

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.

## REGIONAL PLAN IMPLEMENTATION COMMITTEE

July 27, 2022

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

July 27, 2022

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

July 27, 2022

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.

July 27, 2022

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.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

July 27, 2022

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

REGIONAL PLAN IMPLEMENTATION COMMITTEE

July 27, 2022

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

## REGIONAL PLAN IMPLEMENTATION COMMITTEE

July 27, 2022

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.

July 27, 2022

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

July 27, 2022

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

REGIONAL PLAN IMPLEMENTATION COMMITTEE

July 27, 2022

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

July 27, 2022

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).*