ALLOWABLE HEIGHT	6326'
MAX BUILDING HEIGHT	6365'	MAX BUILDING HEIGHT	6319.5'





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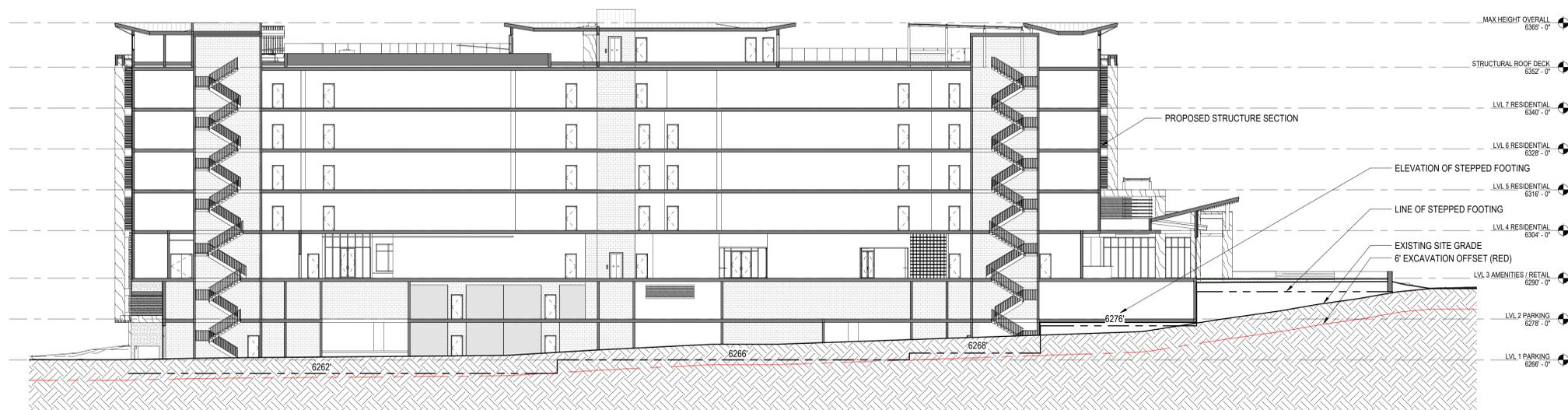
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TRPA SITE SECTION

AGENCY STAMP

TA3.02

CONSENT CALENDAR ITEM NO. 5



SITE SECTION  
1/16" = 1'-0"

1



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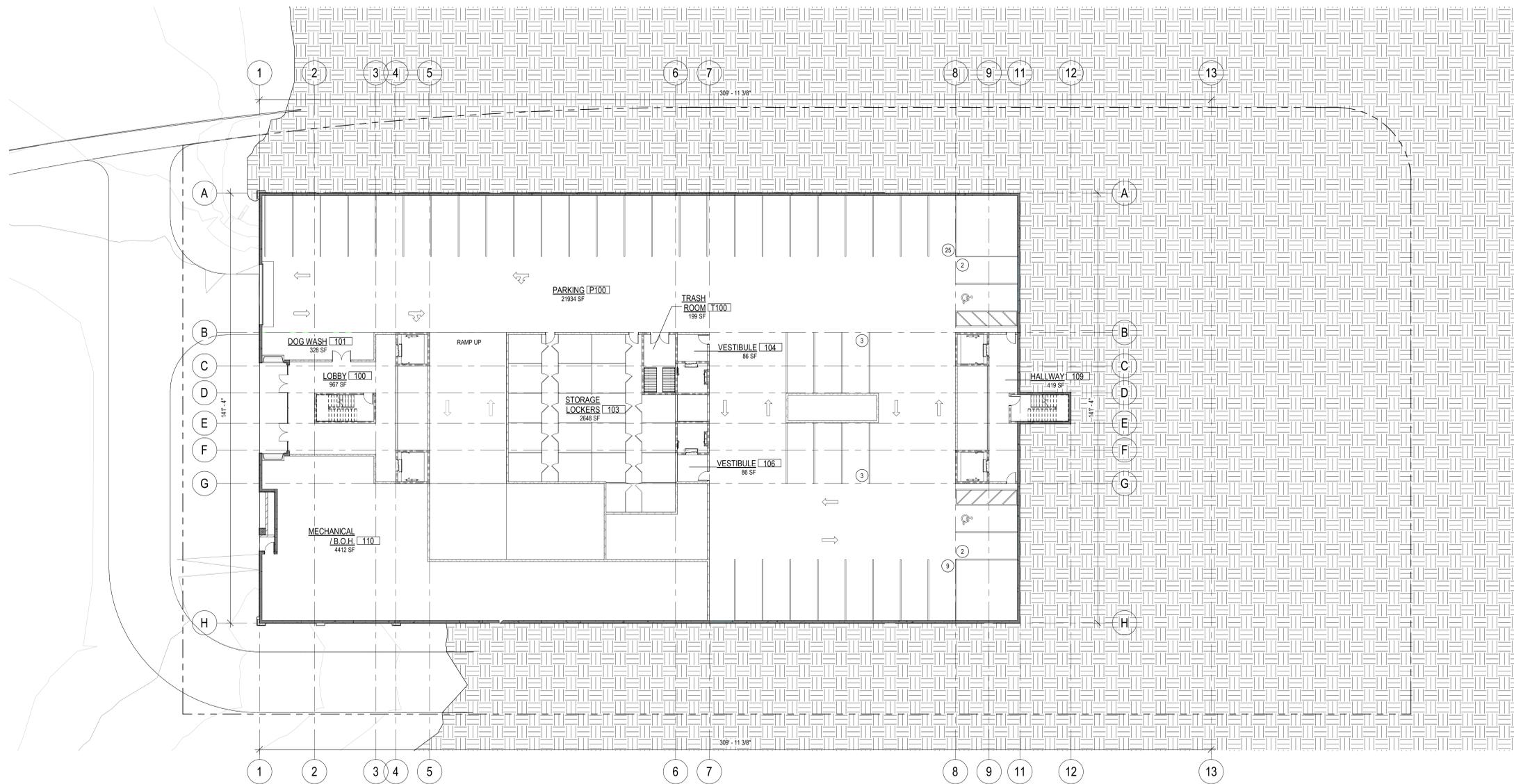
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TRPA FIRST FLOOR PLAN

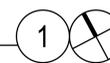
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TA2.00

CONSENT CALENDAR ITEM NO. 5



LEVEL 1 PLAN  
1/16" = 1'-0"





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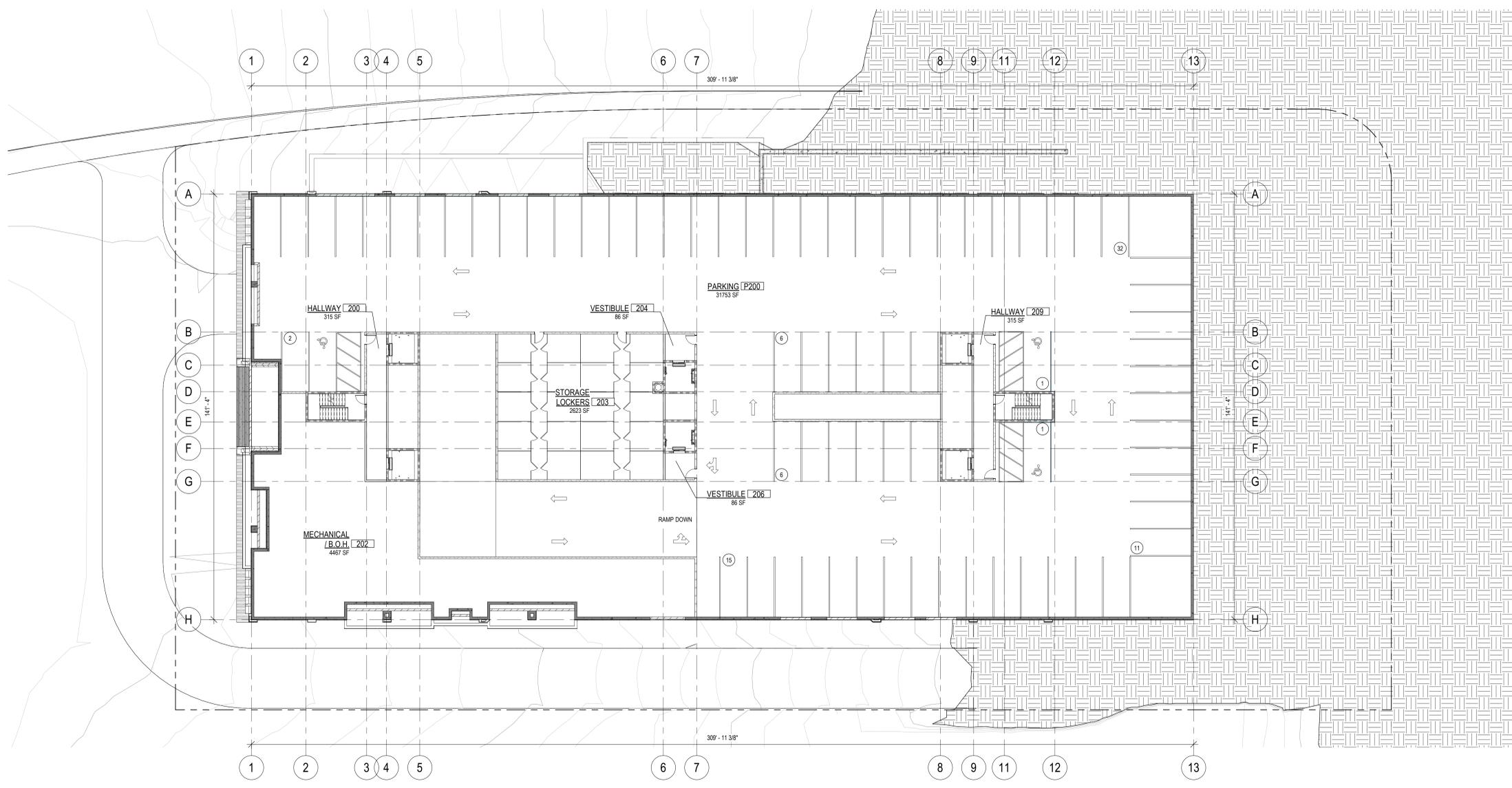
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TRPA SECOND FLOOR PLAN  
AGENCY STAMP

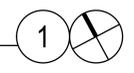


TA2.01

CONSENT CALENDAR ITEM NO. 5



LEVEL 2 PLAN  
1/16" = 1'-0"





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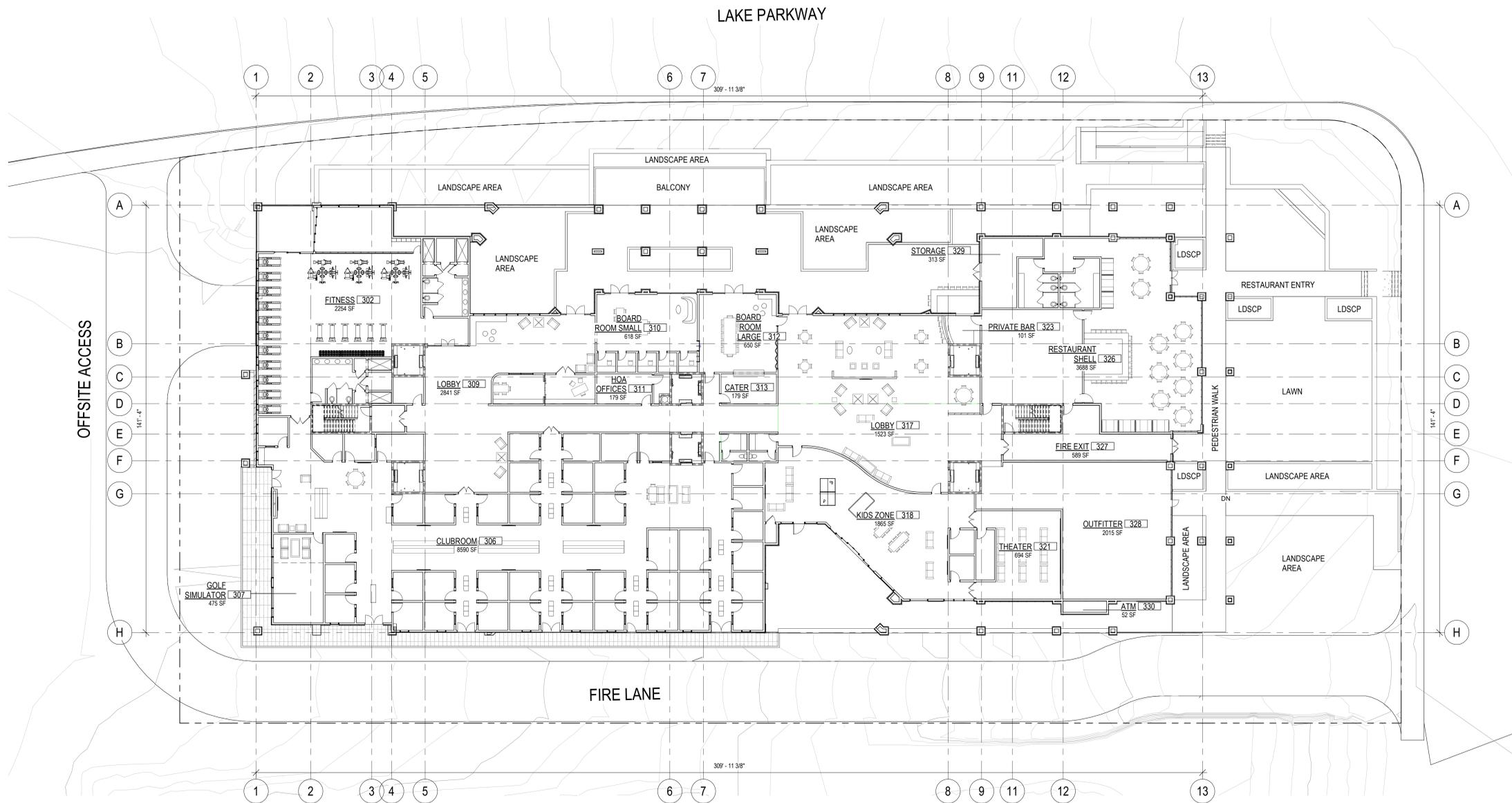
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TRPA THIRD FLOOR PLAN

AGENCY STAMP

TA2.02

CONSENT CALENDAR ITEM NO. 5



LEVEL 3 PLAN  
1/16" = 1'-0"

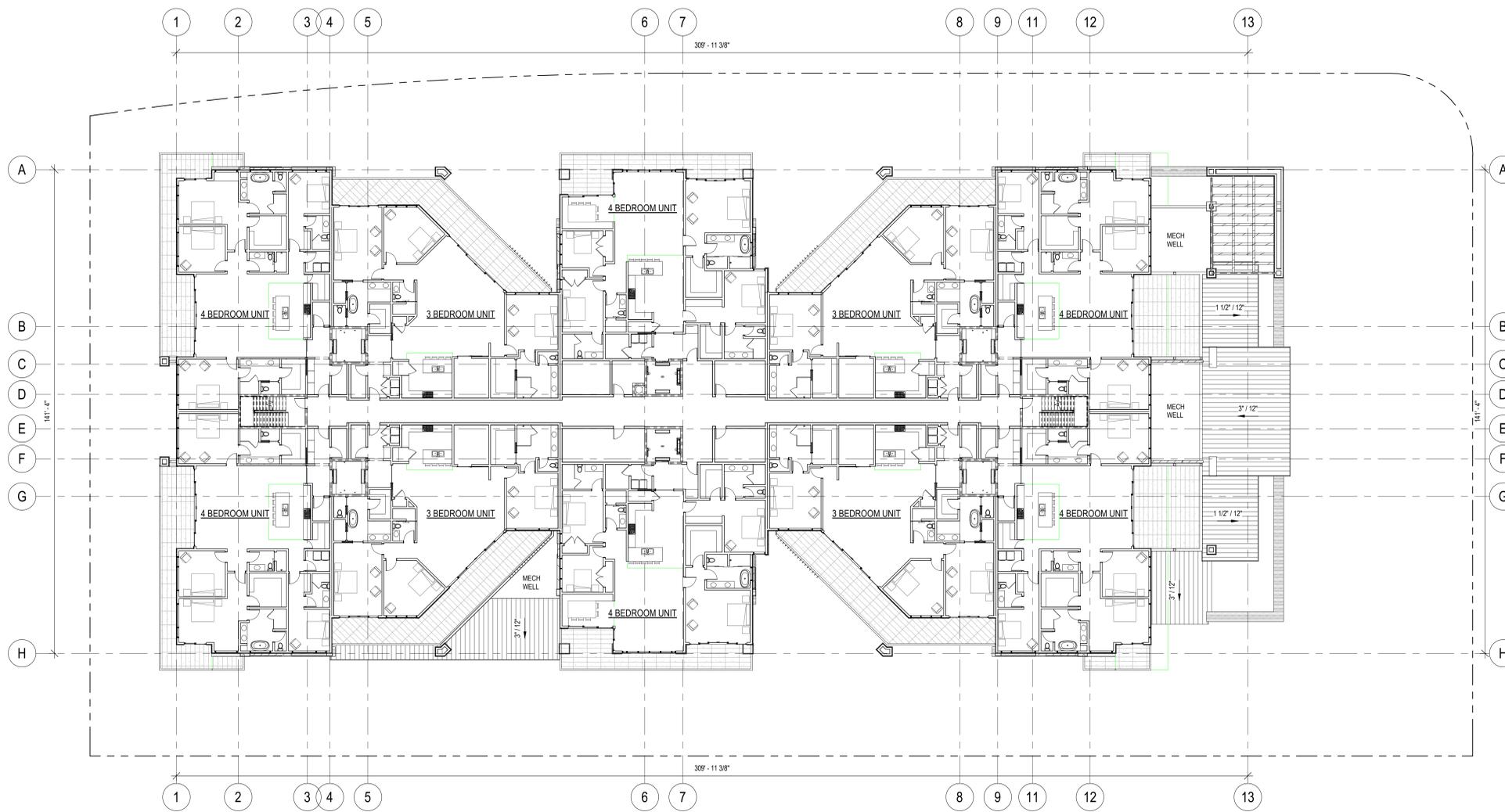




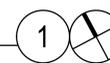
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**LEVEL 4 PLAN**  
1/16" = 1'-0"



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TRPA FOURTH FLOOR PLAN

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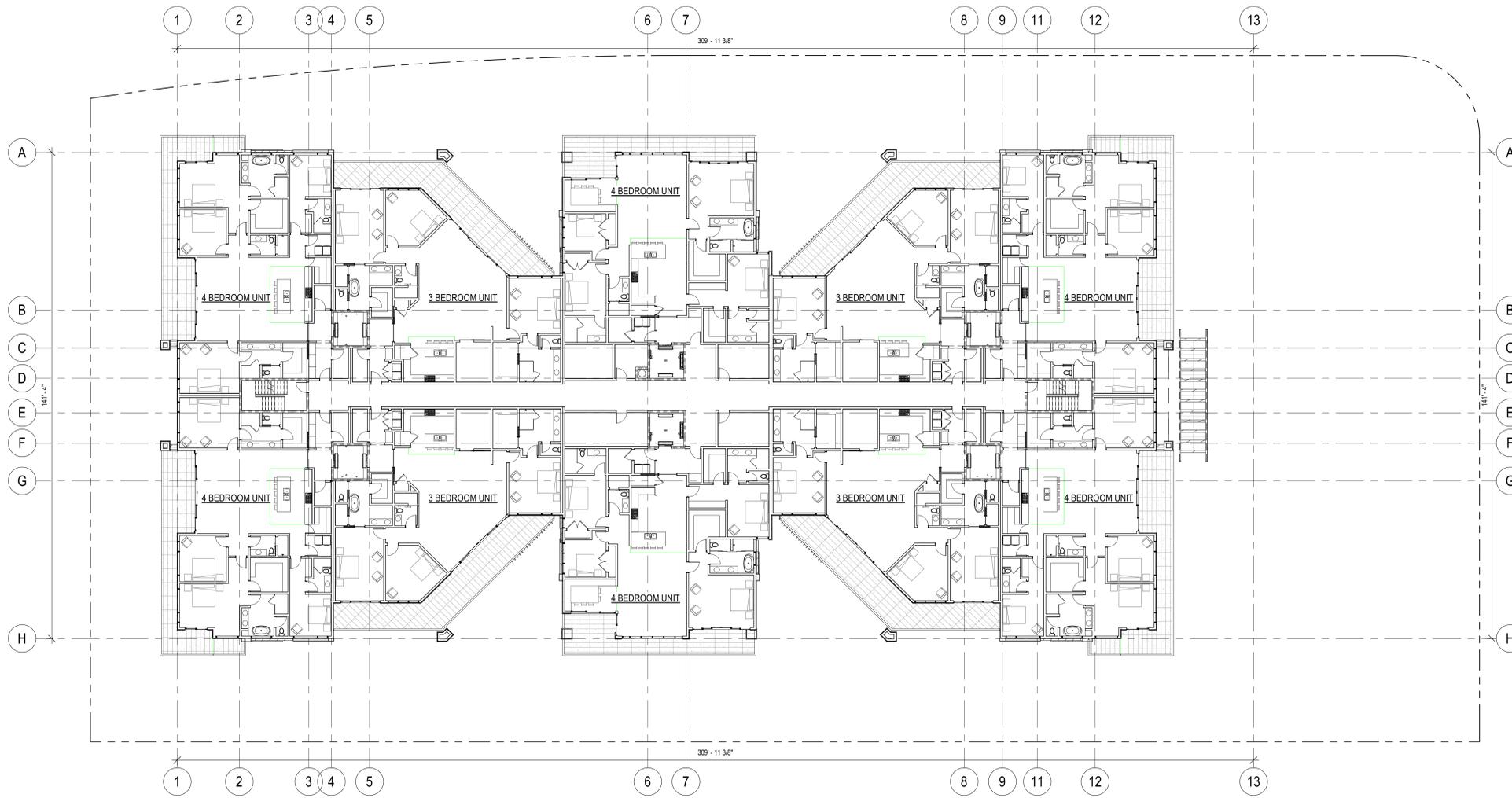
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**LEVEL 5 PLAN**  
1/16" = 1'-0"



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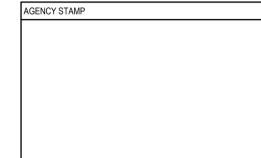
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TRPA FIFTH FLOOR PLAN  
AGENCY STAMP



**TA2.04**

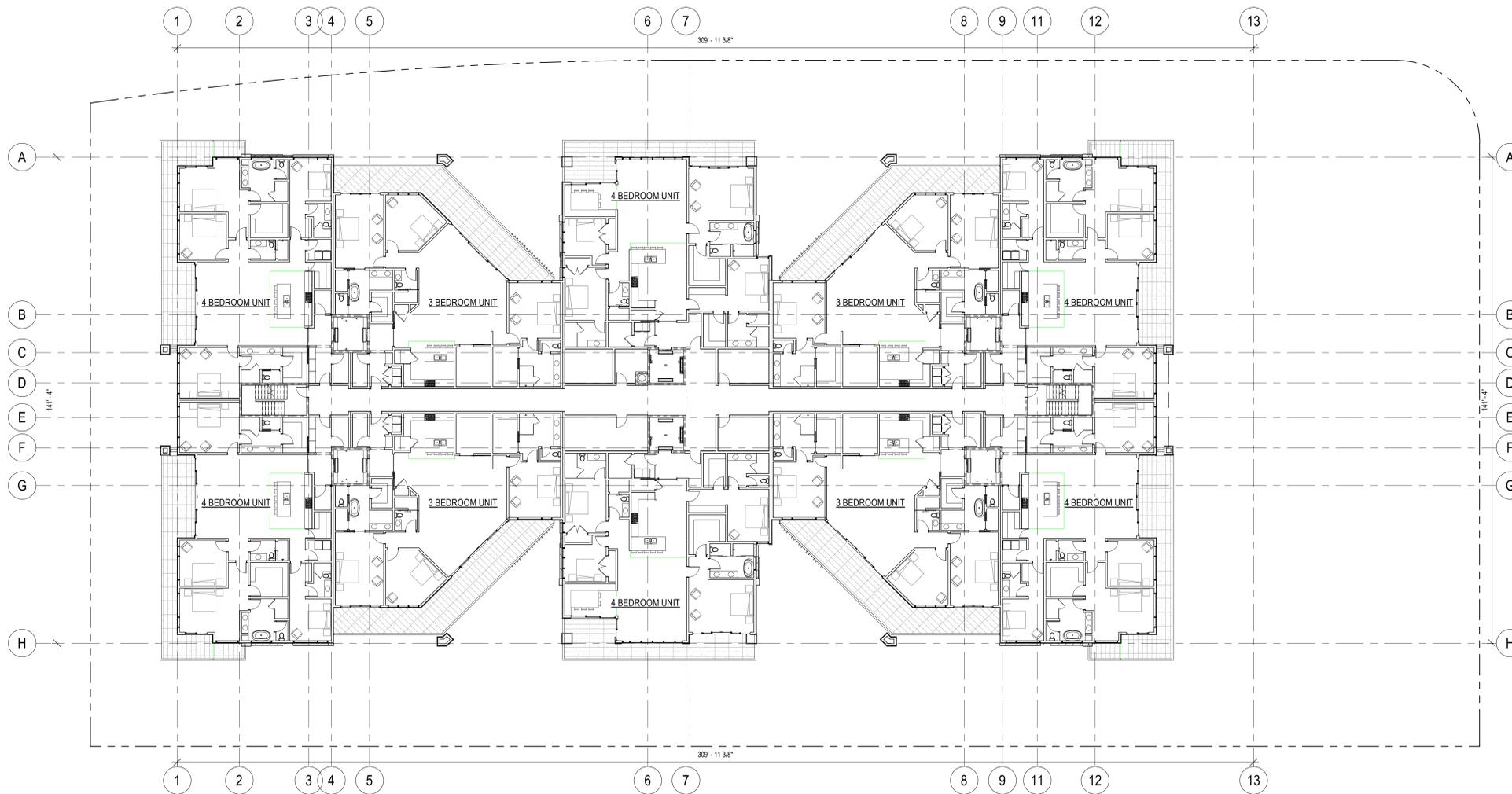
CONSENT CALENDAR ITEM NO. 5



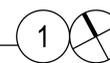
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**LEVEL 6 PLAN**  
1/16" = 1'-0"



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TRPA SIXTH FLOOR PLAN

AGENCY STAMP

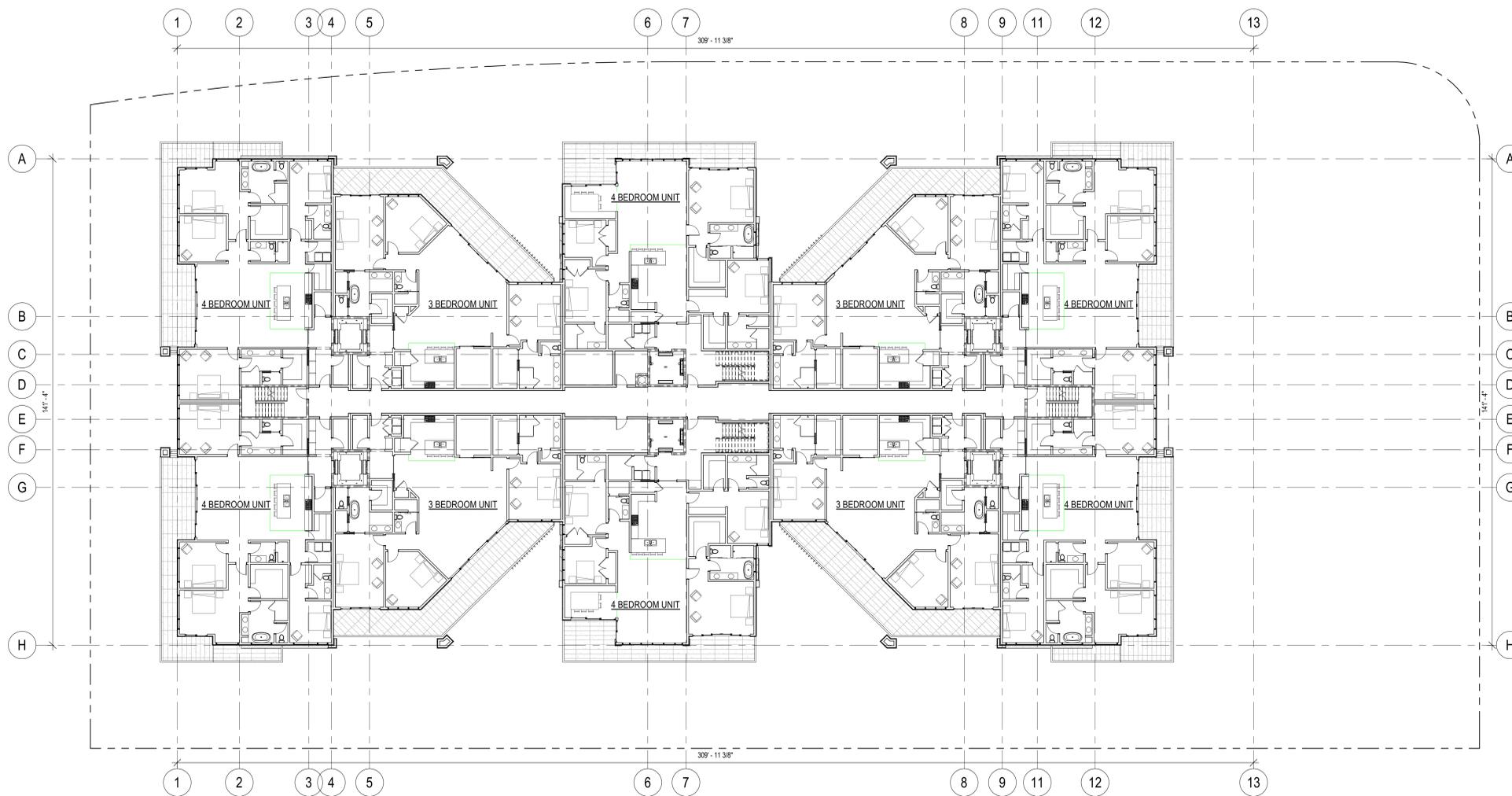
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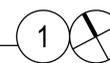
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**LEVEL 7 PLAN**  
1/16" = 1'-0"



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TRPA SEVENTH FLOOR PLAN

AGENCY STAMP



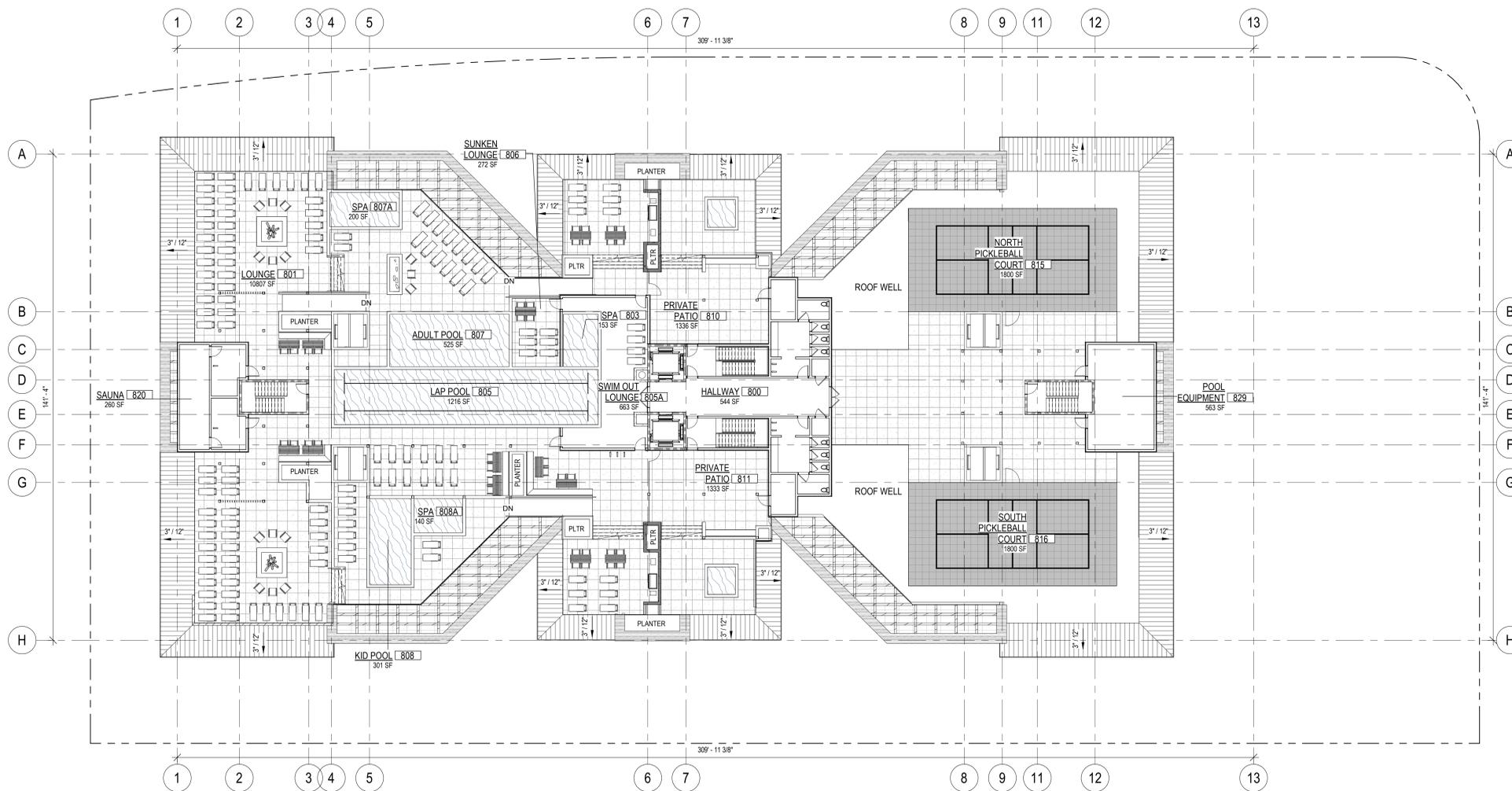
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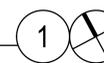
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**ROOF DECK PLAN**  
1/16" = 1'-0"



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TRPA ROOF DECK PLAN

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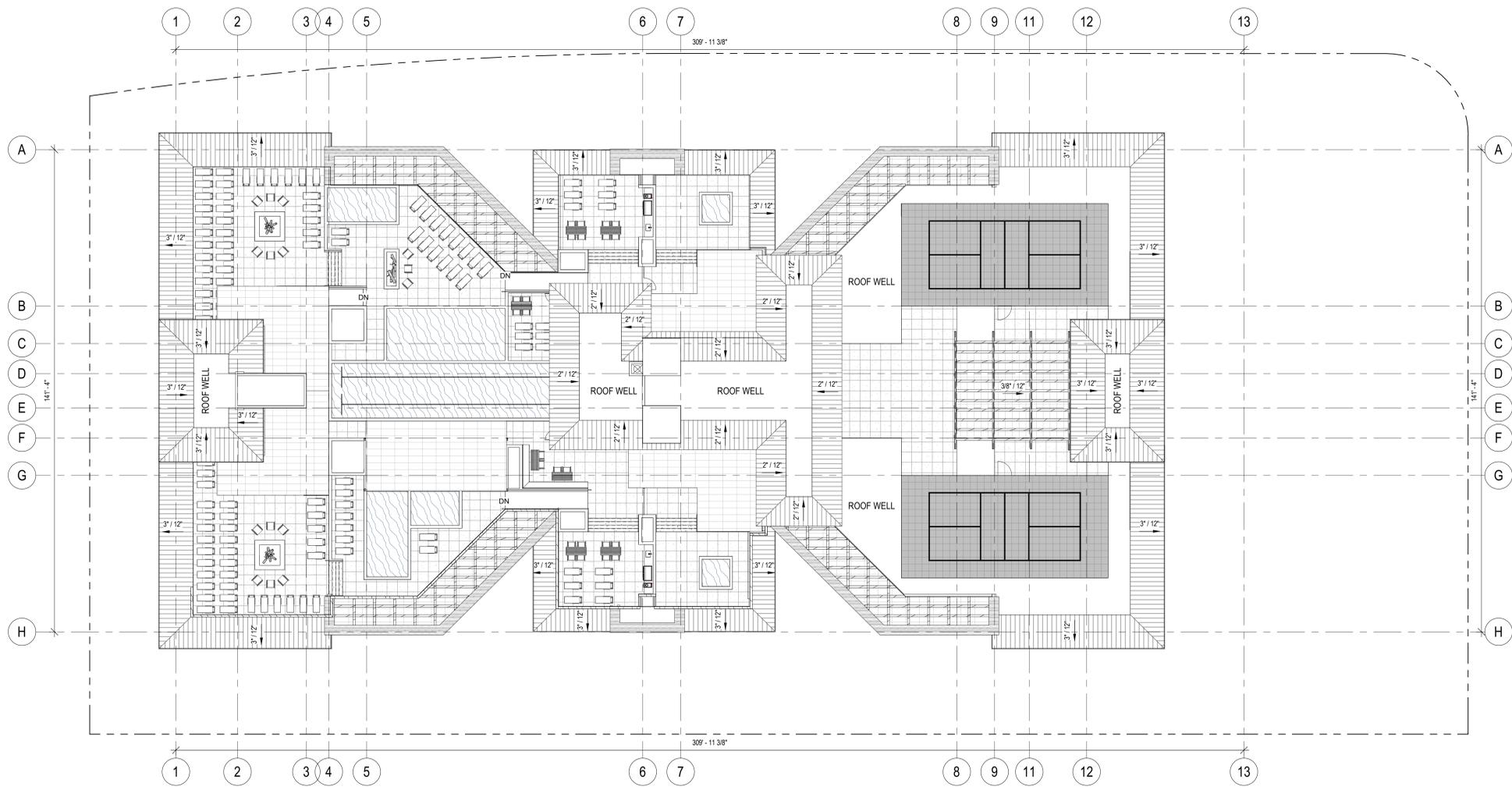
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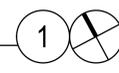
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**ROOF PLAN**  
1/16" = 1'-0"



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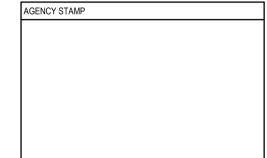
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TRPA ROOF PLAN  
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**TA2.08**



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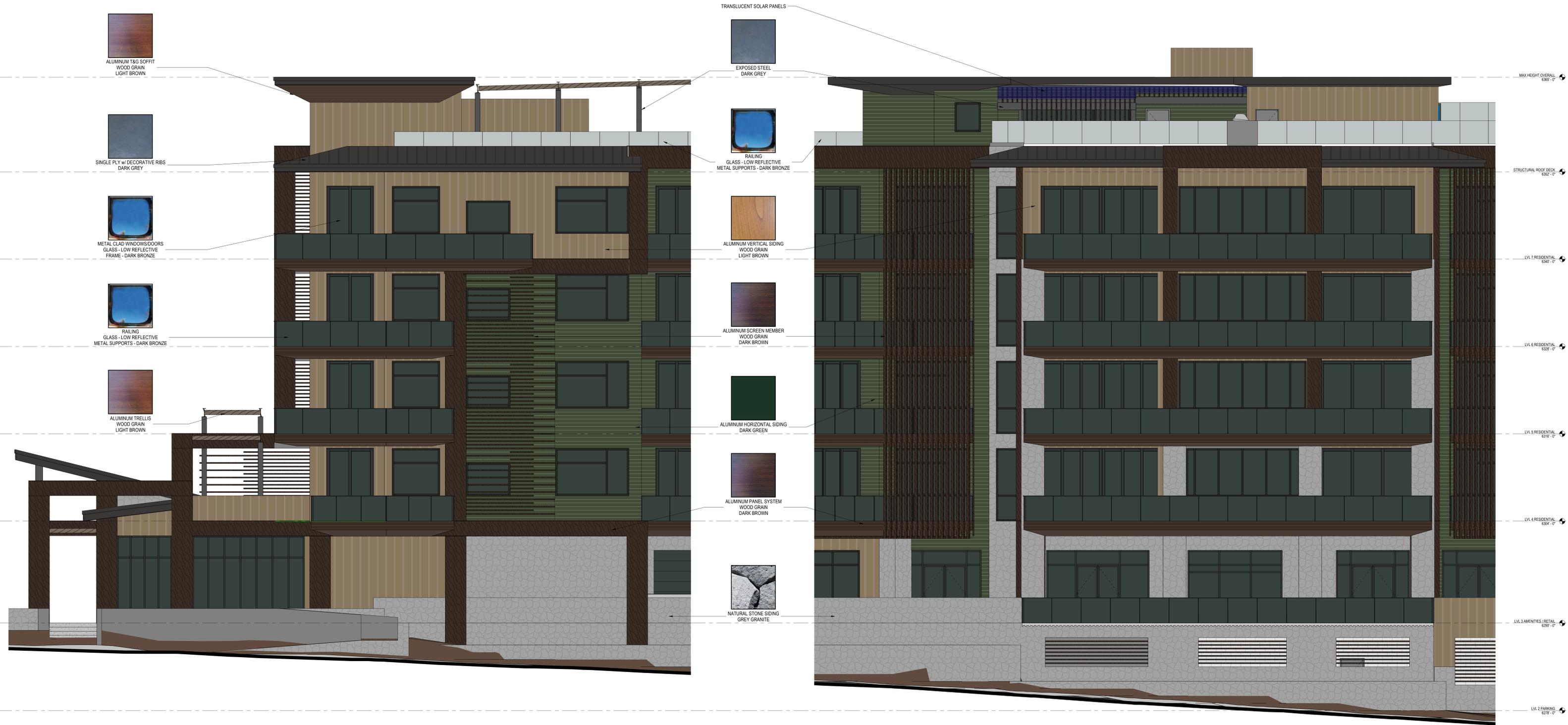
TRPA ENLARGED ELEVATIONS

AGENCY STAMP



**TA3.01**

CONSENT CALENDAR ITEM NO. 5



TRPA ENLARGED ELEVATION  
1/4" = 1'-0"

2

TRPA ENLARGED ELEVATION  
1/4" = 1'-0"

1

Attachment D

[Initial Environmental Checklist](#)

Attachment E

V (G) Findings & Checklist

**PROJECT REVIEW CONFORMANCE CHECKLIST & V (g) FINDINGS**

(RESIDENTIAL)

Project Name: LATITUDE 39

Project Type: Mixed use - Luxury Residential Tower - 40 units + commercial restaurant

APN / Project Number: 1318-27-001-010 / ERSP2022-0119

Project Review Planner: Aly Borawski Date of Review: 11/21/22

NOTE: if the answer to question b. on any of the following questions is no, please provide a written justification on a separate sheet for making the findings required in subsections 4.4.1 and 4.4.2 of the code. If the answer to question b. is yes or if no answer is required, this checklist shall serve as justifications for making said findings. Any positive impacts of the project on the thresholds that have not been addressed in these questions should also be noted.

**CATEGORY: AIR QUALITY**

**THRESHOLD: CARBON MONOXIDE (CO)**

**INDICATOR: (CO) 8-hr. avg. Stateline CA station**

- 1. a. Does the project generate new vehicle trips? Y  N   
b. If yes, is the project consistent with Subsection 65.2.4.B.1? Y  N
- 2. a. Does the project create new points of vehicular access? Y  N   
b. If yes, is the project consistent with Subsection 34.3.2? Y  N
- 3. a. Does the project include combustion appliances? Y  N   
b. If yes, is the project consistent with Subsection 65.1.4? Y  N
- 4. a. Does the project include a new stationary source of CO? Y  N   
b. If yes, is the project consistent with Subsection 65.1.6? Y  N

**THRESHOLD: OZONE**

**INDICATOR: Ozone, 1-hr. avg. Lk. Tahoe Blvd station**

- 1. a. Does the project increase regional VMT? Y  N   
b. If yes, is the project consistent with Subsection 65.2.4? Y  N
- 2. a. Does the project include new gas/oil space/water heaters? Y  N   
b. If yes, is the project consistent with Subsection 65.1.4? Y  N
- 3. a. Does the project include a new stationary source of NO<sup>2</sup>? Y  N   
b. If yes, is the project consistent with Subsection 65.1.6? Y  N

**THRESHOLD: PARTICULATE MATTER**

**INDICATOR: Part. Matter, 24-hr. avg. Lk. Tahoe Blvd station**

- 1. a. Does the project increase airborne dust emissions? Y  N   
b. If yes, is the project consistent with Subsection 60.4.3? Y  N
- 2. a. Does the project include a new stationary source of particulate matter? Y  N   
b. If yes, is the project consistent with Subsection 65.1.6? Y  N

3. a. Refer to question 1, Ozone, above.

THRESHOLD: VISIBILITY

INDICATOR: miles of visibility, veg and subregional path

1. a. Refer to questions 1-3, Particulate Matter, above.

THRESHOLD: TRAFFIC VOLUME  
US 50 CORRIDOR, WINTER, 4pm-12am

INDICATOR: traffic volume, US 50 at Park Ave.  
Jan.-Mar. avg., 4pm-12am

1. a. Refer to question 1, CO, above.

THRESHOLD: NO<sup>2</sup> EMISSIONS

INDICATOR: VMT

1. a. Refer to questions 1-2, VMT, below.

THRESHOLD: WOOD SMOKE

INDICATOR: number of wood heaters

1. a. Does the project include any new wood heaters? Y  N   
b. If yes, is the project consistent with Subsection 65.1.4.B? Y  N

THRESHOLD: VMT

INDICATOR: changes in number of trips and avg. trip length

1. a. Does the project increase average trip length? Y  N   
b. If yes, is the project consistent with Subsection 65.2.4.B? Y  N   
2. a. refer to question 1, CO, above.

CATEGORY: WATER QUALITY

THRESHOLD: TURBIDITY

INDICATOR: turbidity of indicator stations

1. a. Does the project increase impervious coverage or create permanent soil disturbance? Y  N   
b. If yes, is the project consistent with Subsection 60.2.3? Y  N   
2. a. Does the project create temporary soil disturbance? Y  N   
b. If yes, is the project consistent with Subsection 60.4.3? Y  N   
3. a. Does the project require the use of fertilizer? Y  N   
b. If yes, is the project consistent with Subsection 60.1.8? Y  N   
4. a. Does the project include domestic wastewater discharge to the surface or groundwater? Y  N   
b. If yes, is the project consistent with Subsection 60.1.3.B? Y  N   
5. a. Does the project disturb or encroach on an existing SEZ? Y  N   
b. If yes, is the project consistent with Subsection 30.5? Y  N

THRESHOLD: CLARITY, WINTER (IN LAKE)

INDICATOR: secch depth, Dec.-Mar. avg. TRG index station

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: PHYTOPLANKTON PRIMARY PRODUCTIVITY (IN LAKE)

INDICATOR: phyto, primary productivity, ann. Avg., TRG index station

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: DIN LOAD, SURFACE RUNOFF

INDICATOR: DIN x discharge, tributary network annual total 1

1. a. Refer to questions 1, 2, 3 and 5, turbidity, above.

THRESHOLD: DIN LOAD, GROUNDWATER

INDICATOR: DIN x discharge, grndwtr. Network, annual total

1. a. Refer to questions 2 & 3, turbidity, above.

THRESHOLD: DIN LOAD, ATMOSPHERIC

INDICATOR: NO3 + HNO, annual avg. Lake Tahoe Blvd station

1. a. Refer to question 4, turbidity, above.

THRESHOLD: NUTRIENT LOADS, GENERAL

INDICATOR: sol. P x discharge sol. Fe x

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: TOTAL N, P, Fe, (trib.) CA ONLY

INDICATOR: single reading, tributary network

1. a. Refer to questions 1, 2, 3, and 5, turbidity, above.

THRESHOLD: DIN; SOL, P, Fe, SS (trib.) NV ONLY

INDICATOR: single reading tributary network

1. a. Refer to questions 1, 2, 3 and 5, turbidity, above.

THRESHOLD: DIN, SOL, P, Fe, SS, GREASE/OIL DISCHARGED TO SURFACE WATER FROM RUNOFF

INDICATOR: single reading runoff sites

1. a. Does the project route impervious surface runoff directly into Lake Tahoe or a major tributary? Y  N
- b. If yes, is the discharge structure consistent with BMP handbook? Y  N
2. a. Does the project create large impervious areas (e.g. parking lots) which may serve as a source of airborne pollutants, grease or oil? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3, 60.4.6 and 60.4.9? Y  N

THRESHOLD: TOTAL N, TOTAL P, TOTAL Fe TURBIDITY, GREASE/OIL DISCHARGE TO GRDWTR FROM RUNOFF

INDICATOR: single reading runoff site

1. a. Does the project include infiltration devices to infiltrate impervious surface runoff directly underground? Y  N
- b. If yes, is the project consistent with Subsection 60.4.6? Y  N

**CATEGORY: SOIL CONSERVATION**

**THRESHOLD: IMPERVIOUS COVERAGE**

INDICATOR: area or coverage

1. a. Does the project include new or relocated coverage? Y  N   
b. If yes, is the project consistent with Subsection 30.4, 30.5 and 30.6? Y  N

**THRESHOLD: NATURALLY-FUNCTIONING SEZ**

INDICATOR: area of SEZ

1. a. Does the project disturb or encroach on a naturally-functioning SEZ? Y  N   
b. If yes, is the project consistent with Subsection 30.5? Y  N

**CATEGORY: VEGETATION**

**THRESHOLD: PLANT & STRUCTURAL DIVERSITY**

INDICATOR: plant & structural diversity

1. a. Does the project create a change in diversity? Y  N   
b. If yes, does the project include vegetation management techniques to increase diversity (reveg., thinning)? Y  N

**THRESHOLD: MEADOW & RIPARIAN VEGETATION**

INDICATOR: area of meadow & riparian veg.

1. a. Refer to question 5, turbidity, above.

**THRESHOLD: DECIDUOUS RIPARIAN VEGETATION**

INDICATOR: area of riparian vegetation

1. a. Refer to question 5, turbidity, above.

**THRESHOLD: SHRUB ASSOCIATION**

INDICATOR: area of shrub association

1. a. Does the project create an increase in the areal extent of the shrub association? Y  N   
b. If yes, has the additional area been calculated, and a determination been made that the total area is less than or equal to 25%? Y  N

**THRESHOLD: YELLOW PINE ASSOCIATION (not mature)**

INDICATOR: area of yellow pine assoc.

1. a. Does the project create a change in the areal extent of the immature yellow pine association? Y  N   
b. If yes, has the additional area been calculated, and a determination made that the total area in the Region is between 15 and 25%? Y  N

**THRESHOLD: RED FIR ASSOCIATION**

INDICATOR: area of red fir assoc.

1. a. Does the project create a change in the areal extent of the immature red fir association? Y  N   
b. If yes, has the additional area been calculated, and a determination made that the total area in the Region is between 15 and 25%? Y  N

**THRESHOLD: FOREST OPENINGS**

INDICATOR: size and location of forest openings

1. a. Does the project create new forest openings? Y  N   
b. If yes, is the new opening less than 8 acres? Y  N

2. a. Does the project create new forest openings adjacent to other openings? Y  N
- b. If yes, are the resultant adjacent openings not of the same relative age class or successional stage? Y  N

THRESHOLD: UNCOMMON PLANT COMMUNITITES

INDICATOR: habitat sites

1. a. Will the project impact the habitats for the deepwater sphagnum bog, Osgood Swamp, or the Freel Peak Cushing Plant Community? Y  N
- b. If yes, have modifications been included in the project to protect these plant communities? Y  N

THRESHOLD: SENSITIVE VEGETATION

INDICATOR: number of habitat sites

1. a. Will the project impact the habitats of the Carex paucifructus, the Lewis pyomaea longipetala, the Draba asterophora v., or the Rorippa subumbellata? Y  N
- b. If yes, have modifications been included in the project to protect these plant communities? Y  N

CATEGORY: WILDLIFE

THRESHOLD: SPECIAL INTEREST SPECIES

INDICATOR: number of habitat sites

1. a. Will the project result in the loss, modification or increased disturbance of habitat site for goshawk, osprey, bald eagle, (winter and nesting), golden eagle, peregrine falcon, waterfowl, or deer, as mapped on official TRPA maps? Y  N
- b. If yes, have modifications been included in the project to protect these habitat sites? Y  N

CATEGORY: FISHERIES

THRESHOLD: EXCELLENT STREAM HABITAT

INDICATOR: sites of excellent stream habitat

1. a. Does the project include stream channelization, stream dredging, removal of rock or gravel from a stream, culverts, bridges, or water diversions affecting a stream identified as fish habitat? Y  N
- b. If yes, have modifications been included in the project to offset impacts on stream habitat and contribute to the upgrading of stream habitat? Y  N
2. a. Will the project result in siltation, urban runoff, snow disposal, or litter that may affect water quality in a stream identified as fish habitat? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y  N

THRESHOLD: GOOD STREAM HABITAT

INDICATOR: miles of good stream habitat

1. a. Refer to questions 1 and 2, above.

THRESHOLD: MARGIANL STREAM HABITAT

INDICATOR: miles of marginal stream habitat

1. a. Refer to questions 1 and 2, above.

**THRESHOLD: INSTREAM FLOWS**

INDICATOR: increase flows

- 1. a. Does the project include new water diversions? Y  N
- b. If yes, is there evidence in the record to indicate that flows will remain within adopted TRPA standards or, in the absence of adopted standards, that flows will not be diminished? Y  N
- 2. a. Does the project include new coverage or disturbance that could contribute to uncontrolled runoff reaching a stream identified as fish habitat? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y  N
- 3. a. Refer to question 5, turbidity, above.

**THRESHOLD: LAKE HABITAT**

INDICATOR: area of excellent habitat

- 1. a. Does the project include development in the shorezone, removal of rock or gravel from the lake, or removal of vegetation in the shorezone? Y  N
- b. If yes, is the project consistent with Chapters 80-86? Y  N
- 2. a. Does the project increase the potential for siltation, runoff, or erosion entering Lake Tahoe? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y  N

**CATEGORY: NOISE**

**THRESHOLD: COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)**

INDICATOR: dBA, CNEL

- 1. a. Does the project involve the creation of a new or relocated land use? Y  N
- b. If yes, is the project consistent with the applicable plan area statement? Y  N
- 2. a. Is the project located within a transportation corridor as mapped on TRPA maps? Y  N
- b. If yes, does the project include components to reduce the transmission of noise from the corridor, in accordance with the TRPA Design Review Guidelines? Y  N

**CATEGORY: SCENIC RESOURCES**

**THRESHOLD: ROADWAY AND SHORELINE RATINGS**

INDICATOR: ratings

- 1. a. Is the project located within, or visible from, a roadway or shoreline unit targeted for scenic upgrading? Y  N
- b. If yes, is the project consistent with the TRPA Scenic Quality Implementation Program (SQIP)? Y  N
- 2. a. Is the project located within, or visible from, a roadway or shoreline unit not targeted for scenic upgrading? Y  N
- b. If yes, is there evidence in the record that the project will not cause a significant decrease in scenic quality, and is the project consistent with the TRPA Design Review Guidelines? Y  N

**CATEGORY: RECREATION**

**THRESHOLD: PRESERVE AND ENHANCE THE HIGH QUALITY RECREATION EXPERIENCE**

INDICATOR: dispersed rec. capacity

- 1. a. Is the project located in a conservation or recreation plan area? Y  N
- b. If yes, is the project consistent with the applicable plan area statement? Y  N

**CATEGORY: CODE/RULES OF PROCEDURE REQUIREMENTS**

- 1. Does the project require Governing Board Review (Chapter 2)? Y  N
- 5. Does the project require notice to adjacent property owners (Art. XII Rules of Procedure)? Y  N

6. Is the project consistent with the following:

Chapter 2	(Project Review)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 6	(Tracking-Data Sheets/Log Book)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 21	(Permissible Uses)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 22	(Temporary Uses)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 30	(Coverage)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 31	(Density)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 32	(Basic Service)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.3	(Grading)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.4	(Special Reports)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.5	(Construction Schedule)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.6	(Vegetation Protection)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 34	(Driveways)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 34	(Parking)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 35	(Natural Hazards-Floodplain)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 36	(Design Standards)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 37	(Height)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 38	(Signs)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 50	(Allocations)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 51	(Transfers)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 52	(Bonus Units-MFD only)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 53	(IPES)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 60	(BMP's)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 60.1	(Water Quality)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 60.2	(Water Quality Mitigation)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.1	(Tree Removal)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.3.6	(Sensitive Plants/Fire Hazard)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.4	(Revegetation)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 62	(Wildlife)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 63	(Fish)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 65.1	(Air Quality)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 65.2	(Traffic/Air Quality Mitigation)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 67	(Historic Resource)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>

TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2022–

RESOLUTION RECOGNIZING GOVERNING BOARD MEMBER SECRETARY CEGAVKSE,  
NEVADA SECRETARY OF STATE, FOR HER SERVICE TO THE LAKE TAHOE REGION

WEREAS, Barbara Cegavske has faithfully and diligently served the people of Nevada as the Nevada Secretary of State and as a Tahoe Regional Planning Agency Governing Board member from 2015 to 2022;

WHEREAS, she has contributed greatly to upholding the bi-state Tahoe Regional Planning Compact and supporting the restoration, protection, and enhancement of Lake Tahoe and its communities;

WHEREAS, Barbara served on the Forest Health and Wildfire Committee helping to enhance forest health and improve wildfire reduction and mitigation strategies;

WHEREAS, she always provided a very watchful and prudent perspective while serving as a member of the Operations and Governance Committee; and

WHEREAS, she has and continues to serve the Region as a strong advocate for improving the scenic beauty of the Lake through actions such as improved buoy management;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency does hereby express its sincere appreciation for Barbara’s many years of service to Nevada and the Lake Tahoe Region and extends its best wishes to her for all her future endeavors.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

Ayes:  
Nays:  
Absent:

\_\_\_\_\_  
Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board



TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2022–

RESOLUTION RECOGNIZING GOVERNING BOARD MEMBER SUE NOVASEL,  
EL DORADO COUNTY REPRESENTATIVE, FOR HER SERVICE TO THE LAKE TAHOE REGION

WHEREAS, Sue Novasel served on the TRPA Governing Board as the representative of the El Dorado County, California Board of Supervisors for eight years from 2015 to 2022;

WHEREAS, she has contributed greatly to upholding the bi-state Tahoe Regional Planning Compact and supporting the restoration, protection, and enhancement of Lake Tahoe and its communities;

WHEREAS, Sue has served on both the Environmental Improvement, Transportation, and Public Outreach Committee and the Tahoe Living Working Group;

WHEREAS, she has served as Vice Chair of both the Legal Committee and the Forest Health and Wildfire committees;

WHEREAS, Ms. Novasel has served as Chair of the Local Government and Housing Committee as it addressed important and difficult issues, including short term rentals and the lack of affordable and achievable housing in the Tahoe Region;

WHEREAS, she represented the Tahoe Regional Planning Agency at the California Association of Councils of Government;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency extends its gratitude and best wishes to Sue as she retires from the El Dorado County Board of Supervisors and the Tahoe Regional Planning Agency Governing Board to pursue future endeavors including enjoying the beautiful Lake Tahoe Region she has worked to protect and enhance.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

Ayes:  
Nays:  
Absent:

\_\_\_\_\_  
Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board



TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2022–

RESOLUTION RECOGNIZING GOVERNING BOARD MEMBER WILLIAM “BILL” YEATES,  
CALIFORNIA SENATE RULES COMMITTEE APPOINTEE, FOR HIS SERVICE TO THE LAKE TAHOE REGION

WHEREAS, Bill Yeates has served as the California Senate Rules Committee appointee to the Tahoe Regional Planning Agency Governing Board from 2013 to 2022;

WHEREAS, he has contributed greatly to upholding the Bi-State Tahoe Regional Planning Compact and supporting the restoration, protection, and enhancement of Lake Tahoe and its communities;

WHEREAS, among Bill’s many contributions to the Lake Tahoe Region, he has served as an informal, part-time member of the TRPA watercraft crew;

WHEREAS, he has served as a member of the Legal Committee, the Environmental Improvement, Transportation and Public Outreach Committee, and the Threshold Update Initiative Stakeholders Working Group;

WHEREAS, Bill has served as Chairman of the Regional Plan Implementation Committee Chair as that committee addressed multiple important Regional Plan and Code of Ordinance amendments; and

WHEREAS, he served tirelessly as the Tahoe Regional Planning Agency Governing Board Vice Chair from 2016-2018 and as Chair from 2018 to 2020;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency does hereby express its sincere appreciation for Bill’s many years of service to the Lake Tahoe Region and extends its best wishes for all of his sustainable, low vehicle miles travelled future endeavors.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

Ayes:  
Nays:  
Absent:

\_\_\_\_\_  
Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board



TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2022–

RESOLUTION RECOGNIZING FORMER EXECUTIVE DIRECTOR JOANNE S. MARCHETTA,  
FOR HER SERVICE TO THE LAKE TAHOE REGION

WHEREAS, Joanne S. Marchetta has served as the longest tenured Executive Director in the history of the Tahoe Regional Planning Agency;

WHEREAS, she has contributed greatly to upholding the bi-state Tahoe Regional Planning Compact and supporting the restoration, protection, and enhancement of Lake Tahoe and its communities;

WHEREAS, Joanne worked tirelessly to create a culture of collaboration within the Agency and the Tahoe Region, to bridge divides between people and organizations, and to create a sense of shared stewardship in the basin;

WHEREAS, during her tenure she and her staff completed significant projects that were critical for the continued operation and success of the Agency, including but not limited to major amendments to the Regional Plan and Code of Ordinances in 2012, an updated Water Quality Management Plan, a Sustainability Action Plan, a Shoreline Plan and code amendments, revision of the development system, multiple Regional Transportation Plan/Sustainable Communities Strategy plans, multiple corridor plans, a Plug-In Electrical Vehicle Plan;

WHEREAS, many of those projects, including the 2012 Regional Plan, Sustainability Action Plan, and Plug-In Electric Vehicle Plan, received local, California, Nevada, Western United States, and National planning awards;

WHEREAS, in partnership with local governments in the Tahoe Region, multiple area plans have been prepared, adopted, and are being implemented;

WHEREAS, through collaboration with local, state, federal, and private sector partners the Environmental Improvement Program has now exceeded \$2.7 billion in projects to protect and enhance Lake Tahoe; and

WHEREAS, Executive Director Joanne always strived for continuous improvement in Agency processes and procedures, her staff, and herself, in order to leave the organization better prepared to address the increasing quantity and complexity of issues facing the Region;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency does hereby express its congratulations and gratitude to Joanne for all of the achievements made during her tenure as Executive Director and extends its best wishes to her in all of her future endeavors.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

Ayes:

Nays:

Absent:

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Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

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## STAFF REPORT

Date: December 7, 2022

To: TRPA Governing Board

From: TRPA Staff

Subject: Update on Measuring What Matters: The Thresholds and Monitoring Update Strategic Initiative

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### Summary and Staff Recommendation:

Staff will provide an update on Measuring What Matters: The Thresholds and Monitoring Update Strategic Initiative, and the work to leverage the partnership's significant investments in science and planning that will guide the update of threshold standards in the first six categories; air quality, fisheries, soil conservation, vegetation preservation, water quality, and wildlife. This item is for informational purposes and no action is required.

### Background:

The threshold standards establish goals for environmental quality and express the desired outcomes for the Tahoe Region. The standards shape the goals and policies of the Lake Tahoe Regional Plan. The first set of threshold standards was adopted in 1982. To help reach these goals, a collaborative partnership of over 80 entities implements projects as part of the Environmental Improvement Program (EIP). The EIP has been the organizing program for the basin's restoration priorities for the last twenty-five years and guides millions of dollars of public and private investment in the basin.

The vast majority of the threshold standards are now over 40 years old. The initial threshold standards set the course for the Region forty years ago but were never intended to be immutable. The multi-disciplinary team that authored the 1981 threshold study report suggested the standards should be reassessed at least every five years and wrote: "environmental thresholds are not static standards that once in place remain forever."

The TRPA Governing Board identified the review and updating of the threshold standards and performance measures as a strategic initiative for the agency. The Tahoe Interagency Executive Steering Committee (TIE) made the review and updating of the threshold standards a priority for the partnership in their 2022 work plan.

Standard and performance measure refinement has proceeded over the last 10 months, through the relevant EIP working groups, partners, and stakeholders with additional guidance from the Tahoe Science Advisory Council. The presentation will provide an update on the progress on standard and performance measure refinement over the last 10 months.

Contact Information:

For questions regarding this item, please contact Dan Segan, Principal Natural Resource Analyst, at [dsegan@trpa.gov](mailto:dsegan@trpa.gov), (775) 589-5233.



# Tahoe In Brief

## Tahoe Regional Planning Agency (TRPA) Governing Board Monthly Report

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December 2022

## TRPA CALENDAR AT-A-GLANCE

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### **JANUARY 2023**

- January 11: TRPA Advisory Planning Commission Meeting
- January 25: TRPA Governing Board Meeting

### **FEBRUARY 2023**

- February 8: TRPA Advisory Planning Commission Meeting
- February 22: TRPA Governing Board Meeting

### **MARCH 2023**

- March 8: TRPA Advisory Planning Commission Meeting
- March 22: TRPA Governing Board Meeting

### **APRIL 2023**

- April 12: TRPA Advisory Planning Commission Meeting
- April 26: TRPA Governing Board Meeting

## TRPA STRATEGIC INITIATIVES

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# TRPA STRATEGIC INITIATIVES

Set by the Governing Board, these strategic initiatives reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization.

- **Building Resiliency: Climate Change and Sustainability**
- **Keeping Tahoe Moving: Transportation and Destination Stewardship**
- **Tahoe Living: Housing and Community Revitalization**
- **Restoration Blueprint: Environmental Improvement Program Implementation**
- **Measuring What Matters: Thresholds and Monitoring Update**
- **Digital First: Innovation**

## KEEPING TAHOE MOVING: TRANSPORTATION & DESTINATION STEWARDSHIP STRATEGIC INITIATIVE

This initiative includes an update of the Regional Transportation Plan/Sustainable Communities Strategy, which encompasses greenhouse gas (GHG) reduction, the work of the Bi-State Consultation on Transportation, destination stewardship planning, and ongoing transportation corridor planning.

### Implementing the Regional Transportation Plan – One Corridor at a Time

“Corridors and Communities”, complete transportation planning that incorporates improving safety, connecting trails for bike and pedestrian travel options, parking management and transit improvements all come together in the US50 East Corridor Management Plan. Nevada Department of Transportation (NDOT) and partners have held nearly 50 stakeholder meetings and almost 700 public/stakeholder interactions to gather input on the plan. NDOT has gathered public feedback through three rounds of public listening tours, held in June 2021, March/April 2022, and, most recently, October/November 2022. The initial listening sessions gathered public feedback on the plan, including community concerns about speeding, on-highway parking, emergency evacuation, access to and from the highway, and more.

With great attendance at the recent sessions and an abundance of comments, the plan schedule is being updated. The plan will be back at TRPA Governing Board in February or March. Follow the progress and check out the revised frequently asked questions here: <https://www.dot.nv.gov/projects-programs/programs-studies/u-s-50-tahoe-east-shore-corridor-management-plan#:~:text=The%20U.S.%2050%20East%20Shore,within%20the%20Lake%20Tahoe%20Basin>



## **TAHOE LIVING: HOUSING & COMMUNITY REVITALIZATION STRATEGIC INITIATIVE**

This initiative addresses strategies for implementing affordable and achievable workforce housing as a key component of healthy, sustainable communities in the region. The Tahoe Living initiative implements the Regional Plan, the Regional Transportation Plan/Sustainable Communities Strategy, the Regional Housing Needs Allocation, and other identified regional housing needs.

### **Tahoe Housing Catalyst Program/Regional Early Action Planning Grant (REAP 2.0)**

TRPA is preparing to submit the region's applications to both the "Metropolitan Planning Organization allocation" of the REAP 2.0 program and the "Higher Impact Transformative" (HIT) allocation of the REAP program. The funds will be used to advance the priority actions identified by the Tahoe Living Working Group, and for an in-depth analysis of several TRPA's programs with respect to social equity, environmental sustainability, and housing choice and affordability. The State of California has extended the deadline for authorizing resolutions in support of the HIT grant; thus, staff will return to the Governing Board in early 2023 with a request for authorization to apply for this competitive grant.

**TRPA Staff Contact:** Karen Fink, Housing Program Manager/Housing Ombudsperson  
775-589-5258, [kfink@trpa.gov](mailto:kfink@trpa.gov)

### **Associated Working Group(s)/Committee(s):**

- Tahoe Living Working Group
- TRPA Governing Board Local Government & Housing Committee

### **Website(s):**

- Meeting materials are posted on the Tahoe Living Working Group page: <https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>
- Tahoe Housing Story Map: <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

**Newsletter:** Sign up to receive housing news by sending an email to [enews@trpa.gov](mailto:enews@trpa.gov) and put "Housing" in the subject line.

## **DIGITAL FIRST: INNOVATION INITIATIVE**

This initiative recognizes the agency's unique ability to address external events, technology changes, and pursue continuous improvement. It involves significantly improving the ability of the agency to provide services in a "digital first" way by rethinking processes and, using innovative technology.

### **Project Permitting**

See tables on the next pages for permitting details.

**TRPA Staff Contact:** Ken Kasman, Research & Analysis Department Manager  
775-589-5253, [kkasman@trpa.org](mailto:kkasman@trpa.org)

### TRPA Applications by Project Type through November 30, 2022

TRPA Applications by Project Type	2020	2021	2022 YTD
Residential Projects	220	242	242
Commercial Projects	9	11	17
Recreation/Public Service Projects	30	44	47
Environmental Improvement Projects	6	13	6
Shorezone/Lakezone Projects	48	130	64
Buoy and Mooring Projects	119	48	15
Grading Projects	38	37	31
Verifications and Banking	374	427	369
Transfers of Development	29	55	55
Other	97	150	207
<b>Grand Total</b>	<b>970</b>	<b>1,157</b>	<b>1,053</b>

### Completeness Review Performance

	<u>September 30, 2022</u>	<u>October 31, 2022</u>	<u>November 30, 2022</u>
<b>Completeness Reviews Finished During Period</b>	<b>108</b>	<b>100</b>	<b>101</b>
Reviewed within 30 Days of Submission	108	100	101
Over 30 Days from Submission	0	0	0
Percent Over 30 Days	0%	0%	0%
<b>Applications Not Yet Reviewed for Completeness</b>	<b>38</b>	<b>40</b>	<b>20</b>
Under 30 Days since submission	38	40	20
Over 30 Days since submission	0	0	0

## Application Review Performance

	<u>September 30, 2022</u>	<u>October 31, 2022</u>	<u>November 30, 2022</u>
<b>Issued Permits</b>	<b>113</b>	<b>70</b>	<b>50</b>
Issued within 120 Days of Complete Application	111	66	47
Issued over 120 Days from Complete Application	2	4	3
Percent Over 120 Days	2%	6%	6%
Files with Issued Permits - Over 120 Days:			
	ERSP2021-1083 (Grading; 121 days) ERSP2022-0001 (Shorezone; 196 days)	MOOR2021-1469 (Mooring Permit; 132 days) ERSP2021-1906 (Shorezone; 251 days) ERSP2022-0041 (Shorezone; 242 days) ERSP2022-0327 (Shorezone; 226 days)	ERSP2021-1966 (Shore- Lakezone; 309 days) ERSP2022-1062 (Shore- Lakezone; 154 days)

	<u>September 30, 2022</u>	<u>October 31, 2022</u>	<u>November 30, 2022</u>
<b>Applications in Review</b>	<b>140</b>	<b>166</b>	<b>159</b>
Under 120 Days in TRPA Review	131	154	129
Over 120 Days in TRPA Review	9	12	30
Percent Over 120 Days	6.4%	7.2%	18.9%
Files In Review - Over 120 Days:			
	ERSP2021-1966 (Shore- Lakezone; 268 days) MOOR2021-1899 (Mooring Permit; 234 days) MOOR2021-1680 (Mooring Permit; 215 days)	ERSP2021-1966 (Shore- Lakezone; 300 days) ERSP2022-0242 (Shore- Lakezone; 242 days) MOOR2021-1908 (Mooring Permit; 210 days) MOOR2021-1889 (Mooring Permit; 208 days)	ERSP2022-0242 (Shore- Lakezone; 271 days) MOOR2021-1908 (Mooring Permit; 239 days) MOOR2021-1889 (Mooring Permit; 237 days) MOOR2021-1798 (Mooring Permit; 177 days)

ERSP2022-0327 (Shore-Lakezone; 199 days)	ERSP2022-1029 (Shore-Lakezone; 154 days)	MOOR2021-1894 (Mooring Permit; 169 days)
MOOR2021-1908 (Mooring Permit; 178 days)	ERSP2022-1062 (Shore-Lakezone; 151 days)	ERSP2022-1124 (Shore-Lakezone; 168 days)
MOOR2021-1889 (Mooring Permit; 176 days)	MOOR2021-1798 (Mooring Permit; 148 days)	MOOR2021-1930 (Mooring Permit; 147 days)
MOOR2021-1565 (Mooring Permit; 122 days)	MOOR2021-1894 (Mooring Permit; 140 days)	ERSP2022-0097 (Shore-Lakezone; 147 days)
ERSP2022-1029 (Shore-Lakezone; 122 days)	ERSP2022-1124 (Shore-Lakezone; 139 days)	MOOR2021-0768 (Mooring Permit; 128 days)
	ERSP2022-1063 (Shore-Lakezone; 131 days)	MOOR2021-1075 (Mooring Permit; 128 days)
	ERSP2022-0401 (Shore-Lakezone; 125 days)	MOOR2021-1299 (Mooring Permit; 129 days)
	ERSP2022-1117 (Shore-Lakezone; 125 days)	MOOR2021-1690 (Mooring Permit; 128 days)
		MOOR 2021-1777 (Mooring Permit; 128 days)
		MOOR2021-1819 (Mooring Permit; 128 days)
		MOOR2021-1822 (Mooring Permit; 128 days)
		MOOR2021-1830 (Mooring Permit; 128 days)
		MOOR2021-1831 (Mooring Permit; 128 days)
		MOOR2021-1832 (Mooring Permit; 128 days)
		MOOR2021-1844 (Mooring Permit; 128 days)
		MOOR2021-1845 (Mooring Permit; 128 days)
		MOOR2021-1857 (Mooring Permit; 128 days)

MOOR2021-1866 (Mooring Permit; 128 days)  
 MOOR2021-1872 (Mooring Permit; 128 days)  
 MOOR2021-1887 (Mooring Permit; 128 days)  
 MOOR2021-1891 (Mooring Permit; 128 days)  
 MOOR2021-1896 (Mooring Permit; 128 days)  
 MOOR2021-1901 (Mooring Permit; 128 days)  
 MOOR2021-1902 (Mooring Permit; 128 days)  
 MOOR2021-1907 (Mooring Permit; 128 days)  
 MOOR2021-1909 (Mooring Permit; 128 days)

**Applications Requiring Additional Information  
 from Applicants to Complete TRPA Review**

	<u>August 31, 2022</u>	<u>September 30, 2022</u>	<u>October 31, 2022</u>
<b>Additional Information</b>	<b>97</b>	<b>69</b>	<b>86</b>

For detailed information on the status of any application listed here please contact Wendy Jepson, Permitting and Compliance Department Manager, at [wjepson@trpa.gov](mailto:wjepson@trpa.gov) or Tiffany Good, Permitting Program Manager, at [tgood@trpa.gov](mailto:tgood@trpa.gov).

## ADDITIONAL UPCOMING ITEMS OF INTEREST

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### Area Plan Amendments

TRPA staff will be reviewing initial environmental checklists and conducting Regional Plan conformance reviews for three proposed area plan amendments. These proposed amendments are scheduled to go before the Governing Board in the coming months.

Douglas County is proposing an amendment to the South Shore Area Plan to include religious assemblies as an allowed use in the Kingsbury Commercial Town Center District. The Regional Plan Implementation Committee (RPIC) hearing for this amendment is scheduled for January with APC and Governing Board hearings in February.

Placer County proposes a series of amendments to the Tahoe Basin Area Plan aimed at addressing economic sustainability and housing needs. The proposed amendments are scheduled for an RPIC hearing in January followed by Governing Board and APC hearings in February.

Washoe County is proposing an amendment which will allow condominiums as a use in Special Area 1 of the Incline Village Commercial town center. The proposal is scheduled for a February RPIC hearing with Governing Board and APC hearings in March.

### Upper Truckee River Restoration & Golf Course Reconfiguration Project

There's nothing like seeing a project in person! TRPA's Advisory Planning Commission toured the Lake Tahoe Gold Course in Meyers recently. Representatives from California State Parks and TRPA staff explained the proposed project to restore the Upper Truckee River, modernize the golf course, and enhance public access to the state park.



Commissioners saw deeply eroded banks that would be restored through the project, protecting Tahoe's clarity by reducing erosion and sediment input. They learned that the golf course is a community hub for fundraising and events, along with the training grounds for the South Tahoe High School golf teams, and



that it generates revenue to help keep other Tahoe parks like Bliss and Emerald Bay open.

The draft Environmental document will be released for public review this winter, and you can learn more about this high priority Environmental Improvement Program project at <https://restoreuppertruckee.net/>





STAFF REPORT

Date: December 7, 2022  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: General Counsel Performance Review and Proposed Compensation

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Summary and Staff Recommendation:

The performance review process for the Agency’s General Counsel John Marshall is from July 2021 through June 2022 and consists of the following: a summary of Agency accomplishments, a brief self-assessment of performance, and an evaluation from Governing Board members and selected members of Staff.

Staff requests consideration of a proposed base pay adjustment for the General Counsel based on performance through this time period, as well as an adjustment to paid leave accrual in line with overall length of service.

Required Motions:

In order to approve this motion, the Board must make the following motion, based on the staff report:

- 1) A motion to increase John Marshall’s base pay to \$197,960.30 per year, retroactively to August 7, 2022.
- 2) A motion to adjust John Marshall’s paid leave accrual to reflect the total years of service (18 years) to TRPA.

In order for motion to pass, an affirmative vote of any eight Board members is required.

Discussion:

Mr. Marshall requests the salary increase to be retroactive to the beginning of the fiscal year (August 7, 2022) due to his deferral of this review until completion of the Executive Director search in consultation with the Chair and in line with the same timing for all other staff increases this year.

Accomplishments for fiscal year 2021 to 2022 are set forth in the self-evaluation of Attachment A and include the handling of an extensive litigation load (both overseeing outside counsel and litigating inhouse cases), providing advice to Board and staff on Project Review matters (e.g. the Tahoe Keys Controls Methods Test, the Tahoe South Events Center, and seven appeals of permit decisions), providing advice to Board and staff on Long Range Planning items (e.g., adoption of the Transportation and Sustainable Communities threshold standard, adoption of affordable housing Code provisions, and adoption of the Washoe County Area Plan), maintaining legal compliance (e.g. Open Meeting laws, public record requests), and guiding the Compliance team on violation resolutions.

Recommendation for a 6% salary increase is in line with TRPA's compensation policy and most recent distribution of increases to the senior level staff. The request for an adjustment to paid time off is also in keeping with TRPA's policy and past practice of providing service credit to returning staff members.

The Governing Board may also consider in its discretion a performance incentive bonus.

Contact Information:

For questions regarding this agenda item, please contact Angela Atchley, Human Resources Director, at (775) 589-5238 or aatchley@trpa.gov.

Attachments:

- A. Summary of Performance Review Results

Attachment A

Summary of Performance Review Results

LEGAL COMMITTEE AGENDA ITEM  
NO. 3 & AGENDA ITEM NO. VIII.B.1

## SUMMARY OF PERFORMANCE REVIEW RESULTS

**John L. Marshall, General Counsel  
Tahoe Regional Planning Agency  
Presented December 14, 2022 in Legal Committee**

### Process:

Feedback on John Marshall's performance this year is based on the fiscal year of July 2021 to June 2022. John wrote a self-assessment of his 2021-2022 results which was e-mailed to respondents consisting of two groups: all Governing Board members, Agency Senior Leadership and 25 TRPA Staff members. These respondents were then sent a confidential, anonymous survey link which asked for feedback on his level of overall goal attainment and his performance on TRPA Core Competencies and Effective Legal Representation. Respondents rated his performance using a scale of *Exceptional, Fully Effective/Achieved, Effective/Achieved, Partially Effective/Achieved, Conditional Achievement/Needs Improvement*. In addition, there were three open ended questions (one asked for feedback on the ranked competencies, one was reflective of the past review period, and one focused on the future).

### TRPA and General Counsel Competencies:

- **Self-Development:** Committed to personal growth and self-reflection. Self-regulates emotions and understands motivations of self and others. Constant learner; curious. Seeks, receives, and incorporates feedback. Demonstrates strong social skills. Is able to empathize with others. Has a strong public service orientation and is committed to success.
- **Critical Thinking and Continuous Improvement:** Understands and aligns actions with the Agency's vision and mission. Can think and execute both strategically and tactically. Maintains focus on the "big picture". Takes intelligent risks. Connects the dots: recognizes important information and interprets and organizes ambiguous data into successful recognizes important information and interprets and organizes ambiguous data into successful approaches.
- **Collaborative Relationships and Teamwork:** Maintains positive relationships even under difficult circumstances. Builds and strengthens constructive internal and external coalitions; demonstrates collaborative leadership. Treats others with respect. Engages in constructive conflict resolution and problem solving.
- **Initiative and Results Focus:** Produces quality products, processes and outcomes that are complete, on time, and thorough. Effectively and proactively manages the resources of the Agency to optimize results.
- **Communication:** Has excellent written and oral communication skills. Delivers high quality written work and presentations. Demonstrates active listening and a positive outlook. Strives first to hear, then to be heard. Takes initiative to communicate.
- **People Leadership:** Recognizes strong talent; assembles strong teams with necessary complementary knowledge and skills; builds bench strength. Manages people well; mentors, shares knowledge and resources, promotes a sense of belonging, removes obstacles to success, finds creative ways to make work challenging and rewarding, and delegates appropriately.
- **Agency Leadership:** Focuses on priorities, identifies critical goals, shapes successful strategy and drives execution. Translates goals into practical strategy and action plans. Anticipates risks and obstacles and adjusts appropriately.
- **Effective Legal Representation:** Demonstrates accuracy and thoroughness of legal advice, knowledge of Agency plans and regulations, and understanding of relevant case law. Ensures the best legal outcomes for the Agency, represents the Agency in a professional and ethical manner, effectively manages legal resources, is timely in meeting legal deadlines, and proactively identifies potential legal issues.

**Response Groups and participation rates:**

Governing Board: 9 (41%)

TRPA Staff: 13 (59%)

**Overall Results: Both Respondent Groups**

Both groups – representing 22 respondents – marked John “*Exceptional*” for 64% of all responses, *Fully Effective/Achieved* for 27% of all responses, and *Effective/Achieved* for 9% of all responses based on John’s written summary and overall level of goal attainment.

**Specific Results: Both Respondent Groups**

**Question 1:** Referring to both your own experience and John's written summary, please rate his level of goal attainment for July 1, 2021 to June 30, 2022:

59% ranked John Exceptional, and 41% ranked him Fully Effective/Achieved.

**Rankings based on TRPA’s Core Competencies:**

Self-Development: 50% ranked John as Exceptional, 36% Fully Effective/Achieved, and 14% Effective/Achieved.

Critical Thinking/Continuous Improvement: 82% ranked John as Exceptional, 9% Fully Effective/Achieved, 9% Effective/Achieved

Collaborative Relationships & Teamwork: 68% ranked John as Exceptional, 27% Fully Effective/Achieved, and 14% as Effective/Achieved

Initiative and Results Focus: 55% ranked John as Exceptional, 32% as Fully Effective/Achieved, 14% as Effective/Achieved

Communication: 68% ranked John as Exceptional, and 32% ranked John at Fully Effective/Achieved.

People Leadership: 45% ranked John as Exceptional, 32% Fully Effective/Achieved, and 23% Effective/Achieved.

Agency Leadership: 68% ranked John as Exceptional, 23% Fully Effective/Achieved, and 9% Effective/Achieved

**Final Question**

Effective Legal Representation: 82% ranked John as Exceptional, and 18% ranked him as Fully Effective/Achieved.

**Open Ended Questions:**

Themes from the optional “Comments” based on the rankings of the core competencies can be summarized as follows: “John has provided exceptional counsel! He is always professional, calm, and an expert on the issues; John is a creative problem solver and strategic thinker; John is available to staff &

Board to provide answers to questions and help educate on the complex issues of TRPA; John seems incredibly knowledgeable on all areas of the agency's work and provides incredibly valuable information and guidance to the board; John is a great leader for the TRPA Board. He is a great guide, he's open minded, he's willing to teach and learn, and he's got a great demeanor.”

When asked to comment on which results stand out from the year, themes were very positive crediting him with being available to staff and board members alike for review and guidance, successes in the Tahoe Keys Methods Test and navigating the Executive Director search, his impressive knowledge of the Regional Plan, codes and programs, as well as relevant case law and pending matters.

When asked to make suggestions for the next one to two years, responses ranged from several saying “keep up the good work”, add additional legal staff to support John and recommendations for TRPA to consider being first in implementing new ideas and policies that have not been tested in court.



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www.trpa.gov

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## STAFF REPORT

Date: December 7, 2022

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Informational Presentation on Proposed Amendments to Douglas County's South Shore Area Plan to Allow Religious Assemblies as a Permitted Use in the Tahoe Mixed-Use Zone

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Summary and Staff Recommendation:

Douglas County will provide an overview of the proposed amendment to the South Shore Area Plan (SSAP). This item is for informational purposes and no action is required at this time. Staff requests comments from the Regional Plan Implementation Committee (RPIC) before beginning the hearing process for final consideration of the Area Plan amendment. The proposed amendment has been adopted by the Douglas County Board of County Commissioners and will return to the RPIC and the Advisory Planning Commission for recommendation before the TRPA Governing Board makes a final determination.

Required Motion:

No motion is required.

Project Description/Background:

Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop Area Plans to replace the former local planning documents: Plan Area Statements and Community Plans. Area Plans are collaborative documents which become a component of both the Regional Plan and the city's or county's comprehensive plan. They represent a paradigm shift for TRPA since they enable TRPA to transition its focus to regional issues while allowing local jurisdictions greater autonomy to define and manage their own local land use.

The TRPA Governing Board approved the SSAP in September 2013. The plan encompasses a portion of Douglas County's jurisdiction in the Tahoe Basin, extending from the California state line to Burke Creek and from the Tahoe Shoreline to Pinecrest Drive on lower Kingsbury Grade Road. The plan includes two town center districts to accommodate mixed-use and tourist facilities in the area. The Nevada South Stateline Resort Area Casino Core encompasses the South Stateline casino core, focusing on providing accommodations for tourists. The Kingsbury Commercial Town Center District aims to achieve, "a mix of tourist, recreation, commercial, light industrial, public service, and residential use" (Sec. 20.703.060). The proposed amendment pertains specifically on the Tahoe Mixed-Use Zone of the Kingsbury Commercial Town Center District.

Through nearly a decade of implementation, the SSAP has facilitated development across the plan area. Most notably, the Edgewood Resort and Tahoe Events Center were recently developed within the SSAP. That said, over nine years of implementation, Douglas County staff have identified areas where the SSAP could better implement the area's vision for development.

While reviewing a recent development application for a synagogue at the corner of Market Street and Kingsbury Grade Road, Douglas County staff found that the Area Plan did not offer sufficient justification for requiring a special use permit for religious assemblies in the Kingsbury Commercial Town Center District's Tahoe Mixed-Use zone. In addition to finding religious assemblies consistent with the district's vision and purpose, staff also found that other similar uses, specifically membership organizations, were permitted by right in the Tahoe Mixed-Use zone. Douglas County staff believe that this discrepancy is inconsistent with the plan's vision and places an undue burden on religious organizations.

The proposed amendment seeks to remedy this issue by permitting religious assemblies by right in the Tahoe Mixed-Use zone, eliminating the need for a special use permit to develop a religious assembly in the zone.

A text amendment applying this change to the Douglas County Code was approved on September 1, 2022 by the Douglas County Board of County Commissioners. A copy of the adopted County Ordinance with redlined plan language is included as Attachment B to this packet. TRPA Governing Board approval is required to amend the SSAP.

Based on RPIC's direction, Douglas County will work with TRPA staff to complete any necessary revisions and bring the full amendment package back to RPIC and the Advisory Planning Commission for recommendation before the Governing Board makes a final determination on the proposed amendment.

Environmental Review:

An IEC is currently being prepared for the proposed amendment. Based on the narrow scope of the amendment and consistency with the existing SSAP, no significant environmental effects are anticipated.

Regional Plan Compliance:

The proposed Area Plan amendment will be reviewed by the RPIC and Advisory Planning Commission (APC). Recommendations of the RPIC and APC will then be considered by the Governing Board in determining whether to find the Area Plan amendment in compliance with the Regional Plan.

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, AICP, Senior Planner, at (775) 589-5221 or [jstock@trpa.org](mailto:jstock@trpa.org).

Attachments:

- A. Douglas County Staff Memo Summarizing the Proposed Area Plan Amendment
- B. Douglas County Ordinance 2022-1603 with Redlined Amendment

Attachment A

Douglas County Staff Memo Summarizing the Proposed Area Plan Amendment



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**COMMUNITY DEVELOPMENT**  
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.  
Community Development Director

775-782-6201  
FAX: 775-782-6297  
website: [www.douglascountynv.gov](http://www.douglascountynv.gov)

Building Division  
Engineering Division  
Planning Division  
Code Enforcement

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**MEMORANDUM**

Date: December 7, 2022

To: TRPA Regional Plan Implementation Committee (RPIC)

From: Kate Moroles-O'Neil, Douglas County Planning Division

Subject: Staff Report RE: Zoning Text Amendment (ref. DP 22-0145), amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations

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**I. SUMMARY**

On September 1, 2022, the Douglas County Board of County Commissioners approved Ordinance 2022-1603, a Zoning Text Amendment (ref. DP 22-0145), amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to clarify that religious assemblies are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right and thereby eliminating the need for a special use permit. The T-MU zone falls within Douglas County's South Shore Area Plan. Therefore, any amendment requires approval by the TRPA Governing Board before it can be effective.

**II. RECOMMENDATION**

This is an informational presentation on the approved amendment to the Douglas County Code and proposed amendment to the South Shore Area Plan. No RPIC action is required at this time.

**III. BACKGROUND**

When Douglas County was processing development application DP-21-0272 regarding a Special Use Permit for a Synagogue located in the T-MU/Town Center (Tahoe-Mixed Use/Town Center Overlay) zoning district within the South Shore Area Plan of the Tahoe Region, some issues arose which prompted the proposed amendments.

First, when Staff examined other permitted uses within the T-MU /Town Center zoning district they noticed that there was striking similarity between the definition of “religious assembly” and “membership organizations” set out in Section 20.703.130 of the Douglas County Code (“DCC”). However, membership organizations were allowed by right in the district and religious assemblies required a special use permit. See applicable excerpts from Section 20.703.130 below.

**20.703.130 List of primary uses and use definitions**

Use	Definition
Religious assembly	Religious organization assembly or institutional facility operated for worship or promotion of religious activities, including churches and incidental religious education. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (such as a recreational camp) are not considered a religious assembly and are classified according to their respective activities.
Membership organizations	Permanent meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, such as: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations; political organizations; and other membership organizations. The use does not include country clubs in conjunction with golf courses (see "Golf Courses"); religious organizations ("see Religious assembly"); and lodging (see "Multi-person Dwelling").

Second, it is clear from the description of the zoning district in Section 20.703.060 of the DCC, that the religious assembly use is entirely consistent with the T-MU (Tahoe Mixed Use) zoning district which specifically allows public service uses. Douglas County staff could not find previous justification for allowing religious assemblies only by special use permit. See applicable excerpt from Section 20.703.060 of the Douglas County Code below.

**20.703.060 Tahoe Zoning Districts**

A. The following zoning districts have been established to implement an Area Plan within Douglas County:

2. “T-MU” (Tahoe – Mixed Use). This district is for areas that are targeted for redevelopment and that may include a mix of tourist, recreation, commercial, light industrial, public service, and residential uses

B. The following overlay zoning districts have been established to implement an Area Plan within Douglas County:

2. TC (Town Center) Overlay. This overlay district is for areas targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities and future development that will bring environmental gain to the Region.

Furthermore, during the public hearings on DP-21-0272, the attorney representing the Synagogue made it clear that he believed the requirement that religious assemblies must obtain a special use permit was discriminatory in nature and violated the Religious Land Use and Institutionalized Persons Act (RLUIPA). On June 27, 2022, Douglas County was served with a Petition for Judicial Review for the Board of County Commissioners to reconsider granting a special use permit for the synagogue. It is highly likely given the statements by the Synagogue's attorney that the issue of whether Douglas County has violated RLUIPA will be part of this litigation. With the approval of Ordinance 2022-1603 and further TRPA approval of the proposed amendments it is likely that the appeal of the Board's decision will be rendered moot thereby avoiding the unnecessary burden and expense of such litigation and allowing the Synagogue to operate in the district without a Special Use Permit.

In sum, Staff could not explain to the applicant why membership organizations were allowed as a matter of right but religious assemblies were not since the community impacts from the uses were similar and both uses were consistent with the T-MU zone. Therefore, Douglas County staff believe that religious assemblies should be allowed by right in the T-MU zone of the South Shore Area Plan.

## **V. CONCLUSION**

Staff believes all findings can be made to approve the proposed zoning text amendment and that the amendment will support and further the aims of the South Shore Area Plan. This is an informational item only. Staff welcome comments and questions from RPIC members and will return to RPIC for a formal hearing and recommendation in January.

Attachment B

Douglas County Ordinance 2022-1603 with Redlined Amendment

## ORDINANCE 2022-1603

### SUMMARY

An Ordinance amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to make it clear that religious assemblies are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right and thereby eliminating the need for a special use permit. The Board of County Commissioners also finds that religious assemblies are a public service activity similar in nature to membership organizations as set out in Section 20.703.130.

### TITLE

Ordinance 2022-1603, a Zoning Text Amendment (ref. DP 22-0145), amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to make it clear that religious assemblies are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right and thereby eliminating the need for a special use permit. The Board of County Commissioners further finds that religious assemblies are a public service activity similar in nature to membership organizations as set out in Section 20.703.130.

### RECITALS

WHEREAS, on June 20, 2013, the Douglas County Board of County Commissioners (the "Board") adopted Ordinance 2013-1385 which added Chapter 20.703 relative to the Tahoe Area Plan Regulations to Title 20 of the Douglas County Code; and

WHEREAS, on November 21, 2013, the Board adopted Ordinance 2013-1400 which contained amendments to the Tahoe Area Plan Regulations adopted by the Tahoe Regional Planning Agency Board; and

WHEREAS, the Board has determined that religious assemblies are a public service activity that is similar in nature to membership organizations as described in Section 20.703.130 of the Douglas County Code; and

WHEREAS, membership organizations are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right; and

WHEREAS, given the similarities between religious assemblies and membership organizations there is no reason why religious assemblies should be required to obtain a special use permit in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district prior to operation while membership organizations are not subject to a similar requirement.

NOW THEREFORE, based on the foregoing considerations, THE Board of County Commissioners of the County of Douglas does ordain as follows:

Section I. The Douglas Development, Title 20, Section 20.703.090, subsection .080, Tahoe Area Plan Regulations, are hereby amended as follows (new language is in red and underlined and deleted language is stricken through).

**20.703.090 South Shore Area Plan permitted, development permitted, and special use permitted uses (Table).**

The following list represents those uses in the South Shore Area Plan which are permitted by right (P), require a County Special Use Permit (S), or are prohibited (blank space). "TRPA" is placed before any use requiring a TRPA review or Special Use Determination. Uses not listed are prohibited. Uses listed as permitted may require a Design Review pursuant to Chapter 20.614, *Design Review*, of this code. In cases where a TRPA review or Special Use Determination is required, a County Design Review or Special Use Permit shall not be required. In all cases, the County is responsible for Building Permit and Site Improvement Permit review and approval.

<b>20.703.090 Use</b>	<b>T-T/HDT</b>	<b>T-R</b>	<b>T-RR</b>	<b>T-MU/TC [3]</b>
<b>.080 Public service</b>				
(A) Collection stations	TRPA-S			S
(B) Cultural facilities	TRPA-P	S[5]	TRPA-S	P
(C) Day care centers/pre-schools	TRPA-P	S[5]		S
(D) Government offices and facilities				P
(E) Hospitals				S
(F) Local assembly and entertainment	TRPA-P	S[5]	TRPA-S	p
(G) Membership organizations				P
(H) Post office	TRPA-P			P
(I) Public health and safety facilities	TRPA-P	S	TRPA-S	P
(J) Public owned assembly and entertainment	TRPA-S	S		S
(K) Public utility centers		S		S

<b>20.703.090 Use (Cont.)</b>	<b>T-T/HDT</b>	<b>T-R</b>	<b>T-RR</b>	<b>T-MU/TC</b>
(L) Religious assembly	TRPA-S			<del>S</del> P
(M) Schools – college	TRPA-S			S
(N) Schools - kindergarten through secondary				S
(O) Social service organizations				P
(P) Threshold related research facilities	TRPA-S	S[5]	TRPA-S	S

Proposed on the 1st day of September, 2022.

Proposed by Commissioner Rice.

Adopted this 1st day of September, 2022, by the following vote:

Vote-- Ayes: Commissioners Rice  
Nowosad  
Tarkanian  
Gardner  
Engels

Nays: Commissioners \_\_\_\_\_  
\_\_\_\_\_

Absent: Commissioners \_\_\_\_\_  
\_\_\_\_\_



Mark Gardner, Chairman  
Douglas County Board of Commissioners

Attest:  


Amy Burgans, Douglas County Clerk

This ordinance is effective on the 15th day of September, 2022.

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**STAFF REPORT**

Date: December 7, 2022

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Informational Presentation on Proposed Amendments to Placer County’s Tahoe Basin Area Plan to Support Economic Sustainability and Housing

---

**Summary and Staff Recommendation:**

Placer County will provide an overview of the proposed amendments to the Tahoe Basin Area Plan (TBAP). This item is for informational purposes and no action is required. Staff requests comments from the Regional Plan Implementation Committee (RPIC) before beginning the hearing process for final consideration of the area plan amendment by the Placer County Board of Supervisors and TRPA.

**Required Motion:**

No motion is required.

**Project Description/Background:**

Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop area plans to replace the former local planning documents: plan area statements and community plans. Area plans are collaborative documents which become a component of both the Regional Plan and the city or county’s comprehensive plan. They represent a paradigm shift for TRPA since they enable TRPA to transition its focus to regional issues while allowing local jurisdictions greater autonomy to define and manage their own local land use.

The TRPA Governing Board approved the TBAP on January 25, 2017. The plan encompasses Placer County’s entire jurisdiction in the Tahoe Basin. The plan includes two town center districts to accommodate mixed-use and higher density development in the area: The Tahoe City and Kings Beach Town Center Districts. The proposed TBAP amendments focus on specific changes to facilitate appropriate development and redevelopment in these town center districts along with standards and policies applying across the plan area.

Placer County’s proposed amendment package is intended to provide a systematic approach to encouraging desired investment (i.e. environmental and economically beneficial redevelopment and affordable workforce housing) to the Tahoe portion of Placer County by analyzing the area plans goals and policies and implementing regulations.

The following key studies completed between 2019 and 2022 and a robust stakeholder engagement process serve as the basis for this proposed amendment package:

- [Tahoe Basin Town Center Economic Sustainability Needs Analysis](#) (2019)
- [Placer County Tahoe Basin Town Center Economic Sustainability Analysis](#) (2020)
- [Baseline Report for the Tahoe Basin](#) (2021)
- [Community Report for the Tahoe Region](#) (2022)
- [Envision Tahoe Prosperity Playbook](#) (2022)

Placer County is proposing a comprehensive package of amendments to TBAP policies and implementing regulations based on the studies listed above and stakeholder engagement.

*Proposed Policy Amendments:*

- Sustainable town center redevelopment and protection of scenic resources
- Expanded hardening, green waste, and defensible space incentives
- High-speed broadband and childcare facilities
- Allocation and conversion of TRPA development rights
- Frontage improvements
- Development of mixed-use, business park, and light industrial space
- Public art by local artists
- Adaptive reuse of underutilized properties
- Development of affordable, moderate, and achievable housing

*Proposed Implementing Regulation Amendments (presented below in categories and in more detail within Attachment A):*

- Mobile vending
- Streamlined permitting for uses within a defined maximum square footage
- Building length and height
- Groundwater interception
- Parking exemptions
- Barriers to affordable housing including setbacks, articulation, massing, and parking requirements
- Incentives for affordable housing
- Inclusionary zoning for new condominium subdivisions in Town Centers
- Street frontage improvements
- Signs
- Shorezone permitting
- Other miscellaneous cleanup

Placer County staff have held workshops with the Placer County Planning Commission, North Lake Tahoe Resort Association, North Tahoe Business Association, and Tahoe City Downtown Association to refine and build support for this amendment package. The proposed amendments were presented to the Placer County Planning Commission on September 22, and Placer County North Tahoe Regional Advisory Council on November 30, and await formal hearing with the Placer County Board of Supervisors, as well as TRPA RPIC, Advisory Planning Commission, and Governing Board. Placer County staff provided a detailed summary the proposed amendments included as Attachment A to this packet.

Based on RPIC's direction, Placer County will work with TRPA staff to complete any necessary revisions and bring the full amendment package back to RPIC and the Advisory Planning Commission for recommendation before the Governing Board makes a final determination on the proposed amendment.

Environmental Review:

An IEC and CEQA analysis are currently being prepared for the proposed amendment. No significant environmental effects are anticipated.

Regional Plan Compliance:

The proposed area plan amendment will be reviewed in conformance to the Regional Plan and environmental thresholds by the RPIC and Advisory Planning Commission (APC). Recommendations of the RPIC and APC will then be considered by the Governing Board in determining whether to find the area plan amendment in compliance with the Regional Plan.

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, AICP, Senior Planner, at (775) 589-5221 or [jstock@trpa.org](mailto:jstock@trpa.org).

Attachment:

- A. Placer County Staff Memo Summarizing the Proposed Area Plan Amendment

Attachment A

Placer County Staff Memo Summarizing the Proposed Area Plan Amendment



**COMMUNITY DEVELOPMENT RESOURCE AGENCY  
PLANNING SERVICES DIVISION  
County of Placer**

**HEARING DATE:** December 14, 2022

**TO:** Regional Plan Implementation Committee  
**FROM:** Placer County Community Development Resource Agency  
**DATE:** December 7, 2022  
**SUBJECT: TAHOE BASIN AREA PLAN ECONOMIC SUSTAINABILITY AND HOUSING AMENDMENTS – INFORMATIONAL PRESENTATION**

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**COMMUNITY PLAN AREA:** Tahoe Basin Area Plan

**STAFF PLANNERS:** Emily Setzer, Principal Planner and Stacy Wydra, Senior Planner

**LOCATION:** Unincorporated Placer County within the Tahoe Basin Area Plan. The Tahoe Basin Area Plan encompasses the Tahoe Basin portion of Placer County which is within the jurisdiction of the Tahoe Regional Planning Agency (TRPA), encompasses approximately 46,162 acres (72.1 square miles), and includes the communities of California North Stateline, Kings Beach, Tahoe Vista, Carnelian Bay, Dollar Point, Tahoe City, Sunnyside, Homewood, and Tahoma.

**SUMMARY**

Staff are presenting information on proposed amendments to the Tahoe Basin Area Plan (area plan) policies and implementing regulations to support economic sustainability and local housing. Staff request input and direction from the Regional Plan Implementation Committee (RPIC).

**RECOMMENDATION**

This is an informational presentation on the proposed area plan amendments. No RPIC action is required at this time.

**BACKGROUND**

Tahoe Basin Area Plan

The Tahoe Basin Area Plan was originally adopted by the Tahoe Regional Planning Agency (TRPA) Governing Board on January 25, 2017. The area plan replaced all previous community plans, general plans, land use regulations, development standards and guidelines, and plan area statements within the Tahoe Basin portion of Placer County. The area plan includes a policy document and implementing regulations which serve as the zoning code for the Tahoe Basin portion of Placer County. Area plans are a central part of the Lake Tahoe Regional Plan and an important strategy to accelerate attainment of TRPA environmental thresholds. The area plan sets forth the regulations that implement the Lake Tahoe Regional Plan in the Placer County portion of the Lake Tahoe region.

Since adoption of the area plan in January of 2017, new legal and development conditions have created the need for plan updates. First, the State of California has passed housing legislation that limits the ability of local governments to obstruct housing development. The state housing law reforms and streamlines permitting processes, moving toward a ministerial approval model for housing that complies with local zoning and planning rules to reduce barriers to housing production. The new California law requires that local governments update their housing plans and plan for growth. Second, since the area plan's adoption, multiple efforts have been underway to address the slower than anticipated pace of redevelopment and revitalization

of the town centers and village centers. New tools in the area plan are necessary to encourage appropriate redevelopment.

### Reasoning for Proposed Amendments

The proposed Tahoe Basin Area Plan amendments are targeted at economic development and housing in response to 1) the slow pace of new development or redevelopment in the area, particularly lodging, in the town centers, 2) very limited availability of workforce housing, and 3) a decreasing population.

Although North Tahoe has undergone significant public infrastructure investment and community and governing body approval of robust plans and visions for the future, the North Tahoe town centers of Tahoe City and Kings Beach have yet to see major private investment that has resulted in projects on the ground. A few sizable, proposed redevelopment projects in town centers have come forward in the past year and are in the planning stages. However, even those proposed projects are struggling to meet some existing area plan development standards.

Due to the limited availability of quality lodging in the town centers, lodging has shifted to the neighborhoods in the form of short-term rentals. This, in combination with second homes, has drastically decreased the availability of workforce housing. The North Tahoe region has seen very few new multifamily workforce or “missing middle” housing projects, defined as house-scale buildings with multiple units in walkable environments, often targeted at those who earn above the typical 60 percent Area Median Income limits deemed as “affordable” but still can not afford to purchase homes in the region. East Placer currently has approximately 19,000 residential units, 12 percent of which are owner-occupied fulltime, 15 percent are used as short-term rentals, while the remaining 73 percent sit mostly vacant as private vacation homes or second homes, some of which are used as long-term rentals. The North Tahoe-Truckee Regional Housing Implementation Plan prepared for the Mountain Housing Council in October 2021 estimated that about a third of North Tahoe and Truckee’s housing was used for workforce housing, which combines housing used as long-term rentals and housing owned and occupied by local workers. Meanwhile, the ACS 2020 5-year estimates predict that only 8 percent of the housing units in the Tahoe Truckee Unified School District geographical boundary (which covers North Tahoe and Truckee) are renter-occupied. The lack of housing options has led to a decrease in population. In the Placer County portion of the Tahoe Basin, the population decreased by 2,000 residents between 2000 and 2020. This lack of year-round economic stability has made it challenging for businesses to thrive. Finally, the lack of redevelopment means that the area plan has not achieved its expected environmental improvements.

Since adoption of the area plan, a variety of studies have been released that connect the regional economic base with workforce housing needs in the Tahoe-Truckee region. Two of these include the Placer County Tahoe Basin Town Center Economic Sustainability Needs Analysis conducted by Placer County and BAE in 2019, as well as a series of economic reports collectively called “Envision Tahoe” released by the Tahoe Prosperity Center.

Additionally, numerous community groups have provided years of feedback to County staff about the need for quality hotels in town centers, ways to make the approval process for small business start-ups more streamlined, and the overwhelming demand for workforce housing. These groups have included the North Lake Tahoe Resort Association, the North Tahoe Business Association, the Tahoe City Downtown Association, and the Mountain Housing Council. The overall theme has centered around shifting lodging from short-term rentals in residential neighborhoods to quality hotels and workforce housing in town centers, creating vibrant town centers with a unique sense of place.

### Placer County Tahoe Basin Town Center Economic Sustainability Needs Analysis

In 2019, the County Executive Office contracted with economic firm BAE to identify the causal forces and the financial feasibility needs/gaps behind the lack of private investment, and to identify potential local government regulatory updates and incentives that could be tailored to attract environmentally and economically beneficial re-investment in the County’s Tahoe Basin town centers. BAE was also asked to develop recommendations to address issues identified in the analysis. The results of BAE’s analysis led to

the Placer County Tahoe Basin Town Center Economic Sustainability Analysis, finalized in March 2020. The analysis examined four project prototypes:

1. Mixed-Use Residential
2. For-Sale Residential Condominium
3. Limited-Service Hotel
4. Full-Service Condotel

Based on a range of factors, the only prototype that proved within the range of market acceptable financial feasibility was the For-Sale Residential Condominium. It is important to note that while the area plan allows this type of use in the town centers, area residents do not believe it is consistent with either the Kings Beach or Tahoe City vision documents, which preceded the area plan. Barriers to desired development included:

- High construction material and labor costs
- High cost to meet parking requirements
- Utility costs
- Infeasible employee housing requirement
- Uncertain and prolonged entitlement and construction permitting process
- Complex and prescriptive regulatory requirements
- Detailed and expensive plan sets required for pre-entitlement
- Vehicle miles traveled (VMT) thresholds
- Town center incentives not designed for smaller infill projects
- Lack of catalyst, proof of concept, projects
- Lack of available parcels large enough for development
- Anticipated developer and lender caution about a market dip

Placer County staff recommended a multi-pronged approach in moving forward with the concepts proposed in the BAE study including the following:

1. Updates to the North Lake Tahoe Economic Incentives Program to include a Transient Occupancy Tax (TOT) incentive program, addition of TRPA development rights, and an enhanced infrastructure finance district;
2. Process, policy, and code improvements to facilitate development, scale back requirements, and better understand and alleviate constraints and challenges in the development process, including zoning and building requirements and fees, collaborating with TRPA, updating parking standards and creating parking districts, and increasing workforce housing allowances; and
3. Relaxing workforce housing mitigation and allocate funding to implement programs to attract and retain permanent residents.

Similarly, through the September 2021 Baseline Report for the Tahoe Basin, the March 2022 Community Report for the Tahoe Region, and the June 2022 Envision Tahoe Prosperity Playbook, the Tahoe Prosperity Center has illustrated the population, economic, and housing challenges facing the region. As a result, the Tahoe Prosperity Playbook focuses specifically on tactical approaches to support workforce housing and improve transportation.

## **OVERVIEW OF PROPOSED AREA PLAN CHANGES**

The proposed Tahoe Basin Area Plan amendments focus on process, policy, and code improvements to support appropriate lodging, mixed use, and workforce housing. The amendments also focus on diversifying land uses across a variety of sectors, with the intent of streamlining and diversifying the business sector and a variety of housing types. Therefore, the proposed amendments are designed to round out the

implementation of recommendations outlined in the Economic Sustainability Needs Assessment, particularly focused on process, policy, and code improvements to facilitate and streamline revitalization projects in the town centers and workforce housing throughout North Tahoe.

## 1. Tahoe Basin Area Plan – Policy Document Proposed Amendments

To align the area plan policies with updated regional and County goals, additional policies and revisions are proposed to the following sections: Scenic Resources, Vegetation, Socio Economic, Land Use, Mixed Use, Town Centers, Community Design, Redevelopment, and Housing. The policies are based on recommendations in the BAE study as well as community feedback and regional partner goals. A summary is provided below.

- Scenic Resources: Policy amendments are intended to support the evaluation of scenic requirements to achieve private reinvestment in town centers targeted for redevelopment and/or new development in a manner that improves environmental conditions, creates a more efficient, sustainable and less auto-dependent land use pattern, and provides for economic opportunities.
- Vegetation: A new policy was added to support implementation of new or expanded hardening, green waste, and defensible space incentive and/or rebate programs.
- Socio Economic: Policies were added to support high-speed broadband infrastructure capacity and to support childcare facilities to meet the needs of the local workforce.
- Land Use: Policies were added to support the allocation and conversion of TRPA development rights. Policies were added to address land uses in the town centers . Policies were included to support funding sources for a frontage improvement implementation plan to achieve area plan infrastructure such as sidewalks, curbs, and gutters, as well as implementing parking management plans and developing a reservation and conversion manual for development rights.
- Mixed Use: Policies were added to support the availability and development of mixed use, business park, and light industrial space.
- Town Centers: New policies were added that would allow groundwater interception for mixed-use projects in town centers , supporting streamlined permit processes for mixed use projects, encouraging active ground floor uses, facilitating mobile vendors and food trucks in town centers , supporting the retention and expansion of businesses from the North Tahoe-Truckee region, supporting relocations of industrial and public utility land uses in the town centers to free up town center sites, as well as supporting parking maximums and other parking solutions.
- Community Design: Policies to support and promote local artists and public art in North Tahoe were included.
- Redevelopment: New policies support and encourage adaptive reuse of vacant or underutilized retail and office space, support redevelopment of aging lodging products and encourage revitalization and creation of new high-quality lodging, allow multipurpose and flexible gathering spaces in private and public parking areas where events could be held during off-peak hours, expedite building permit processes, and support the development of new business innovation space and flexible light industrial spaces to diversify the local economy.
- Housing: Additional policies were included to support streamlining affordable, moderate, and achievable housing, require that 50 percent of units converted from multifamily to condominiums be deed restricted to affordable, moderate or achievable housing, address the job-housing imbalance in the region, monitor and track housing data in the region, and support adaptive management of the short-term rental inventory to balance housing availability with short-term rentals as new lodging products are added to the region.

Additionally, planned environmental improvement projects have been modified to support coordination with TRPA to streamline town center development as it relates to TRPA scenic standards and to develop a reservation and conversion manual to guide the conversion and allocation of TRPA development rights in North Lake Tahoe by prioritizing them towards the most community benefitting

and high-priority projects that align with the policies in this area plan and the Lake Tahoe Regional Plan.

Changes are also proposed to the area plan implementing regulations document, including amendments in Chapters 1- Introduction and General Provisions, 2- District Standards, and 3- Area-Wide Standards and Guidelines. A summary of the proposed Implementing Regulation amendments are as follows.

## 2. Tahoe Basin Area Plan - Implementing Regulations Proposed Amendments

### **Town Centers:**

#### Mobile Vendors

On September 17, 2018, the Governor signed Senate Bill 976 (the “Safe Sidewalk Vending Act”), which establishes requirements for local regulation of sidewalk vending. The law became effective January 1, 2019. The purpose of SB 946 is to legalize and decriminalize sidewalk vending across the state. SB 946 defines “sidewalk vendor” as a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other nonmotorized conveyance, or from one’s person, on a public sidewalk or other pedestrian path. A sidewalk vendor can be “a roaming sidewalk vendor,” which is defined as moving from place to place and stopping only to complete a transaction, or “a stationary vendor,” which is defined as vending from a fixed location. SB 946 applies only to public sidewalks and paths, not private property. The law allows local authorities to adopt regulations governing sidewalk vending or amend existing regulations. If the local authority wishes to regulate sidewalk vending, then those regulations need to be consistent with SB 946. A local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including a sidewalk vending permit or valid business license, as well as a valid California Department of Tax and Fee Administration seller’s permit. Placer County has not adopted additional sidewalk vending laws and current County code is not compliant with SB 946; therefore, SB 946 supersedes County code.

In the Tahoe Basin, mobile vendors such as sidewalk vendors and food trucks have been considered outdoor retail sales per the TRPA Code of Ordinances, which required a minor use permit under the area plan. The North Tahoe area has not seen many new brick and mortar food-related businesses start up in the past decade. While a few have experienced success by starting as a food truck and transitioning later to a commercial space, anecdotal evidence suggests that the use permit significantly deters new vendors. The proposed amendments would allow food trucks and mobile vendors in the town centers in compliance with SB 946. Mobile vendors still require approvals through the County Environmental Health Department. These amendments are intended to streamline and facilitate food-related start-up businesses to strengthen the economic vitality of the town centers and be compatible with state law.

Mobile food vendors will still need to comply with the regional Code of Ordinances Chapter 22: *Temporary Uses, Structures, and Activities* and may be required to obtain a temporary use permit depending on size, location, and duration of the food service.

#### Land Use Allowances

The County currently requires use permits for a variety of land uses that are commonly desired in a town center to promote walkability and support a year-round economy. These include the following land uses:

- Hotels, Motels, and other Transient Dwelling Units
- Eating and drinking facilities

- Building materials and hardware stores
- Repair services

The proposed amendments offer an option to applicants considering these land uses – they may be allowed by right if below a defined maximum square footage or allowed with a use permit requirement if larger. To calculate these size thresholds, staff used the maximum square footages listed for each land use in the TRPA Project Impact Assessment (PIA) which calculates maximum sizes based on the vehicle miles traveled for each land use type. For example, a hotel may be allowed in certain town center zone districts based on the maximum size threshold as specified in the PIA. Additionally, the proposed amendments separate eating and drinking facilities into subcategories based on the Institute of Transportation Engineers Manual (Drinking Place, Fast Casual Restaurant, Quality Restaurant, High-Turnover Sit Down Restaurant, and Fast-Food Restaurant without Drive Thru Window) to allow a specified maximum commercial floor area for each type of facility listed in the use table. If the maximums differ from the PIA, the PIA threshold would take precedence. The goal of these changes is to incentivize and streamline new lodging products, restaurants, retail, and local-serving land uses.

### Building Length

Table 2.04.B-4, Building Form Guidelines for the North Tahoe East Mixed-Use Subdistricts of the area plan has been revised. Revisions aim to further define maximum building lengths for proposed structures in the mixed-use town center zone districts in Kings Beach and to add maximum building lengths in Tahoe City where there were no existing maximums. Additional building lengths, depending on the zone district and whether it is mountainside of the highway or lakeside, may be considered based on location and surrounding zone districts. Projects must comply with all TRPA scenic requirements. These changes are proposed to assist in guiding building design and massing.

#### Kings Beach

- Building length may be extended from 250 ft to 500 ft in MU-MTC for mixed-use projects for which at least 15 percent of the project is achievable housing and includes at least one component of public art, as approved by the Tahoe Basin Design Review Committee. The building shall be separated in massing by dropping height at least once in the linear span for each 250 feet to create visual separation in height and preserve light, air and open space. Projects meeting these criteria shall include features such as, but not limited to, entry courtyards, plazas, pedestrian paths or alleys, and outdoor eating and display areas located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area to create visual separation on ground floor street frontage. One feature shall be incorporated for each additional 100 feet beyond the base allowance, as approved by the Tahoe Basin Design Review Committee.
- Building length may be extended from 200 ft to 250 ft in MU-R if at least 50% of the building comprises housing that is 100% deed restricted to affordable, moderate, achievable, or local workforce housing per TRPA Code of Ordinances Chapter 90: Definitions, for achievable, moderate-income or affordable housing.
- Building length is reduced in MU-TOR from 350 ft to 200 ft. It may be extended to 250 ft if at least 50% of the building comprises housing that is 100% deed restricted to affordable, moderate, achievable or local workforce housing per TRPA Code of Ordinances Chapter 90: Definitions, for achievable, moderate-income or affordable housing.

#### Tahoe City

- Building length may be extended from 250 ft to 500 ft in MU-TC for mixed-use projects only on the mountain side for which at least 15 percent of the project is achievable housing and includes at least one component of public art, as approved by the Tahoe Basin Design Review Committee. The building shall be separated in massing by dropping height at least once in the linear span for each 250 feet to create visual separation in height and preserve light, air and open space. Projects meeting these criteria shall include features such as, but not limited to, entry courtyards, plazas,

pedestrian paths or alleys, and outdoor eating and display areas located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area to create visual separation on ground floor street frontage. One feature shall be incorporated for each additional 100 feet beyond the base allowance, as approved by the Tahoe Basin Design Review Committee.

- Building length may be extended from 200 ft to 250 ft in MU-N, MU-S, MU-NT, and MUN-DH if at least 50% of the building comprises housing that is 100% deed restricted to affordable, moderate, achievable or local workforce housing per TRPA Code of Ordinances Chapter 90: Definitions, for achievable, moderate-income or affordable housing.

In both town centers, building length transitions have been incorporated to ensure compatibility with residential zone districts. Commercial, mixed-use, or non-residential uses are proposed to be a maximum of 75 ft on all parcel frontages directly facing residential zone districts. Buildings consisting of residential uses directly facing residential zone districts may meet otherwise specified maximum building lengths.

### Building Height

Section 2.09, Overlay Districts, of the area plan has been revised in coordination with TRPA staff to allow for adjustments to building height standards. These changes are intended to accommodate development in town centers that the development community has noted would otherwise be financially infeasible due to current restrictions on height. If adopted, the proposed changes below would be substitute standards that allow heights greater than the regional plan Code of Ordinances. All projects would still be required to comply with TRPA scenic thresholds.

The proposed amendment as presented in stakeholder discussion and to the Placer County Planning Commission includes:

- 1) Maximum building height is measured in feet rather than by the number of stories (e.g. 56 feet instead of four stories).
- 2) An additional 5 ft. height (up to 61 feet building max) only for Town Center Mixed-Use projects that include all of the following:
  - a. Fronting Highway 28
  - b. 50 or more hotel units
  - c. Deed restricted achievable housing
  - d. Public art
  - e. Comply with TBAP Design Standards and Guidelines
  - f. Comply with TRPA scenic threshold standards
- 3) An additional 11 ft. height (up to 72 feet building max) for Mixed Use buildings meeting criteria above only for rooftop appurtenances such as chimneys, flues, vents, antennas, mechanical conveyances, roof-top amenities, and similar appurtenances.

**On November 30, the North Tahoe Regional Advisory Council recommended to retain a maximum town center height at 56 feet and to remove proposed amendments listed as #2 and 3 above.**

### Groundwater

To facilitate the redevelopment desired in town centers and allow for below-grade parking which reduces coverage, the proposed amendments include exceptions to groundwater interception to projects proposing below-grade parking. When such exceptions are granted, the applicant must demonstrate that the project impacts have been mitigated to be equal to or better than the original impacts.

Any proposed project would be required to comply with the regional Code of Ordinances Section 33.3.6 for groundwater interception.

### Parking

On February 9, 2021, the Placer County Board of Supervisors approved a two-year pilot parking exemption program for North Lake Tahoe town centers . The purpose was to support exemptions to parking to spur redevelopment in the town centers and support strategies identified in the Resort Triangle Transportation Plan (RTTP), which was approved by the Board in October 2020 and which outlines strategies to increase mobility and reduce VMT in the Tahoe region. The pilot parking exemption program allows for the following:

- Expands eligible applicants to include all development/redevelopment proposed in town centers .
- Allows further collaboration with tourist accommodation and residential uses to be considered.
- Removes the existing limitation in the area plan that project sites eligible for the exemption shall be 25,000 square feet or less.
- Expands financial mitigations beyond establishment of a transit County Service Area Zone of Benefit to include financial support for transit service enhancements or other alternative transportation projects that support multi-modal transportation and/or strategies noted in the RTTP.

At the end of the two-year period, staff agreed to bring forward permanent area plan amendments for consideration that support RTTP strategies and provide permanent expanded parking exemptions for town center development. Therefore, the proposed amendments have incorporated these changes to permanently provide greater flexibility for property owners and businesses in Town and Village Centers and to encourage alternative modes of transportation.

### **Housing:**

On January 18, 2021, TRPA hosted housing consulting firm, Opticos, to provide recommendations to better facilitate missing middle housing development in the Tahoe Basin (see Attachment C). The proposed amendments would implement the following recommendations from Opticos:

- Removing setbacks and articulation and massing requirements which limit building capacity and are not possible to enforce over time: Such requirements are also challenging to implement because the setbacks are based on the interior land use, which can change over time. For example, a mixed building may be built in the town center that includes commercial on the second floor and would require a smaller setback than residential uses. However, a future owner could convert that commercial use to residential and would therefore require a greater setback that would be infeasible to create.
- Reducing or removing parking requirements for residential multifamily: The proposed amendments 1) reduce multifamily parking standards to better align with single family parking standards and 2) reduce single family parking standards to accommodate smaller single-family development. Per Opticos, these changes would make multifamily less burdensome and costly to develop. For example, Opticos states that changing the required number of spaces from one to two changes the average monthly rent per bedroom from \$993 to \$1,404 and the income required for affordability from \$36,000 to \$51,000.
- Allowing multifamily by right with no use permit: Opticos recommends that an easier process be provided for multifamily projects by preparing standards with sufficient clarity and predictability.
- Density: To sustain neighborhood-serving shops and services within short walking distance, a rule of thumb is that the immediate area (5 to 10-minute walking distance) have an overall density of 16 units per acre. While the proposed amendments do not increase the overall density in any zone districts, the amendments do refine minimum lot size and width which sometimes prohibits projects from achieving the maximum density.

- Reducing minimum lot width: Opticos recommends reducing lot widths to better accommodate small lot development which is more affordable by design and which would accommodate attached multifamily such as duplexes, triplexes, and fourplexes. The proposed amendments include reduced minimum lot widths for certain zone districts. Similarly, staff also removed minimum lot area per dwelling unit in all residential zone districts to accommodate smaller dwelling units.

#### Preferred Affordable, Moderate and Achievable Areas

Currently, the area plan includes 21 zone districts listed as Preferred Affordable, Moderate and Achievable Areas but does not include any development standards to incentivize or streamline housing. In most of these zone districts, multifamily requires a minor use permit while single family housing is allowed. In these zone districts the following changes have been proposed:

- Where not otherwise allowed by right, the proposed amendments would allow multifamily and employee housing by right with no use permit if 100 percent of units are deed restricted to affordable, moderate, or achievable housing per TRPA Code of Ordinances Chapter 90: Definitions, for achievable, moderate-income or affordable housing. This is intended to encourage development of multifamily housing by reducing costs and time delays associated with use permits.
- In seven residential zone districts listed as Preferred Affordable, Moderate and Achievable Areas, the minimum lot size was reduced to 2,904 square feet to accommodate existing densities of 15 dwelling units per acre and minimum lot widths were reduced to 25 feet to accommodate smaller lots that are more affordable by design and which match existing lot sizes. Side setbacks were also reduced to 5 feet minimum, except when adjoining another unit on adjacent property, which would require 0 feet on one side and 10 feet on the other to accommodate duplex-style developments.

#### Town Centers: Single Family Land Use

The area plan currently allows single-family development in town centers if already existing. Previous development proposals have spurred considerable community feedback opposing new single-family development in town centers . The proposed amendments would only allow new single family over one unit, including townhomes and condominiums, if single family encompasses 25% or less of the entire project or if at least 50% of the single-family residential units are deed restricted to affordable, moderate, or achievable housing per TRPA Code of Ordinances Chapter 90: Definitions, for achievable, moderate-income or affordable housing. The intent is to facilitate mixed use development and allow some single family to offset costs of workforce housing or commercial uses while still achieving the goals of the area plan and community.

#### Tiny Houses

The proposed amendments refer to the countywide housing code amendments that were adopted by the Board of Supervisors on June 14, 2022, to allow for tiny houses as primary or accessory dwelling units as well as employee housing and tiny house communities. Moveable tiny houses and moveable tiny house communities would comply with definitions and development standards in Placer County's Zoning Ordinance.

#### **Other:**

##### Street Frontage Improvements

Street Frontage Improvements are requirements of the Tahoe City Mixed-Use Subdistricts, North Tahoe East Mixed-Use Subdistricts, and the North Tahoe West Mixed-Use Subdistricts. The proposed amendments are designed to provide consistency throughout the area plan in identifying the requirements of street frontage improvements and to provide reference to other applicable standards contained in the area plan , i.e. Section 3.06 "Streetscape and Roadway Design Standards" and Table 3.06.A "Future Streetscape and Roadway Design Characteristics". Minor changes were made to the text of the area plan to eliminate redundancy and provide clarity and consistency. For

example, in the Kings Beach Residential zone district, street frontage improvements were required of commercial or multifamily developments but not of single family, which further incentivized development of second homes rather than multifamily or new commercial development. The proposed amendments would require street frontage improvements of all development. In the future, County staff intends to bring forward a comprehensive street frontage improvement financing plan to offset the costs and burdens on individual development.

### Signs

The proposed amendments eliminate the sign regulations contained in the area plan under Section 3.11 and direct the reader to refer to the TRPA Code of Ordinance Chapter 38 “Signs.” This amendment is intended to streamline signage requirements and will make the Tahoe Basin Area Plan consistent with the TRPA Code of Ordinances, thereby eliminating the need for future amendments to the area plan should TRPA modify Chapter 38 of the Code of Ordinance.

### Shorezone

The proposed amendments to the area plan are intended to reflect the changes made to Placer County Code Chapter 12, Article 12.32, “Lake Tahoe Shorezone” adopted by the Board of Supervisors in February of 2021. In August 2019, TRPA amended its Code of Ordinances, including shorezone regulations contained in Chapters 80 through 85. With the 2019 amendment, Section 12.32 of the Placer County Code was no longer in alignment with TRPA and even contained conflicting permitting requirements. Therefore, staff proposed a complete replacement of the original ordinance with streamlined and updated ordinance text to eliminate duplicate permitting processes, align with the TRPA ordinance, limit the County’s permitting role, and primarily rely on the Memorandum of Understanding between the California State Lands Commission and TRPA for shorezone related permitting. While the shorezone is primarily governed by TRPA and the State Lands Commission, the proposed amendments reflect the changes adopted by the Board in February 2021. These comprise adding text to reference Placer County Code Article 12.32 “Lake Tahoe Shorezone” and adjusting the applicable land use table to notify the reader that certain accessory structures shall also comply with the requirements of Article 12.32.

### Miscellaneous Cleanup

The proposed amendments also included several “cleanups” recommended by staff that are intended to provide more clarity across the document and address typos or other minor errors.

## **STAKEHOLDER ENGAGEMENT**

These amendments have been informed from years of ongoing feedback from a variety of stakeholders and community groups in the region including:

- North Tahoe Business Association Board and its Economic Vitality Committee
- Tahoe City Downtown and its Business Advocacy Committee
- North Lake Tahoe Resort Association
- Mountain Housing Council
- TahoeLiving Working Group
- Applicants to Community Development Resource Agency
- TRPA staff
- Planner feedback from customer interactions

Additionally, staff identified a working group of seven individual stakeholders of the Tahoe Basin business and development community, ranging from design and architecture professionals to entrepreneurial small business owners and experienced developers to solicit feedback on their experiences bringing forward new business and/or development in the Tahoe Basin town centers and to help shape the proposed amendments. The meetings occurred from May through June 2021. The goal of the meetings was to receive input regarding the factors that contribute to the lack of investment, development and/or redevelopment in the town centers and to gain a better understanding regarding their experiences related

to the development and processing of a project within town centers. Staff documented their feedback which included topics such as processing barriers, strict development standards and/or required site improvements, and zoning restrictions, among others. The proposed TBAP amendments are intended to address as many of these topics as possible.

Staff presented these amendments to the following groups to conduct outreach and seek feedback:

- Placer County Planning Commission informational workshop - September 22
- North Lake Tahoe Resort Association – October 5
- North Tahoe Regional Advisory Council informational item – October 13
- North Tahoe Business Association – October 17
- Tahoe City Downtown Association – October 18
- North Tahoe Regional Advisory Council recommended approval – November 30

On November 30, 2022, the Placer County North Tahoe Regional Advisory Council recommend approval of the amendment package to Planning Commission with a few caveats, including keeping max town center height at 56 feet, requiring wildfire evacuation evaluations, and involving the community when we create our development rights allocation manual.

### **ENVIRONMENTAL REVIEW**

Staff are preparing an Initial Environmental Checklist to satisfy the Tahoe Basin Area Plan Conformity Review for California Environmental Quality Act and Finding of No Significant Effect (FONSE) pursuant to TRPA Code of Ordinances Section 3.3 and Chapter 4, as well as required findings.

### **NEXT STEPS FOR PROJECT CONSIDERATION**

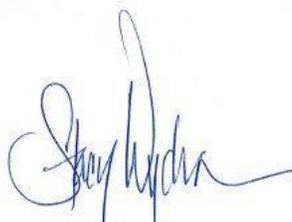
Following this RPIC workshop, staff will coordinate hearings with RPIC, Placer County Planning Commission, Placer County Board of Supervisors, TRPA Advisory Planning Commission, and the TRPA Governing Board from January through March 2023. Final approvals are expected by March 2023.

Respectfully submitted,



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Emily Setzer  
Principle Planner



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Stacy Wydra  
Senior Planner

