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STAFF REPORT

Date: October 19, 2022

To: TRPA Governing Board

From: TRPA Staff

Subject: 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

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Requested Action:

To consider and act upon an appeal filed by Aaron Vanderpool and 26 fellow citizens (collectively "Vanderpool" or "Appellants"), of the Hearing Officer's issuance of a temporary use permit issued to the Tahoe Transportation District ("TTD") for use of the former Incline Elementary School campus (APN 132-012-02) and the current Incline Elementary School campus (APN 132-012-05) as a transit station for the East Shore Express ("ESE") shuttle service for up to two years during the summer.

Staff Recommendation:

Staff recommends that the Governing Board consider whether to decline to hear this appeal based on a lack of showing of sufficient interest in the TTD permit by these appellants. If the Governing Board decides to hear the appeal, Staff recommends the board uphold the Hearing Officer's issuance of the ESE temporary use permit because all findings are support by evidence and applicable code and rules were followed.

Motion:

1. A motion to grant the appeal, which motion should fail to affirm the Hearing Officer's decision.

To deny the appeal, the Governing Board should vote "no." The motion to grant the appeal will fail unless it receives five affirmative votes from Nevada and nine votes overall.

Background:

The TTD operates the ESE shuttle service, which provides transit service between Incline Village and the east shore of Lake Tahoe. The ESE serves seven transit stops along the route between Incline Village and Sand Harbor State Park. The two locations affected by TTD's seasonal temporary permit (Attachment A) provide parking for visitors to park and utilize the service. The old Incline Elementary School site (located at 771 Southwood Boulevard) will serve as the primary location for the service. When that parking fills up, the "overflow" will utilize the site of the current Incline Elementary School (915 Northwood Boulevard). The proposed transit service operates seasonally between mid-June and Labor Day each

year. The service operates seven days per week, between 10:00 AM and 7:00 PM, with a 30-minute headway. The site at 771 Southwood will be utilized throughout this service season. The 915 Northwood location will be utilized only while school is not in session. The school year for Washoe County schools in Incline Village begins in mid-August. After the school year has begun, the Northwood location will be used on weekends and holidays only and will not be utilized while school is in session. Prior to the approval of the temporary project, the TTD operated the ESE shuttle service from the former and current Incline Elementary Schools site for approximately eight of the last ten years.

The ESE shuttle service permit contains several special conditions relevant to the appeal. Special Condition 4 of the permit addresses the processing of potential complaints. This condition requires that the TTD document any complaints that are received and notify TRPA of the complaints and how the complaint was addressed. Special Condition 5 requires that the TTD submit a report of the transit operations at the conclusion of the season. The report should include the specifics of the operations (e.g., number of days of operation, number of vehicles, total number of passengers, etc.), and any reported complaints and how the complaints were addressed.

After continuing the meeting several times to facilitate public comment and a TTD response to traffic related issues, the project application was heard by the Hearings Officer on May 19, 2022.

Issues on Appeal:

Vanderpool appealed the Hearing Officer's action approving the permit for the use of the former and current Incline Elementary school sites for TTD's ESE shuttle service. See Attachment B (Notice of Appeal). In their Statement of Appeal (Attachment C), Vanderpool argues that the Hearings Officer's special use findings were unsupported, the permit improperly used the term "Transit Station and Terminal", TRPA was required to "coordinate" its environmental review with NEPA, and that TRPA's use of the IEC "circumvented" consideration of cumulative impacts.

A. Appellants Fail to Demonstrate Standing

Under Rule of Procedure 11.6, the Governing Board may decline to hear an appeal if the appellants fail to demonstrate they possess a "sufficient interest in the outcome of the appeal . . . ." In this case, the appellants provide no showing that they are particularly affected by TTD's operation of the ESE shuttle service. See Attachment B (Notice of Appeal), Attachment C (Statement of Appeal). It appears that these citizens generally disagree with why the Hearings Officer issued the permit, but they offer no written record of their particular "sufficient interest" in that permit to bring this appeal. Staff therefore recommends that the Governing Board consider whether to decline to hear this appeal on this basis.

B. The Evidence Supports Special Use Findings

The two school sites are located within the Incline Village Commercial Regulatory Zone of the Washoe County Tahoe Area Plan. In this zone, Transit Stations and Terminals are an allowed as special use if TRPA makes the "special use" finding of Code Section 21.2.2. The Hearings Officer made the findings as set forth in the staff report. See Attachment D (May 19, 2022 Staff Report). Vanderpool argues that Findings 21.2.2.A and B are not supported by facts.

1. The ESE transit station is an appropriate use for the surrounding area (Finding 21.2.2.A)

The first special use finding requires that the proposed use be “of such a nature, scale, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located.” Code Section 21.2.2.A. The Hearings Officer adopted the following rationale for this finding:

The nature of the proposed project is consistent with the public service uses permissible within the Area Plan. Both locations are within the “Incline Village Commercial” portions of the Tahoe Area Plan and are within the designated town centers. Each location is surrounded by a mix of public service, commercial and residential [sic] uses. Facilitating the associated transit service will assist in meeting various transportation policies identified in the Regional Plan, as well as two specific transportation planning goals identified in the Tahoe Regional Planning compact. No physical changes are proposed at either site.

Attachment D (Staff Report) at 4.

Vanderpool misquotes the above finding to argue that TRPA “failed to supply substantial evidence” to support the first sentence of the finding’s rationale. Attachment C at 1. As shown above, however, the rationale provides the evidence to support the appropriateness of the seasonal temporary use, namely consistency with allowed types of uses in the plan and zone, consistency with surrounding uses, the lack of physical changes on the sites, and the overall promotion of plan and policies of the transit service. Staff also notes the basic consistency of the transit use with the former and current uses of the parcels as schools and TTD’s prior use. Vanderpool, therefore, fails to establish that the Section 21.2.2.A finding lacked supporting evidence.

2. The ESE transit station will not be detrimental to surrounding property (Finding 21.2.2.B)

The second special use finding requires that the proposed use,

will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against such injury and to protect the land, water, and air resources of both the applicant’s property and that of the surrounding property owners.

Code Section 21.2.2.B. The Hearings Officer adopted the following rationale for this finding:

The proposed project does not include any physical changes to either proposed location. The proposed use will generate additional vehicle traffic at each of the proposed locations, but will reduce daily regional Vehicle Miles Travelled (VMT) overall. The VMT/traffic analysis shows that the additional vehicle trips generated by the project at the Southwood location during the peak hour represent approximately 4% of the adjacent street traffic volumes.

Both locations are on streets with a speed limit of 25 miles per hour. Given the project's low contribution of additional adjacent street traffic, it will not be injurious or disturbing to the health, safety, enjoyment of property or general welfare of persons or property in the neighborhood. The applicant will have a monitor on site at the Southwood location to direct customers to the overflow site when the Southwood site fills up. The use has operated in previous years, most recently in 2019. The current proposal will be utilized as an opportunity to gather information related to transit service and the functioning at both locations. The data gathered will be evaluated to assess the site's long-term plan function. As stated above, the use of these sites to serve the local transit system will assist in meeting transportation related goals in the Regional Plan and the Tahoe Regional Planning Compact, as well as having positive impact towards meeting several water quality and air quality related thresholds.

Attachment D (Staff Report) at 5.

Vanderpool first contends that the Hearings Officer "ignored" the comments from residents and/or property owners, which they believe, "outweigh" the considerations described in the finding above. Attachment C at 2. Appellants' preference for a certain policy outcome or one data set, however, does not render arbitrary the Hearings Officer's decision to issue the seasonal temporary permit. Indeed, the Hearings Officer's decision to have several hearings on the project due to the volume of public comments demonstrates that they were not at all ignored and were taken into consideration when issuing the permit.

Next, Vanderpool argues that the VMT analysis provided by TTD was not a traffic study and therefore the Hearings Officer lacked adequate information regarding traffic related findings. Attachment C at 2. Staff disagrees with Vanderpool's narrow reading of the evidence described above. Regarding traffic safety and impacts to intersections, the Hearing Officer found that the traffic associated with the seasonal temporary ESE shuttle service was only four percent of the total intersection volume, the neighborhood street speed limit of 25 miles per hour, TTD's monitoring of traffic flow and parking levels to avoid adverse effects, and the fact that TTD has been using the site for years before 2019. Based on these factors, the Hearings Officer could reasonably conclude there will not be injurious impacts to neighboring property owners from the seasonal temporary use and did not need a more detailed traffic analysis as demanded by appellants.<sup>1</sup>

C. Staff Assigned Appropriate Chapter 21 Use

To issue a special use permit, TRPA must identify the appropriate use from the Chapter 21 Table of Primary Uses that is to be authorized. The applicable use in Table of Primary Uses fitting TTD's propose use of the two school grounds is "Public Service," "Linear Public Facilities," "Transit stations and terminals." The definition provided for this use is:

Passenger stations for vehicular and mass transit systems; also, terminal facilities providing maintenance and services for vehicles operated in the transit system. This use

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<sup>1</sup> Vanderpool mistakes as a "finding" Item F of the Staff Report. See Attachment C at 2. Item F of the Staff Report is a discussion of the traffic issue not a finding (although the discussion therein could be used to make the other actual required findings).

includes, but is not limited to, buses, taxis, railway, and ferries. Outside storage or display is included as part of this use.

Because the use requested by TTD matches the use category (i.e., parking and rider pick-up), TRPA's assignment of "Transit stations and terminals" in Special Condition 1 was reasonable.

Vanderpool does not argue that TTD's ESE shuttle service fails to fit within "passenger station for vehicular and mass transit systems" use definition. Nor does Vanderpool argue that any other primary uses in Chapter 21 apply. Instead, Vanderpool argues that TTD's application and other documents described the "purpose" of the project without using the specific Chapter 21 use descriptor of "Transit stations and terminals." Instead, the documents used the terms "transit stop," "seasonal transit hub," "intercept parking, transit service," etc. See Attachment C at 4-5. While various phrases have been used to describe TTD's activity, TRPA's correctly assigned TTD's use to the "Transit stations and terminals" category as the appropriate temporary Chapter 21 use. Nor does the temporary use permit allow TTD to expand its current use beyond that described in the permit. Specifically, TTD may not convert either site to a transit hub without an application and permit for that infrastructure improvement and use expansion.

D. There was No NEPA or CEQA Action or Process with Which to Coordinate

Vanderpool next argues that the Hearing's Officer approval violated Rules of Procedure (RoP) Section 6.2. Attachment C at 5-6. RoP Section 6.2 (Joint Environmental Documents) provides:

For projects subject to the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) or other state or local environmental review, TRPA shall, whenever feasible, coordinate its environmental review process with the local, state, or federal process. Coordination would include joint activities such as scoping, selection of consultants, notice, and concurrent comment periods.

In this application there was no California or federal action triggering a CEQA or NEPA environmental review process, RoP Section 6.2 therefore does not apply. See e.g., Attachment C (TRPA counsel advising the Hearings Officer that "[i]n this case Section 6.2 just wasn't triggered because we don't have a joint agency approval process going on.")

Vanderpool's argument to the contrary is a bit hard to follow but appears to rest on a federal representative stating that if TTD intended to change the use of the former Incline Elementary school site from how it has been using it for the last 8 years (e.g., to create a regional transit hub), a NEPA analysis must be performed. Attachment C at 6. However, no change of use has been sought or allowed; TTD is permitted for not more than 2 seasons to continue its use of the former and current Incline Village Elementary Schools site for the ESE shuttle service. Since there was no NEPA process to coordinate with, TRPA did not violate RoP Section 6.2.

E. The IEC Met All Requirements

Vanderpool's final argument addresses the adequacy of the IEC prepared for the project (appended hereto as Attachment E). Vanderpool asserts that IEC does not address the possibility of cumulative impacts from "all incremental code changes and projects within the Lake Tahoe Basin." Attachment C at 7. Cumulative impacts refer to aggregating insignificant impacts of the project with impacts from other

activities that result in a significant overall effect. To argue that an agency failed to conduct a proper cumulative effects analysis, a project opponent must specifically identify the adverse impact from the project, whether the cumulatively impact is in fact significant, and the contribution from the proposed project is cumulatively considerable. *San Joaquin Raptor/Wildlife Rescue Ctr. Vv. County of Stanislaus*, 42 Cal.App.4<sup>th</sup> 608, 622 (1996). In neither their Notice of Appeal nor Statement of Appeal do the appellants provide the necessary specifics to respond to their general argument that TRPA did not adequately examine the environmental impacts associate with the temporary, seasonal, and continued use of the school parking lots. Furthermore, in 2020, TRPA assessed the impacts of implementation of its Regional Transportation Plan that included the TTD's ESE shuttle service and found no unmitigated significant impacts. See [https://www.trpa.gov/wp-content/uploads/documents/2020-RTP-IS\\_IEC\\_FINAL-042021-.pdf](https://www.trpa.gov/wp-content/uploads/documents/2020-RTP-IS_IEC_FINAL-042021-.pdf). Finally, because TTD has been operating the ESE shuttle service for multiple years, a continuation of those activities can reasonably be considered baseline conditions with no additional impacts arising from the temporary seasonal permit.

Based on the foregoing, Staff recommends that the Governing Board first consider whether to hear the appealed based upon appellants' lack of standing and, if it decides to hear this appeal, uphold the Hearings Officer's action granting the TTD seasonal temporary special use permit.

Contact Information: For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or [jmarshall@trpa.gov](mailto:jmarshall@trpa.gov), or Bridget Cornell, Associate Planner, at (775) 589-5234 or [bcornell@trpa.gov](mailto:bcornell@trpa.gov).

Attachments:

- A. Permit ERSP2021-0673
- B. Notice of Appeal
- C. Statement of Appeal
- D. May 19, 2022 Hearings Officer Staff Report
- E. Initial Environmental Checklist dated May 20, 2022

Attachment A

Permit ERSP2021-0673



**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](http://www.trpa.gov)

May 26, 2022

Mr. Carl Hasty  
Tahoe Transportation District  
PO Box 499  
Zephyr Cove, NV 89449

Sent via email: [info@tahoetransportion.org](mailto:info@tahoetransportion.org)

**TAHOE TRANSPORTION DISTRICT/WASHOE COUNTY SCHOOL DISTRICT – TEMPORARY USE  
771 SOUTHWOOD BLVD & 915 NORTHWOOD BLVD, INCLINE VILLAGE, WASHOE COUNTY, NEVADA  
ASSESSOR’S PARCEL NUMBERS (APNs) 132-201-02 & 132-012-05, TRPA FILE NUMBER ERSP2021-0673**

Dear Mr. Hasty:

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 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 acknowledgement of the permit, but rather 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 schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

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.

Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Bridget K. Cornell".

Bridget K. Cornell  
Associate Planner  
Current Planning

Enclosure

cc: Washoe County School District



**Mail**  
 PO Box 5310  
 Stateline, NV 89449-5310

**Location**  
 128 Market Street  
 Stateline, NV 89449

**Contact**  
 Phone: 775-588-4547  
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**PERMIT**

**PROJECT DESCRIPTION:** Temporary Use – Transit Station (Intercept Parking) **APN** 132-201-02 and 132-012-05

**PERMITTEE(S):** Tahoe Transportation District / Washoe County School District **FILE#** ERSP2021-0673

**COUNTY/LOCATION:** Washoe County / 771 Southwood Boulevard and 915 Northwood Boulevard

Having made the findings required by Agency ordinances and rules, TRPA approved this project on May 26, 2022, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall go into effect on the first day of service operations at either of the proposed locations during the 2022 season, and shall expire six months from that date, unless a one-time, six-month permit extension is granted in writing by TRPA in accordance with the TRPA Code of Ordinances. Diligent pursuit is defined as commencement of the use within the approved operation 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 TREE REMOVAL, 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 A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING 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.

Bridget K. Cornell  
 TRPA Executive Director/Designee

May 26, 2022  
 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) Carl Hasty Date June 23, 2022

PERMIT CONTINUED ON NEXT PAGE

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Per Special Condition 5, below, TRPA will require the applicant to prepare a report regarding the usage at each location (and for the service as a whole), which will be utilized to develop a long-term plan for the East Shore Express and future transit facilities in Incline Village.

The current proposal is to allow these two locations to be utilized as a "Transit Station and Terminal" as a temporary use, which allows the use of the sites for one season, with an option to extend for a second season.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
  - A. Please provide a site plan for each location addressed in this permit that includes:
    - (1) The location and number of parking spaces available at each site.
    - (2) The location of the transit stop, and the route the vehicles will access the stop.
    - (3) The location of any improvements (e.g., benches, trash receptacles, signage, etc.) that will be temporarily placed onsite.
  - B. Please submit a temporary sign plan for review and approval. Temporary Sign Plan shall include all temporary signage to be placed onsite and shall comply with TRPA Code of Ordinances.
  - C. Please provide a written plan to TRPA that addresses how potential complaints will be addressed by the Tahoe Transportation District. See Special Condition #4, below, regarding documentation of and response to complaints.
  - D. Applicant shall pay an additional \$618.15 in application filing fees. The fees paid with application submittal did not take into account the fee multiplier for requiring a public hearing (1.4), or for the affected parcels being within a Special Planning Area (1.25).
  - E. The Permittee shall pay \$44.66 for the postage required to send the notices of public hearing to the affected property owners.
  - F. The security for this proposed project will be \$1,000.00. Security shall be released upon completion of the project, and satisfaction of all permit conditions. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and the applicable security administration fee (currently \$223).
  - G. The permittee shall submit final plans to TRPA. If submitted electronically, only one set will be required.
4. If any complaints are brought to the attention of the applicant or to TRPA while the service is operation, these complaints shall be documented and submitted in writing to TRPA within seven calendar days of the complaint. Permittee shall explain in writing how these complaints were addressed, and any changes that were made to the project as a result.

5. The Permittee shall prepare and submit to TRPA a report of transit operations for the service accommodated at each of these locations. This report shall include the number of days the service was in operation, the number of vehicles using each site each service day, the number of total passengers accessing the transit service from these sites each day, any reported complaints, and documentation of how complaints were addressed, consistent with Special Condition #4, above. The report shall be submitted to TRPA no later than 30 days following the last day of service for the 2022 season.
6. The permit expiration may be extended by one six-month period pursuant to Section 22.5 of the Code of Ordinances if a request to extend the permit is received in writing prior to the permit expiration date. Because this permit is for a seasonal temporary use, the six-month extension may be applied to the following operating season. This permit does not authorize the permanent use or placement of structures. A separate permit for a permanent use is required if the permittee proposes to continue the use beyond the permit expiration date. The granting of one six-month extension is at the discretion of TRPA and will be evaluated based on the permittee's compliance with permit conditions, adherence to proposed operation plan and compatibility with surrounding land uses.
7. Parking is limited at each location to the paved, marked spaces onsite. Customers can access the transit stop by non-vehicular modes (e.g., other transit modes, walking, biking, etc.). Any customer accessing the site by vehicle shall use the designated parking spaces only. No offsite parking is allowed. The applicant will utilize a parking attendant to ensure parking occurs in designated parking spaces only. When the primary site reaches capacity, customers will be directed to the overflow site.
8. All temporary structures and materials shall be removed prior to expiration date.
9. All trash shall be picked up prior to the end of daily operations.
10. Any change to the temporary use requires approval of a TRPA plan revision permit prior to changes being made to any element of the project.
11. This approval is based on the Permittee's representation that all plans and information contained in the subject application and associated materials 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.
12. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
13. 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



OFFICE  
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trpa@trpa.org  
www.trpa.org

HOURS  
Mon. Wed. Thurs. Fri  
9 am-12 pm/1 pm-4 pm  
Closed Tuesday

New Applications Until 3:00  
pm

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## **ATTACHMENT Q**

# **STANDARD CONDITIONS OF APPROVAL FOR GRADING PROJECTS**

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This handout on the standard conditions that must be met in all projects involving grading is divided into the following three sections:

- I. Pre-Grading Conditions (Pre-activity, where applicable)
- II. Construction/Grading Conditions
- III. General Conditions/Design Standards

Please read all of the conditions carefully to avoid any delays in construction of your project.

**NOTE:** Your plans have been reviewed and approved as required under Tahoe Regional Planning Agency (TRPA) Rules, Regulations and Ordinances only. TRPA has not reviewed and shall not be responsible for any elements contained in your plans, i.e., structural, electrical, mechanical, etc., which are not required for review under said Rules, Regulations and Ordinances.

### I. PRE-GRADING/PRE-ACTIVITY CONDITIONS:

The following conditions must be completely complied with prior to any site disturbance or commencement of activity.

#### A. Final Construction Plans:

Final construction plans must be submitted to and reviewed by TRPA to determine conformance with the approval. Said plans shall clearly depict the following:

1. Slope stabilization methods to stabilize all existing and proposed cut and fill slopes.
2. Areas to be revegetated, including complete specifications for such revegetation.
3. Fencing for vegetation protection.
4. Temporary and permanent erosion control devices.
5. Utility trenches.
6. Dust control measures.
7. All water quality improvements (BMPs) required in the conditional approval. Drainage facilities shall be designed to be capable of retaining runoff water for a two (2) year, six (6) hour storm.
8. The final plans shall contain equipment specifications necessary to establish compliance with Standard Conditions III. A-F.

#### B. Securities:

A security shall be posted with the TRPA to insure compliance with all permit conditions. The security shall include an amount equal to 110 percent of the cost of the BMPs and other erosion control and water quality improvements required. For further information on the acceptable types of securities, see Attachment J.

C. Mitigation Fees:

All required air quality, water quality, and excess coverage and offsite coverage mitigation fees shall be paid to TRPA.

D. Temporary BMPs:

The following temporary BMPs are required to be installed onsite prior to any grading activity occurring:

1. Installation of temporary erosion controls.
2. Installation of vegetation protection measures.
3. Installation of construction site boundary fencing.

E. Required Inspection:

An onsite inspection by TRPA staff is required prior to any construction or grading activity occurring. TRPA staff shall determine if the onsite improvements required by Condition II (1), above, have been properly installed. No grading or construction shall be undertaken by the permittee until receipt of TRPA notification that the pre-grading/pre-activity conditions of approval have been satisfied.

F. Required Notices:

The following notices to the TRPA are required prior to any grading or construction occurring on the project site:

1. Notice for Pre-Grading Inspection: The permittee shall notify the TRPA when all onsite improvements required under Condition II(1), above, have been installed so that the required pre-grading inspection may be scheduled.
2. Notice of Commencement of Construction: The permittee shall notify the TRPA at least 48 hours prior to commencement of construction or grading on the project site. Said notice shall include the date when construction will commence.

II. CONSTRUCTION/GRADING CONDITIONS:

The following conditions shall be complied with during the grading and construction phase of the project.

- A. All construction shall be accomplished in strict compliance with the plans approved by TRPA.
- B. The TRPA permit and the final construction drawings bearing the TRPA stamp of approval shall be present on the construction site from the time construction commences to final TRPA site inspection. The permit and plans shall be available for inspection upon request by any TRPA employee. Failure to present the TRPA permit and approved plans may result in the issuance of a Cease and Desist Order by the TRPA.
- C. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
- D. There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, except as follows:
  1. The grading or land disturbance is for excavation and backfilling for a volume not in excess of three cubic yards.
  2. The activity is completed within a 48-hour period.
  3. The excavation site is stabilized to prevent erosion.
  4. The pregrade inspection is performed by TRPA staff, and the activity passes the inspection.

5. The grading/project does not represent or involve a series of excavations, which, when viewed as a whole, would exceed the provisions of this Standard Condition of Approval, and Subsection 2.3 of the TRPA Code of Ordinances.

**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 in a saturated, muddy, or unstable condition (pursuant to Subsection 33.3.1.A of the TRPA Code of Ordinances.)**

- E. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other methods approved by TRPA shall be removed from the subject parcel and disposed of at a site approved by TRPA.
- F. Replanting of all exposed surfaces, in accordance with the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance, unless an approved construction/inspection schedule establishes otherwise.
- G. All trees and natural vegetation to remain on the site shall be fenced for protection. Scarring of trees shall be avoided and, if scarred, damaged areas shall be repaired with tree seal.
  1. Fencing specified shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (Section 33.6.1). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.
  2. No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval (Section 33.6).
  3. To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 36.2).
- H. Soil and construction material shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of violating this condition exists. The site shall be cleaned up and road right-of-way swept clean when necessary.
- I. During grading and construction, environmental protection devices such as erosion control devices, dust control, and vegetation protection barriers shall be maintained.
- J. Loose soil mounds or surfaces shall be protected from wind or water erosion by being appropriately covered when construction is not in active progress or when required by TRPA.
- K. Excavated material shall be stored up grade from the excavated areas to the extent possible. No material shall be stored in any stream zone or wet areas.
- L. Only equipment of a size and type that, under prevailing site conditions, and considering the nature of the work to be performed, will do the least amount of damage to the environment shall be used.
- M. Limit idling time for diesel powered vehicles exceeding 10,000 GVW and self-propelled equipment exceeding 25 hp to no more than 15 minutes in Nevada and 5 minutes in California, or as otherwise required by state or local permits.
- N. Utilize existing power sources (e.g. power poles) or clean-fuel generators rather than temporary diesel power generators wherever feasible.
- O. No washing of vehicles or construction equipment, including cement mixers, shall be permitted anywhere on the subject property unless authorized by TRPA in writing.

- P. No vehicles or heavy equipment shall be allowed in any stream environment zone or wet areas, except as authorized by TRPA.
- Q. Locate construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals).
- R. All construction sites shall be winterized by October 15 to reduce the water quality impacts associated with winter weather as follows:
  - 1. For the sites that will be inactive between October 15 and May 1:
    - (a) Temporary erosion controls shall be installed;
    - (b) Temporary vegetation protection fencing shall be installed;
    - (c) Disturbed areas shall be stabilized;
    - (d) Onsite construction slash and debris shall be cleaned up and removed;
    - (e) Where feasible, mechanical stabilization and drainage improvements shall be installed; and
    - (f) Spoil piles shall be removed from the site.
  - 2. For sites that will be active between October 15 and May 1, in addition to the above requirements:
    - (a) Permanent mechanical erosion control devices shall be installed, including paving of driveway and parking areas; and
    - (b) Parking of vehicles and storage of building materials shall be restricted to paved areas.

### III. GENERAL CONDITIONS/DESIGN STANDARDS:

- A. Projects approved by TRPA shall be subject to inspections by TRPA at any reasonable time. The permittee shall be responsible for making the project area accessible for inspection purposes. TRPA shall not be liable for any expense incurred by the permittee as a result of TRPA inspections.
- B. Construction shall be completed in accordance with an approved construction schedule. An extension of a completion schedule for a project may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project, and TRPA makes either of the following findings:
  - 1. The project was diligently pursued, as defined in Subparagraph 2.2.4.C of the Code of Ordinances, during each building season (May 1 - October 15) since commencement of construction.
  - 2. That events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters, or weather problems, have prevented diligent pursuit of the project.
- C. Water conservation appliances and fixtures shall be installed in all new facilities or, when replaced, in existing facilities: low flow flush toilets; low flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliances (e.g., washing machines and dishwaters).
- D. Water heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen oxide (NO<sub>2</sub>) per joule of heat output.
- E. Space heaters shall not emit greater than 40 nanograms of nitrogen oxides (as NO<sub>2</sub>) per joule of useful heat delivered to the heated space.

- F. Wood heaters to be installed in the Region shall meet the safety regulations established by applicable city, county, and state codes. Coal shall not be used as a fuel source.
1. Emission Standards: Wood heaters installed in the Region shall not cause emissions of more than 7.5 grams of particulates per hour for noncatalytic wood heaters or 4.1 grams per hour for catalytically equipped wood heaters.
  2. Limitations: Wood heaters shall be sized appropriately for the space they are designed to serve. Multi-residential projects of five or more units, tourist accommodations, commercial, recreation and public service projects shall be limited to one wood heater per project area.
  3. List of Approved Heaters: TRPA shall maintain a list of wood heaters which may be installed in the Region. The list shall include the brand names, model number, description of the model and the name and address of the manufacturer. Wood heaters certified for use in either Colorado or Oregon shall be considered in compliance with 6(a), above.
- G. Construction materials shall be secured to prevent them from rolling, washing, or blowing off the project site. Rehabilitation and clean-up of the site following construction must include removal of all construction waste and debris.
- H. Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.
- I. The following sizes and spacing shall be required for woody plant materials at time of planting:
1. Trees shall be a minimum six feet tall or 1-1/2 inch caliper size or diameter at breast height;
  2. Shrubs shall be a minimum three gallon pot size where upright shrubs have a minimum height of 18 inches and a minimum spread of 18 inches; and spreading shrubs have a minimum spread of 18-24 inches.
  3. Groundcovers shall be a minimum four inch pot size or one gallon container and shall be maximum 24 inches on center spacing.
- J. Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings but shall be limited to borders, entryways, flower-beds, and other similar locations to provide accent to the overall native or adapted landscape design.
- K. The following exterior lighting standards shall apply:
1. Exterior lights shall not blink, flash or change intensity. String lights, building or roofline tube lighting, reflective or luminescent wall surfaces are prohibited.
  2. Exterior lighting shall not be attached to trees except for Christmas season.
  3. Parking lot, walkway, and building lights shall be directed downward.
  4. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37 of the Code.
  5. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
  6. The commercial operation of searchlights for advertising or any other purpose is prohibited. Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis.

- L. Any normal construction activities 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.
- M. Engine doors shall remain closed during periods of operation except during necessary engine maintenance.
- N. Stationary equipment (e.g. generators or pumps) shall be located as far as feasible from noise-sensitive receptors and residential areas. Stationary equipment near sensitive noise receptors or residential areas shall be equipped with temporary sound barriers.
- O. Sonic pile driving shall be utilized instead of impact pile driving, wherever feasible. Pile driving holes shall be predrilled to the extent feasible subject to design engineer's approval.
- P. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
- Q. No trees shall be removed or trimmed without prior TRPA written approval unless otherwise specifically exempted under Chapter 2 of the Code of Ordinances.
- R. 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 nonglare finishes that minimize reflectivity.
- S. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
- T. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TPRA, shall be incorporated into the project permit at that time.
- U. It is the permittee's obligation to locate all subsurface facilities and/or utilities prior to any grading, dredging or other subsurface activity. The permittee is responsible for contacting the Northern Underground Service Alert (USA, usually known as USA DIGS 1-800-227-2600) prior to commencement of any activity on the site.
- V. 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.

Attachment B  
Notice of Appeal

# APPEAL APPLICATION

This application shall be used for appealing a decision by the Tahoe Regional Planning Agency (TRPA) or a final decision made by a lead agency regarding an activity or project within a conforming Area Plan pursuant to a Memorandum of Understanding (MOU).

## I. BACKGROUND

### Appeal of a TRPA Decision

Executive Director decisions or actions on projects or other matters may be appealed to the TRPA Governing Board. This includes approval of a project, denial of a project, conditions of approval for a permit and decisions by staff or Hearing Officer. Final action by the Executive Director may be appealed to the Governing Board by filing this application with TRPA, including the required appeal fee, no later than 21 days after the final action (date of correspondence). Unless TRPA and the appellant agree in writing to a different deadline, the written statement of appeal must be received by the Agency within 30 days after the filing of the notice of appeal. Appeals will be processed pursuant to Article 11 and 14 of the Rules of Procedure.

### Appeal of a Lead Agency Decision

An appeal of a final decision made by a lead agency regarding an activity or project within a conforming Area Plan pursuant to a MOU may only be filed by an “aggrieved person” as defined in Article V(j)(3) of the TRPA Compact. The basis for an appeal shall be limited to whether the decision by a lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact. Appellants who are subject to the exhaustion provision in Compact Article VI(j)(3) shall exhaust all administrative remedies provided by the lead agency prior to appealing a decision to TRPA. An appellant shall file an appeal application to TRPA within 15 calendar days of the final lead agency decision. Decisions by the lead agency under independent local, state, or federal law are not subject to this appeal process. Appeals will be processed in accordance with TRPA Code, Section, 13.9: *Appeals*.

## II. APPLICATION CHECKLIST

- Completed and signed application form
- Application filing fee (For an appeal of a lead agency decision, an application fee of \$1,000 is required pursuant to TRPA Code, Section 13.9)
- Written statement to support the appeal claim
- Documentation to support the appeal claim\*

\*Additional documentation may be provided by the lead agency to augment the record.

# APPEAL APPLICATION

Appellant See attached "Appellant Signature" documents

Mailing Address See attached "Appellant Signature" documents City See attached State See attached

Zip Code See attached Email See attached "Appellant Signature" documents Phone See attached "Appellant Signature" documents

Representative or Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_

Owner Owner of 132-201-02 is the Tahoe Transportation District - Owner of 132-012-05 is Washoe County School District  Same as Appellant

Mailing Address PO Box 499 Zephyr Cove NV

Zip Code 89448 Email info@tahoetransportation.org Phone (775) 589-5500

Project Location/Assessor's Parcel Number (APN) 132-201-02 and 132-012-05

Street Address 771 Southwood Blvd, Incline Village, NV 89451

County Washoe Previous APN (if any) \_\_\_\_\_

Local Jurisdiction Contact/Title Tahoe Transportation District Phone (775) 589-5500

File Number ERSP2021-0673

**Property Restrictions/Easements** *(List any deed restrictions, easements or other restrictions below in the space provided.)*

- None Appellants are not owners of property and have limited knowledge of ALL restrictions/easements, however as of approx January of 2022 the property located at 771 Southwood Blvd, Incline Village, NV was transferred in Escrow from the Washoe County School District to the Tahoe Transportation District with funding from the Federal Transit Authority. This property transfer implemented various environmental processes and restrictions under the National Environmental Policy Act (NEPA).

I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed. Initial here: N/A

## APPLICATION SIGNATURES

### DECLARATION (BY PROPERTY OWNER):

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project.

#### Signature:

\_\_\_\_\_ At \_\_\_\_\_ Date: \_\_\_\_\_  
*Owner or Person Preparing Application County*

### DECLARATION (OTHER THAN PROPERTY OWNER):

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may take appropriate action. I understand that additional information may be required by TRPA to process this application.

#### Signature: **See Attached Appellant Signature documents**

\_\_\_\_\_ At \_\_\_\_\_ Date: 6/16/22  
*Person Preparing Application County*

### AUTHORIZATION FOR REPRESENTATION (Complete this section only if an agent or consultant is submitting this application on behalf of the property owner and/or appellant)

The following person(s) own the subject property (**Assessor's Parcel Number(s)** \_\_\_\_\_) or have sufficient interest therein (such as a power of attorney) to make application to TRPA:

**Print Owner(s) or Appellant(s) Name(s):** \_\_\_\_\_

I/We authorize \_\_\_\_\_ to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative, to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

#### Owner(s) Signature(s):

\_\_\_\_\_ Date: \_\_\_\_\_

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ File Number: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Filing Fee: \$ \_\_\_\_\_ Receipt: \_\_\_\_\_

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16<sup>th</sup>, 2021*)

**DECLARATION (OTHER THAN PROPERTY OWNER):** I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may take appropriate action. I understand that additional information may be required by TRPA to process this application.

Print Name:

Signature: *Aaron Vanderpool*

Mailing Address:

Email:

Phone:

At County:

Date:

**Appellant Signature**

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Print Name: Allyson Willoughby

Signature:



Mailing Address: P.O. Box 4678 Incline Village NV 89451

Email: tahoeborn@hotmail.com

Phone: 415 309 2497

At County: San Mateo

Date: 06/13/2022

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

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Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Carole Bruno

Signature:

A digital signature of Carole Bruno, consisting of a blue ink scribble, enclosed in a blue rectangular box with rounded corners. The letters "DS" are printed in the top right corner of the box.

Mailing Address: P.O. Box 6104, Incline Village, NV 89450

Email: carole33ann@gmail.com

Phone: 7758486242

At County: Washoe

Date: 6/15/2022

**Appellant Signature Attachment to  
Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Collin Harris

Signature: 

Mailing Address: 584 Pinto Ct.  
Incline Village, NV 89451

Email: collin.harris@gmail.com

Phone: 775-240-8370

At County: Washoe

Date: 06/14/2022

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: D.E. Ferrel

Signature: 

Mailing Address: 501 Eagle Dr., Incline Village, NV 89451

Email: dferrel1333@gmail.com

Phone: 752 265 3617

At County: Washoe

Date: June 14, 2022

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

**Appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Doug Flaherty

Sign Name: **Doug Flaherty** Digitally signed by Doug Flaherty  
Date: 2022.06.11 09:55:34 -07'00'

Mailing Address: 774 Mays Blvd 10-691 Incline Village, NV 89451

Email: TahoeBlue365@gmail.com

Phone: 714-473-0508

At County: Washoe, NV

Date: 6/11/22

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: *DURIAN D. PINGREE*

Signature: *[Handwritten Signature]*

Mailing Address: *818 TONI CT.; INCLINE VILLAGE, NV; 89451*

Email: *durpingree@gmail.com*

Phone: *(775) 721-7043*

At County: *Washoe*

Date: *6/13/22*

**Appellant Signature Attachment to  
Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Gerald Hagy

*Gerald Hagy*

Signature:

*Gerald Hagy*

Mailing Address: 690 David Way, Incline Village NV 89451

Email: usc5458@gmail.com

Phone: *775 831 5779*

At County: Washoe

Date: 6-14-22

**Appellant Signature**

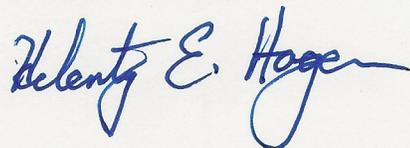
**Attachment to Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Helenty Estin Hagen

Signature: 

Mailing Address: P.O. Box 6161 Incline Village, NV 89450

Email: lenty\_hagen@sbcglobal.net

Phone: 775-832-0857

At County: Washoe

Date: June 13, 2022



This document is now complete.

CLOSE

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**Appellant Signature****Attachment to Notice of Appeal Application to the TRPA****I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Heather Williams

Signature: *Heather Williams*

Mailing Address: 774 Mays Blvd, Suite 10-226

Email: hrhtahoe@nvcbell.net

Phone: 775 832 5440

At County: Washoe

Date: 14 June 2022





**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

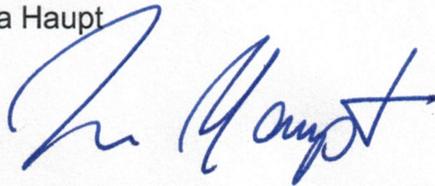
**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Ina Haupt

Signature:



Mailing Address: P. O. Box 3815, Incline Village, NV

Email: [ina.haupt@premiertahoe.com](mailto:ina.haupt@premiertahoe.com)

Phone: 775 833 0444

At County: Washoe

Date: 6/13/2022

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Jill Brandin

Signature: J Brandin

Mailing Address: 818 Toni Ct.  
Incline Village  
NV 89451

Email: jbrandin@charter.net

Phone: 775-846-3273

At County: Washoe

Date: 6/13/22

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

**I am appealing TRPA Hearing Officer Decision May 26, 2022:**

Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16<sup>th</sup>, 2021*)

**DECLARATION (OTHER THAN PROPERTY OWNER):** I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may take appropriate action. I understand that additional information may be required by TRPA to process this application.

Print Name: Joseph Shaefer

Signature: 

Mailing Address: 774 Mays Blvd, Ste 10-226, Incline Vlg, NV 89451

Email: joe@jshaefer.com

Phone: 775 832-5440

At County: Washoe

Date: 14 June 2022

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

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Print Name:

Judith Michaels Simon

Signature:

Judith Michaels Simon

Mailing Address:

P.O. Box 535, Crystal Bay, NV 89402

Email:

judy mike@mac.com

Phone:

775-832-5178

At County:

Washoe

Date:

14 June 2022

**Appellant Signature**

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Print Name: Kerry P. Donovan

Signature: 

Mailing Address: P.O. 3503 Incline Village NV 89450

Email: kpjdon@aol.com

Phone: 775 750 2190

At County: Washoe

Date: 6/14/2022

**Appellant Signature**

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Print Name: **Mary Lou Kennedy**

Signature: 

Mailing Address: **P.O. Box 5625, Incline Village, NV 89450**

Email: **mlkennedy1@charter.net**

Phone: **775-342-8208**

At County: **Washoe**

Date: **6/14/2022**

**Appellant Signature**

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Print Name: Nicholas Maiocco

Signature:



Mailing Address: 553 Len Way

Email: nickvine4@gmail.com

Phone: 775-831-8734

At County: Washoe

Date: 6/15/2022

**Appellant Signature**

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Print Name: Nancy Porten

Signature:



Mailing Address: PO Box 6413, Incline Village NV

Email: nancyporten@gmail.com

Phone: 775-250-1332

At County: Washoe

Date: 14 June 2022

**Appellant Signature**

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Print Name: Pamela Mahoney Tsigdinos

Signature: esignature: Pamela Mahoney Tsigdinos

Mailing Address: 1080 Oxen Road, Incline Village, NV 89451

Email: ptsigdinos@yahoo.com

Phone: 4086746997

At County: NV

Date: 06/14/2022

Appellant Signature

Attachment to Notice of Appeal Application to the TRPA

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Print Name: Polly Wolfe

Signature: Polly Wolfe

Mailing Address: 515 Eagle Dr. IV, NV 89451

Email: pollywolfe@me.com

Phone: cell - (925) 216-9329

At County: Washoe

Date: 6/13/22

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

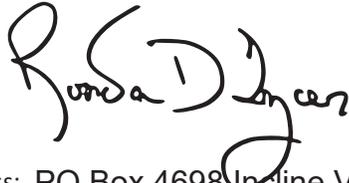
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Print Name: Ronda Tycer

Sign Name:

A handwritten signature in black ink that reads "Ronda Tycer". The signature is written in a cursive style with a large initial "R" and "T".

Mailing Address: PO Box 4698 Incline Village NV 89450

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Phone: 775 833-2747

At County: Washoe

Date: 6-13-22

**Appellant Signature Attachment to  
Notice of Appeal Application to the TRPA**

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Print Name: Rhoda Joan Hagy

Signature: 

Mailing Address: 690 David Way, Incline Village NV 89451

Email: usc5458@gmail.com

Phone:

775 831 5779

At County: Washoe

Date: 6-14-22

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

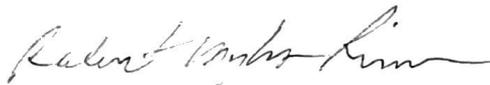
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Print Name: Robert Myles Rinier

Signature:



Mailing Address: 930 Tahoe Blvd Ste 802-617 Incline Village, NV 89451

Email: [mriner@comncast.net](mailto:mriner@comncast.net)

Phone: 415-272-4144

At County: Washoe

Date: 6/13/2022

**Appellant Signature**

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Print Name: Shirley L. Roxburgh

Signature: Shirley L. Roxburgh

Mailing Address: 965 Wedge Ct. , Incline Village, NV 89451

Email: shirleyroxburgh@earthlink.net

Phone: 775-833-3375

At County: Washoe

Date: June 14, 2022

**Appellant Signature**

**Attachment to Notice of Appeal Application to the TRPA**

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Tahoe Transportation District/Washoe County School District Temporary Use, 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673 (*\*continued from December 16th, 2021*)

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Print Name: Stephen A. Sidells

Signature: 

Mailing Address: P.O. Box 6325, Incline Village, NV 89450-6325

Email: SASidells@yahoo.com

Phone: (775) 832-7979

At County: Washoe

Date: June 13, 2022

**Appellant Signature**

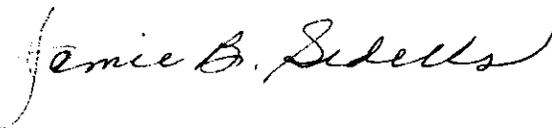
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Print Name: Jamie B. Sidells

Signature: 

Mailing Address: P.O. Box 6325, Incline Village, NV 89450-6325

Email: SASidells@yahoo.com

Phone: (775) 832-7979

At County: Washoe

Date: June 13, 2022

**Appellant Signature**

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Print Name: SVATA TROSSEN

Signature: 

Mailing Address: P.O. Box 5097, INCLINE VILLAGE NV 89450

Email: SK8RS@CHARTER.NET

Phone: 775-291-9113

At County: WASHOE

Date: JUNE 14, 2022

Attachment C  
Statement of Appeal

**July 16, 2022**

**Statement of Appeal July 16, 2022**

**(Notice of Appeal Filed June 16, 2022)**

Tahoe Transportation District/Washoe County School District 771 Southwood Blvd. & 915 Northwood Blvd., Incline Village, Washoe County, Nevada; APNs 132-201-02 & 132-012-05; TRPA File Number ERSP2021-0673.

**Definitions**

*FTA = Federal Transit Administration*

*NEPA = National Environmental Policy Act*

*OES = Old Elementary School Property at 771 Southwood Blvd, Incline Village, NV*

*Staff Reports = TRPA SUP Staff report findings and recommendations presented at meetings November 18, 2021, December 16, 2021, and May 26, 2022, leading up to the TRPA Hearing Officer approval of the SUP*

*SUP = Special Use Permit - Approved by the TRPA Hearing Officer on May 26, 2022 - TRPA File Number ERSP2021-0673.*

*TTD = Tahoe Transportation District*

*TRPA =Tahoe Regional Planning Agency*

*WCSD = Washoe County School District.*

Appellants request the reversal of the SUP approval and staff reports for the reasons listed below:

**1.** The Hearing Officer approval of the SUP approval process and findings connected with the TRPA Staff Reports – Staff Analysis finding F, and the H. 2. Chapter 21 Special Use Findings (a) and (b) (**Attachments B, D and F**) was arbitrary, capricious, and lacked substantial evidence and data to support the required findings. The Hearing Officer ignored first-hand subject-matter expert property-owner public comments over the course of three multi-month public meetings, which demonstrates prejudicial abuse of discretion.

**1A. Finding Item H. 2. (a)** states: *The project, to which the use pertains, is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.*

The TRPA and TTD failed to provide substantial evidence that the nature of the proposed project was of *a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located*; instead, simply stating that, *“The nature of the proposed project may be consistent with the public-service uses permissible within the Area Plan and transportation goals.”*

This weak TRPA justification alluding to the Washoe County Tahoe Area Plan’s permissible uses fails to determine and assess the true *nature, scale, density, and intensity of effects* on the surrounding area in specific connection with either parcel. Therefore, the finding is arbitrary, capricious and an abuse of prejudicial discretion.

**1B. Finding Item H.2. (b) states:** *“The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.*

The use of the property at 771 Southwood Blvd in connection with this SUP and any planned future use as a TTD regional mobility hub is highly controversial. The considerable number of SUP opposition comments (more than 65) submitted by firsthand subject-matter residents and property owners, alleging adverse neighborhood impacts related to public safety, traffic, density, noise, and parking represented reasonable and substantial evidence. This then outweighed the “evidence” provided by TRPA to substantiate the finding that the project *will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region.* TTD failed to assess both the local and the regional welfare.

Over the course of the three SUP public hearings, these 65+ public comments should have been given the consideration and weight of reasonable and substantial evidence, but the TRPA Staff and the Hearing Officer arbitrarily and capriciously ignored them.

**1C. VMT Finding Item F states:** *Traffic – Per a memo from Carl Hasty of the TTD, (Attachment I), The Tahoe Transportation District (TTD) prepared a Vehicle Miles Traveled (VMT) analysis, as directed by TRPA transportation planning staff. The VMT analysis memo among other claims, shows that the proposed project will result in an overall reduction in regional daily VMT of approximately 557 miles. The VMT analysis presumes that approximately 70% of the trips will access the site from along the North Shore, 11% from out the Basin to the North, and 19% coming from the South.*

This VMT “Traffic Analysis” is not a “Traffic Study.” It fails to specifically discuss or link its purpose to each of the two parking locations. It is presumptive, arbitrary, and capricious. It requires the acceptance of a crystal-ball analysis with regard to ESE users’ trip start-and-end locations, user physical entry points, and does not provide or discuss factual data regarding trip user’s actual trip activities before and after ESE parking use.

The analysis fails to specifically discuss how the project will *not* be injurious or disturbing at each of the two parking locations. In fact, the TRPA did not require a “**traffic study**” of congestion, pedestrian crossing safety, or impacts to adjacent intersections, among other concerns. A traffic study is required to establish the impacts on neighborhood public safety, traffic, and density.

Additionally, the VMT analysis fails to discuss or provide accurate parking capacity/availability data in the area of the East Shore, Highway 28, or Incline Village. It fails to demonstrate and link any relationship whatsoever between the VMT Traffic Analysis and the determination that the nature of the proposed project *will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in either neighborhood, or in the region.*

**2.** TRPA Staff arbitrarily and capriciously added the term “**Transit Station**” to describe the **Special Use Permit “Purpose”** within staff reports (**Attachments B, D and F**), the findings and recommendations of which became part of the approved SUP. This action demonstrated prejudicial abuse of discretion on the part of the TRPA Staff and the Hearing Officer since the added term “**Transit Station**” was not the

requested “**Purpose**” stated within the TTD Application (Pages 5 and 9 – **Attach 1AA** – May 11, 2021 – Temporary Activities Activity Form).

Further, this devious arbitrary and capricious “change in use” was also an intensification of use on the part of the TRPA. It was not necessary to receive a Transit Station Permit for TTD legal temporary “parking” or to permit TTD the use of the 771 Southwood location as a “transit Stop.”

3. TRPA Staff arbitrarily and capriciously added the term “**Transit Station and Terminal**” to describe the SUP “**Purpose**” within staff reports (**Attachments B, D and F**) and created **Special Condition 1 (Attach AAA – TTD Permit Acknowledgement)**, which states “*This permit specifically authorizes the temporary operation of a “transit station and terminal” at the former Incline Elementary School campus (APN 132-201-02) and the current Incline Elementary School campus (APN 132-012-05)*”.

**Transit Stations and Terminals** are defined in the TRPA Code of Ordinances Table 24-1-A as: “*Passenger stations for vehicular and mass transit systems; also, terminal facilities providing maintenance and service for the vehicles operated in the transit system. The use includes, but is not limited to, buses, taxis, railway, and ferries. Outside storage or display is included as part of the use.*”

This action demonstrated prejudicial abuse of discretion on the part of the TRPA Staff and the Hearing Officer since the added term “**Transit Station and Terminal**” was not the requested “**Purpose**” stated within the TTD Application (Pages 5 and 9 – **Attach 1AA** – May 11, 2021 – Temporary Activities Activity Form).

Further, adding **Special Condition 1** intensified the “change in use” and was not at all necessary to allow TTD to obtain a legal temporary “parking” or “transit stop” at either location and especially as the action applies to 771 Southwood property, which is now subject to NEPA.

This action represented prejudicial abuse of discretion as it served to create a process foundation scheme to further assist TTD in justifying its planned use of the 771 Southwood property as a “Regional Mobility Center.”

TTD may have realized that the reasons it gave within its FTA Federal funding request (**Attachment I**) to help secure Federal funding to purchase 771 Southwood Blvd may have not been completely transparent, and may be considered incomplete information. In fact, NDOT and TTD claimed at the time, that “*the site has been used by TTD in agreement with the Washoe County School District as a seasonal **transit hub** for TTD’s popular East Shore Transit Service, when, in reality, the actual use was that of a 10-year inactive school campus with 8 years of TRPA regulatory noncompliant TTD parking and a non-permitted TTD Transit Stop.*”

Additionally, this obfuscation appeared in a July 29, 2020, Letter from NDOT to the FTA (**Attachment J1**) to secure the 771 Southwood Blvd funding. NDOT stated that, “*For the last nine years, Tahoe Transportation District has been using the Property for a seasonal transportation hub*”.

SUP **Special Condition 1 (Attachment AAA)** is an obfuscation of what is normally considered a Permit condition. These are usually special conditions such as “planning permissions” to mitigate or compensate for negative impacts. However, in the case of **Special Condition 1**, especially as it applies to 771 Southwood Blvd, TRPA arbitrarily and capriciously granted an intensified and expanded “change of

use” from the property’s past use, which was a school campus inactive for 10 years which TTD used for 8 years without a permit as a parking lot and transit stop.

If the TTDs’ and Washoe County School District’s actual stated SUP Application project intent was not that of *“Intercept parking for the East Shore Express shuttle service to SR 28 and Sand Harbor”* but rather to utilize the temporary permit process to seek a different intensified, expanded project purpose and description, the TTD and Washoe County School District should have stated such within their application. Otherwise, the application should have been returned to the TTD as “incomplete,” especially given the highly controversial NEPA regulated use of the property at 771 Southwood Blvd.

TRPA most assuredly would not have allowed any non-government applicant the luxury of enjoying an arbitrary and capricious expansion or addition without specific details as to the project purpose, description, and use. This is an indication that the TRPA applies different standards for their “Government Partners” than their public applicants.

The staff reports are not consistent, clear and or complete when describing the action recommended to the Hearing Officer. The various descriptions of the “Use” and “Purpose” appearing within the staff reports as they apply to both locations, and specifically 771 Southwood Blvd, are confusing to the public, inconsistent, arbitrary and capricious, and have led to prejudicial abuse of discretion on the part of TRPA Staff when drafting the permit language seemingly in whatever manner best fit the goals of the TRPA and TTD.

In fact, it is germane to this appeal to identify the various descriptions connected with 771 Southwood Blvd “Use” and SUP transportation-related project descriptions in the original NDOT/TTD grant funding application to the FTA in April of 2020. The interchangeable use seemed to be shaped to fit the need of the TRPA and TTD at the time of the original NDOT/TTD grant funding application in April of 2020:

- **Seasonal transit hub (Attachment J)**  
The original FTA Federal funding application dated April 29, 2020, by the TTD for the purpose of purchasing 771 Southwood Blvd stated: *“This site has been used by TTD in agreement with the Washoe County School District as a seasonal transit hub for TTD’s popular East Shore Transit Service.”*
- **Transit Hub (Attachment J1)**  
July 29, 2020, Letter for Funding 771 Southwood Blvd from NDOT to the FTA.
- **Intercept Parking (Attachment 1AA)**  
The May 11, 2021, TTD SUP application describes the project request and use as: *“Intercept parking for East Shore Express shuttle service to SR 28 and Sand Harbor.”*
- **Transit Stop (Attachments B, D and F)**  
Then, Page 1 “Project Description” of the related staff reports define the use as one of seven “transit stops,” i.e., *“The ESE serves seven transit stops along the route between Incline Village and Sand Harbor State Park.”*
- **Transit Service (Attachments B, D and F)**

Then, Staff report, Page 1 “Project Description” of the related staff reports refers to the property as a proposed “transit service.”

- **Intercept Parking and Transit Stops (Attachments B, D and F)**

Then, Staff report, Page 1 states: “The service has been operating for a number of years on a less-formalized basis. The current proposal is to officially allow the transit service to utilize these two locations as intercept parking and transit stops.”

- **Transit Station and Terminal (Attachments B, D and F)**

Then, Staff report, Page 2 states “The current proposal is to allow these two locations to be utilized as a Transit Station and Terminal as a temporary use, which allows the use of the sites for one season, with an option to extend for a second season.”

- **Transit Stop/Station (Attachments B, D and F)**

Then, Staff report page 4 Chapter 4 Required Findings A states: “The proposed use of these sites as a transit stop/station will assist in implementing the Transportation Policies of the Regional Plan related to Environment (to protect and enhance the environment, promote energy conservation, and reduce greenhouse gas emissions), and Connectivity (Transit).”

- **Transit Station - Intercept Parking Final SUP Permit Terminology (Attachment AAA)**

After these conflicting terminologies, the final Permit Project Use Description signed by Carl Hasty on May 26, 2022, states: “Temporary Use -Transit Station (Intercept Parking).”

- **Transit Station and Terminal (Attachment AAA)**

Special Condition 1 of the Final SUP Permit signed by Carl Hasty on May 26, 2022.

- **Stop (Attachment AA)**

This term was used by the TRPA Hearing Officer, who may have been attempting to minimize the project use description when answering questions by the Hearing Officer regarding the alleged violation of Chapter 6.2.

#### 4. TRPA Violated its own Chapter 6.2. *JOINT ENVIRONMENTAL DOCUMENTS* which states:

*For projects subject to the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) or other state or local environmental review, TRPA shall, whenever feasible, coordinate its environmental review process with the local, state, or Federal process. Coordination would include joint activities such as scoping, selection of consultants, notice, and concurrent comment periods.*

As stated by the TRPA Hearing Officer attorney during the May 26, 2022, SUP Public Hearing (**Attachment AA**), “the TRPA did not undertake its responsibilities as required under Chapter 6.2”.

AND

“In this case Section 6.2 just wasn’t triggered because we don’t have a joint agency approval process going on.”

Because the 771 Southwood property was purchased using FTA Federal funds via an application for funding in connection with a NEPA Categorical Exclusion (CE) Protective Property Acquisition request by the Nevada DOT on behalf of the TTD, the primacy for regulatory environmental review considerations rests with the FTA under NEPA.

This FTA primacy extends to the TRPA staff-created—and Hearing Officer approved—SUP “change of use” as connected with the intensified “use” as a “**Transit Station and Terminal**.”

During the May 26, 2022 Hearing Officer public meeting, the TRPA attorney erred in her reasoning justifying TRPA’s failure to follow Code Section 6.2 officer (Attach AA - Transcription) when she stated:

*“The Initial Environmental Checklist for this project didn’t reveal any need for additional environmental review. And TRPA is the only agency that is approving this permit. Other agencies may have approved transportation plans or other things that are being implemented, and this “stop” is part of that. But this project approval just involves TRPA for this permit. So, when we have a situation where we have other Federal, State, and local agencies that also have an approval that will be required for the project, then we do coordinate the environmental review. Usually this includes a more extensive document—an EIR or EIS—and that’s something we do on a regular basis. But in this case Section 6.2 just wasn’t triggered because we don’t have a joint agency approval process going on.”*

The TRPA Attorney’s opinion does not relieve the TRPA from the Chapter 6.2 requirement that TRPA “shall, whenever feasible, coordinate its environmental review process with the local, state, or Federal process.”

As explained by FTA’s Mr. Ted Matley in an email on June 7, 2021, to Appellant Doug Flaherty (**Attachment K**), a “Change of Use” triggers **an additional [required] review and determination under the National Environmental Policy Act (NEPA)** as stated:

From Mr. Ted Matley to Incline Village resident Doug Flaherty:

*“The Categorical Exclusion (CE) determination that FTA Region IX issued allows the project sponsor to purchase the property using Federal funds, should the project sponsor choose to do so. The FTA CE determination does not include approval for any future changes to, or development of, the property.”*

*“If the property is purchased using Federal funds, or should Federal funds be proposed to fund the development of or change the use of the property, **an additional review and determination under the National Environmental Policy Act (NEPA) is required to develop or change the use of the property.** We have confirmed with the project sponsor that they understand the limitations of the current FTA CE determination and that any future action to develop the property or **change the use will require additional NEPA analysis.**”*

23 CFR § 771.118 (C) (6) states: “Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: Acquisition for scenic easements or historic sites for the purpose of preserving the site.”

5. The new TRPA Environmental Checklist (Attachment G) has a far-reaching significant environmental impact on the TRPA project environmental review and decision-making process regarding all projects within the Lake Tahoe Basin. As such, the new Environmental Checklist must be considered by the Advisory Planning Commission in an open public hearing before use. A search of the TRPA website did not reveal that such a Public Hearing has been undertaken.

As currently written, the new Environmental Checklist continues to violate the Bi-State Compact by practicing arbitrary and capricious decision-making void of adequate cumulative impact analysis. This is prejudicial abuse of decision-making by failing to provide an adequate and substantial Environmental Impact Statements analysis identifying and analyzing the true cumulative impacts and effects of all incremental code changes and projects within the Lake Tahoe Basin.

The new and previous TRPA Environmental Checklists circumvent the process of ensuring that **cumulative impacts** are analyzed. Cumulative impacts result from individually minor but collectively significant actions taking place over a period of time.

6. Additionally the following Staff Report Items are flawed as discussed below:

- **Required Findings Item 3.** Stating that: *The project will have indirect benefits to both Air Quality and Water Quality* is subjective, vague, opinionated, arbitrary, and capricious.
- **From Staff reports:** *The service has been operating for a number of years on a less-formalized basis* is an obfuscation—vague and incomplete—since 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 TTD transit stop. “Less-formalized” in this case means, “unpermitted.”

Significantly, the TRPA acknowledges that TTD has used the property for eight years without a Special Use Permit, which was required in accordance with Chapter 2, Subsection 2.2.2.a of the TRPA Code.

- **From Staff Analyses Page 3 F. 3 Traffic:** The statement by TRPA Staff that, If the provisions of the Mobility Mitigation Program were applicable, this project would not be subject to any additional mitigation requirements G. is a prejudicial abuse of discretion to avoid any future Environmental Reviews concerning traffic should additional Environmental Reviews be required.

Attachments:

[Attach 1AA -TTD Intercept Parking SUP Application 5-11-21](#)  
[Attach AA May 26 2022 Meeting Transcription](#)  
[Attach AAA TTD Permit Acknowledgement](#)  
[Attach B May 26 Mtg Staff Rpt](#)  
[Attach C Dec 16 2021 Agenda](#)  
[Attach D Dec 2021 Staff Report-Same as Nov 18 Staff Rpt](#)  
[Attach E Nov 18 2021 Agenda](#)  
[Attach F Nov 18 2021 Mtg Staff Rpt](#)  
[Attach G May 20 2022 New TRPA Enviro Checklist TRPA IEC](#)  
[Attach H Env Checklist for Nov 18 and Dec 16 Meetings](#)

**LIST OF ATTACHMENTS CITED IN STATEMENT OF APPEAL ADDED BY TRPA STAFF. DOCUMENTS HAVE BEEN HYPERLINKED TO REDUCE TOTAL PAGES.**

[Attach I TTD VMT Analysis Memo](#)

[Attach J - 2021 NDOT Capital Assistance Addendum-TTD](#)

Attach J1 7-29-20 FTA to NDOT Concurrence on CE Determination

Attach K FTA CE Determination for 771 Southwood Boulevard Incline Village NV

Transcription of May 26, 2022 Hearing Officer Action in connection with the ESE permit approval. ERSP2021-0673. Also includes NEPA discussion with Counsel.

i.e. Time mark beginning at 01:08:33 and ending at 01:12:10 (Link attached / Audio file at bottom of page).

<https://www.trpa.gov/hearings-officer-meeting-documents-may-26-2022-online-meeting/>

**Andrew (Hearing Officer)**

**My last question and clarification—I think—is probably for our counsel, Marsha. Mr. Flaherty mentioned the joint environmental documentation and coordination process between TRPA and NEPA. Marsha, can you shed any light on how that might be applied in this instance?**

**Yes, I can Andrew. The Initial Environmental Checklist for this project didn't reveal any need for additional environmental review. And TRPA is the only agency that is approving this permit. Other agencies may have approved transportation plans or other things that are being implemented, and this particular stop is part of that. But this project approval just involves TRPA for this permit. So when we have a situation where we have other Federal, State, local agencies that also have an approval that will be required for the project, then we do coordinate the environmental review. Usually includes a more extensive document—an EIR or EIS—and that's something we do on a regular basis. But in this case Section 6.2 just wasn't triggered because we don't have a joint agency approval process going on.**

**Andrew – Very good, thank you Marsha. There may have been some previous NEPA action taken between NEPA and TTD and the Federal Highways for some other part of their work, but not in this situation.**

**Marsha – Correct. I hesitate to speak to that because I do not know what other approval processes were. But for this permit, TRPA is the approving agency.**

**Andrew – I agree with you, thank you, Marsha. Given that, I will now take action on the project based on the information that's contained in our Staff Report including the findings of fact and the rational on which they're based—and that includes Chapter 4, Chapter 21—Special Use Findings, Chapter 50 – the Special Public Utility Findings, and the FONSE or Finding of No significant Environmental Effect, I will approve the findings, as they have been proposed; and secondly, I will approve the Temporary Use Permit, subject to the draft conditions that are contained in it to permit the activity, the temporary activity for a 6-month period with the option under certain conditions to extend that for one more 6-month period. Thank you. And thank you everyone for your thoughtful input.**

**Bridget**

**I'm sorry. Again we talked a at the start of the hearing about the revision to the terms and conditions of the permit. I don't know if when you approve the project you need to get that specific about that condition.**

**Andrew**

**Let me do that. Thank you, Bridget. Yes, for the draft conditions, in the Permit draft conditions, the timing element—and that is condition number 5 [Bridget, yeah, Special Condition 5] Special Condition 5 has a timing element for when the Transit Operations report on the service is due to the TRPA within 30 days of the final day of service. Thank you, Bridget. Yes, we do want to include that.**

**Bridget – Thank you.**

**Andrew**

**And that is part of the Conditions of the Draft Permit. At this point I will hand over the duties of Hearings Officer to Paul Neilson for Item 5.c**



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION IX  
Arizona, California,  
Hawaii, Nevada, Guam  
American Samoa,  
Northern Mariana Islands

90 7<sup>th</sup> Street  
Suite 15-300  
San Francisco, CA 94103-6701  
415-734-9490

888 South Figueroa Street  
Suite 440  
Los Angeles, CA 90017-5467  
213-202-3950

July 29, 2020

Mr. Graham Dollarhide  
Multimodal Planning  
Nevada Department of Transportation  
1263 S. Stewart Street  
Carson City, Nevada 89712

Re: Categorical Exclusion Concurrence for  
Real Property Protective Acquisition  
Claim

Dear Mr. Dollarhide:

The Federal Transit Administration (FTA) has completed our review of your June 26, 2020 letter and supporting documentation requesting an environmental determination for a protective acquisition of the real property located at 771 Southwood Boulevard, Incline Village, Nevada (Property). Based on the information presented in your letter and the documentation you submitted, FTA has determined that the project qualifies as a categorical exclusion under 23 CFR Part 771.118(c)(6), Acquisition or Transfer of the Interest in Real Property:

*“Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements.”*

For the last nine years, Tahoe Transportation District has been using the Property for a seasonal transportation hub. The Property is an old elementary school owned by the Washoe County School District (WCSD). On August 13, 2019, the WCSD adopted a resolution of intent to sell the property. Upon acquisition, the transit use of the property will remain consistent with the current use.

This review finds that the project: is not within or adjacent to recognized environmentally sensitive areas; does not result in a substantial change in the functional use of the property; or result in substantial displacements.

Please be advised that acquiring property pursuant to this categorical exclusion must not limit the evaluation of alternatives when the future FTA-assisted project is evaluated in the FTA environmental review process, which must allow for the possibility that the property will not be used for the project. Furthermore, acquiring the property must also comply with the Uniform Relocation Act requirements.

If you have any questions about this determination, please contact Ms. Jean Mazur, Transportation Program Specialist, at (415) 734-9456, or by email at [jean.mazur@dot.gov](mailto:jean.mazur@dot.gov).

Sincerely,

**RAYMOND S  
TELLIS**

Ray Tellis  
Regional Administrator

 Digitally signed by RAYMOND S  
TELLIS  
Date: 2020.07.29 17:09:23 -07'00'



ATTACHMENT K

Doug Flaherty <tahoebblue365@gmail.com>

## FTA CE Determination for 771 Southwood Boulevard Incline Village NV

1 message

**Matley, Ted (FTA)** <Ted.Matley@dot.gov>  
To: "tahoebblue365@gmail.com" <tahoebblue365@gmail.com>

Mon, Jun 7, 2021 at 8:05 AM

Mr. Flaherty,

We also received the attached letter from Tahoe Transportation District (TTD) addressed to you that discusses the Stream Environment Zone (SEZ) issue.

The Categorical Exclusion (CE) determination that FTA Region IX issued allows the project sponsor to purchase the property using federal funds, should the project sponsor choose to do so. The FTA CE determination does not include approval for any future changes to or development of the property.

If the property is purchased using federal funds, or should federal funds be proposed to fund the development of or change the use of the property, an additional review and determination under the National Environmental Policy Act (NEPA) is required to develop or change the use of the property. We have confirmed with the project sponsor that they understand the limitations of the current FTA CE determination and that any future action to develop the property or change the use will require additional NEPA analysis.

The analysis would examine a full range of environmental impacts including the issues you have raised. I am hopeful that this future review, should it become necessary due to a proposed development of or change of use for the property, will meet the expectations of yourself and the other citizens of the area.

Thank you for the information you have provided, which will inform any future analysis. Should you have any further questions regarding the NEPA process, please let me know.

*Ted Matley*

*Director of Planning and Program Development*

*FTA Region IX*

*90 Seventh Street, Suite 15-300*

*San Francisco CA 94103*

*(415) 734-9468*

[ted.matley@dot.gov](mailto:ted.matley@dot.gov)



**Letter - Doug Flaherty - 28MAY21.pdf**  
556K

Attachment D

May 19, 2022 Hearings Officer Staff Report

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**STAFF REPORT**

Date: May 19, 2022

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Tahoe Transportation District/Washoe County School District Temporary Use; 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 Number ERSP2021-0673

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**Proposed Action:**

Hearings Officer action on the proposed project and related findings based on this staff summary and the draft permit (Attachment A).

**Staff Recommendation:**

Staff recommends the Hearings Officer make the required findings and approve the project subject to the special conditions in the draft permit.

**Project Description:**

The Tahoe Transportation District (TTD) operates the East Shore Express (ESE) shuttle service, which provides transit service between Incline Village and the east shore of Lake Tahoe. The ESE serves seven transit stops along the route between Incline Village and Sand Harbor State Park. The two locations affected by this permit provide parking for visitors to park and utilize the service. The old Incline Elementary School site (located at 771 Southwood Boulevard) will serve as the primary location for the service. When that parking fills up, the "overflow" will utilize the site of the current Incline Elementary School (915 Northwood Boulevard).

The proposed transit service operates seasonally between mid-June and Labor Day each year. The service operates seven days per week, between 10:00 AM and 7:00 PM, with a 30-minute headway. The site at 771 Southwood will be utilized throughout this service season. The 915 Northwood location will be utilized only while school is not in session. The school year for Washoe County schools in Incline Village begins in mid-August. After the school year has begun, the Northwood location will be used on weekends and holidays only, and will not be utilized while school is in session.

The current proposal is to utilize these two sites on a temporary basis. The service has been operating for a number of years on a less-formalized basis. The current proposal is to officially allow the transit service to utilize these two locations as intercept parking and transit stops. As identified in a Special Condition #5 in the attached draft permit, TRPA will require reporting and data gathering at each location (and for the service as a whole), which will be utilized to develop a long-term plan for the East Shore Express and future transit facilities in Incline Village.

The current proposal is to allow these two locations to be utilized as a “Transit Station and Terminal” as a temporary use, which allows the use of the sites for one season, with an option to extend for a second season.

Site Description:

The two locations addressed with this application are owned by the Washoe County School District (WCSD). The primary site for this project is a campus located at 771 Southwood Boulevard, which was previously the location for Incline Elementary School. It has not been used as an official school campus for approximately ten years. This campus is bordered by Nevada State Route 28 (SR 28) on one side, multi-family residential across the street, and commercial uses adjacent to it. The overflow site is the location of the current Incline Elementary School campus (located at 915 Northwood Boulevard), and is surrounded by a variety of public service, commercial and multi-family residential uses.

Physical improvements are not currently proposed at either of location. The proposed project will utilize the existing parking spaces at each site, which will be served by the East Shore Express transit service. Temporary signage will be utilized onsite to denote pick up areas. Benches and trash receptacles will also be placed at each pick up location.

Although no physical improvements are proposed at either location, all activity will take place in areas verified as Bailey Land Capability Class 6. Both sites have been certified for Best Management Practices (BMPs). (APN 132-201-02: Certificate #14705; November 4, 2011; APN 132-012-05: Certificate #4630; February 23, 2005).

Issues:

The proposed project involves a special use determination and therefore requires Hearing Officer review in accordance with Chapter 2, Subsection 2.2.2.a of the TRPA Code. All other issues are discussed in the staff analysis below.

Staff Analysis:

- A. Environmental Documentation: TRPA staff completed the Initial Environmental Checklist (IEC) and “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities and TRPA staff recommends the Hearings Officer make a Finding of No Significant Effect. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.
- B. Plan Area: Both proposed project locations are located within Washoe County’s Tahoe Area Plan, in the “Incline Village Commercial Regulatory Zone,” where “Transit Stations and Terminals” are permissible as a special use.
- C. Land Coverage: The project will not result in the creation of additional coverage, nor will it result in the relocation of coverage on either proposed site. Although no changes to coverage are proposed with this project, all proposed activity will take place in areas verified as Bailey Land Capability Class 6.
- D. Height: No physical changes to structures are proposed with this project.
- E. Scenic Quality: Although both locations are visible from Nevada State Route 28 (TRPA Scenic Travel Route Unit 22, Crystal Bay), no physical changes are proposed as a part of this project. Therefore, the project will not affect scenic quality along this travel route.

- F. Traffic: The Tahoe Transportation District (TTD) prepared a Vehicle Miles Travelled (VMT) analysis, as directed by TRPA transportation planning staff. The VMT analysis shows that the proposed project will result in an overall reduction in regional daily VMT of approximately 557 miles. The VMT analysis presumes that approximately 70% of the trips will access the site from along the North Shore, 11% from out the Basin to the North, and 19% coming from the South. The analysis shows that the Southwood location will generate approximately 17 additional vehicle trips during the peak hour. Hourly count data (published by the Nevada Department of Transportation) shows the peak hour traffic volumes on Southwood in the vicinity of the project is 378 vehicles per hour. Peak Hour vehicle trips associated with the proposed project represent approximately 4% of the total roadway volume for this portion of Southwood Boulevard. If the provisions of the Mobility Mitigation Program were applicable, this project would not be subject to any additional mitigation requirements.
- G. Parking: Parking associated with the proposed project will be provided onsite at each location. The area surrounding the site at 771 Southwood Boulevard currently experiences parking issues related to the surrounding land uses. The Permittee will have a parking attendant onsite at this location to assure that parking will occur in designated parking areas only. When the capacity at this site is reached, customers will be directed to the overflow site at 915 Northwood Boulevard.
- H. Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 37 and 50 of the TRPA Code of Ordinances. Following each finding, agency staff has 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.

The project is located within Washoe County's Tahoe Area Plan (Incline Village Commercial Regulatory Zone) (formerly Incline Village Commercial Community Plan), where transit stations and terminals are permissible as a special use. The proposed use of these sites as a transit stop/station will assist in implementing the Transportation Policies of the Regional Plan, related to Environment (to protect and enhance the environment, promote energy conservation, and reduce greenhouse gas emissions), and Connectivity (Transit). Facilitating the shuttle service also directly addresses multiple transportation planning goals identified in the Tahoe Regional Planning Compact to "reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the Region," and "to reduce to the extent feasible air pollution which is caused by motor vehicles." Reducing the pollution associated with additional vehicle miles being driven on the local roadways will also assist in meeting TRPA Thresholds related to water quality and air quality. There is no evidence showing the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, Public Service and Facilities, or Implementation sub-elements of the Regional Plan. The project, as conditioned, will not adversely affect the implementation of any applicable elements of the Regional Plan.

- (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 Section 4.4.2 of the TRPA Code of Ordinances and incorporates the checklist into this analysis. All responses contained in the project indicate compliance with the environmental threshold carrying capacities. In addition, the applicant has completed an Initial Environmental Checklist (IEC), which is hereby incorporated into this analysis. Staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available on the TRPA website, and through the Parcel Tracker.

- (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.

The project, as conditioned, will not have an adverse impact on applicable air and water quality standards for the Region. The project is proposed as a Temporary Use and does not include any physical changes to either site. Additional vehicle trips will be generated at each of the project locations. The project will provide an overall net decrease in regional daily Vehicle Miles Travelled (VMT).

2. Chapter 21 – Special Use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The nature of the proposed project is consistent with the public service uses permissible within the Area Plan. Both locations are within the “Incline Village Commercial” portions of the Tahoe Area Plan and are within the designated town centers. Each location is surrounded by a mix of public service, commercial and residential uses. Facilitating the associated transit service will assist in meeting various transportation policies identified in the Regional Plan, as well as two specific transportation planning goals identified in the Tahoe Regional Planning compact. No physical changes are proposed at either site.

- (b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

The proposed project does not include any physical changes to either proposed location. The proposed use will generate additional vehicle traffic at each of the proposed locations, but will reduce daily regional Vehicle Miles Travelled (VMT) overall. The VMT/traffic analysis shows that the additional vehicle trips generated by the project at the Southwood location during the peak hour represent approximately 4% of the adjacent street traffic volumes.

Both locations are on streets with a speed limit of 25 miles per hour. Given the project's low contribution of additional adjacent street traffic, it will not be injurious or disturbing to the health, safety, enjoyment of property or general welfare of persons or property in the neighborhood. The applicant will have a monitor on site at the Southwood location to direct customers to the overflow site when the Southwood site fills up.

The use has operated in previous years, most recently in 2019. The current proposal will be utilized as an opportunity to gather information related to transit service and the functioning at both locations. The data gathered will be evaluated to assess the site's long-term plan function.

As stated above, the use of these sites to serve the local transit system will assist in meeting transportation related goals in the Regional Plan and the Tahoe Regional Planning Compact, as well as having positive impact towards meeting several water quality and air quality related thresholds.

- (c) The project, to which the use pertains, will not change the character of the neighborhood or detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The use of these sites to serve the local transit system will not change the character of the neighborhood. The project is located within a town center within the "Incline Village Commercial Regulator Zone" with the Washoe County Tahoe Area Plan. "Transit Stations and Terminals" are permissible as a special use. Several policies within the Regional Plan support the implementation of public transit. The proposed use is consistent with the concept plan within the Area Plan, which identifies this parcel as "Public Service."

3. Chapter 50 – Additional Public Service Facility Findings:

- (a) There is a need for the project.

The Tahoe Transportation District (TTD) has been operating the East Shore Express (ESE) for several years. The purpose of the ESE is to bring people to the recreational facilities along Lake Tahoe's East Shore without the added environmental impact associated with increased vehicle use at each of these locations. Approving the temporary use at these sites will allow for the gathering of data during service operations, which will be used to develop long term plans and strategies for transit service serving the East Shore.

- (b) The project with the Goals and Policies, applicable plan area statements, and Code.

See rationale in Chapter 4 findings, above.

- (c) The project is consistent with the TRPA Environmental Improvement Program.

The project will assist in providing transit service between North Shore and East Shore, which is consistent with EIP Project #3.02.03.0004, "East Shore Transit Service Operational Enhancements." The project will also assist in the longer-term development of EIP Project #03.02.01.0021 (Tahoe Mobility Hub – Washoe County). The information and data gathered during the temporary operations at these locations will be utilized to help develop long-term plans related to the EIP projects mentioned above. The project will have indirect benefits to both Air Quality and Water Quality.

- (d) The project meets the findings adopted pursuant to Article V (g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's service capacity.

As stated above, this project will provide an important component of an overall improved transportation system by providing transit access to the recreational opportunities along Lake Tahoe's East Shore. The project will assist in implementing the transportation goals identified in the Regional Plan, as well as the Environmental Improvement Program (EIP).

- (e) If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with the public health and safety, the project is compatible with the applicable community plan.

This project is located with the "Incline Village Commercial Regulatory Zone" of Washoe County's Tahoe Area Plan. This area is what was formerly the "Incline Village Commercial Community Plan." "Transit Stations and Terminals" is permissible as a special use. The proposed project is consistent with the local plan.

As discussed above, the project will result in an overall decrease in daily vehicle miles travelled (VMT). The peak hour trips associated with the project will represent approximately 4% of the hourly roadway traffic volumes on the adjacent street. The applicant will have a monitor onsite to advise customers to utilize the overflow site when the primary Southwood site reaches its capacity.

The "Incline Village Commercial Concept Plan" within the Washoe County Tahoe Area Plan identifies this area as "Public Service." The proposed "Transit Station and Terminals" land use falls within TRPA's Public Service land uses and is consistent with the Area Plan.

The affected parcels are within areas identified as "Town Centers" within the Incline Village Commercial Regulatory Zone. The Area Plan states that town center strategies rely on "focusing transportation services, transit, and bicycle and pedestrian facilities in centralized areas where a variety of retail, employment, tourism and housing needs can be met." The proposed transit-related use is consistent with these strategies states in the Washoe County Tahoe Area Plan.

Contact Information:

For questions regarding this project please contact Bridget Cornell, TRPA Current Planning, by telephone at (775) 589-5218 or via email to [bcornell@trpa.gov](mailto:bcornell@trpa.gov).

Attachments:

- A. Draft Permit
- B. Project Plans

Attachment A

Draft Permit

**APN 132-201-02 and 132-012-05  
FILE NO. ERSP2021-0673**

Additional Filing Fee (1):        Amount \$ 618.15    Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Postage for Notice Mailing (2):    Amount \$ 44.66    Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Security Posted (3): Amount \$ 1,000.00 Type: \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Security Administrative Fee (3):    Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

**Notes:**

- (1) See Special Condition 3.D., below.
- (2) See Special Condition 3.E., below.
- (3) See Special Condition 3.F., 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 specifically authorizes the temporary operation of a transit station and terminal at the former Incline Elementary School campus (APN 132-201-02) and the current Incline Elementary School campus (APN 132-012-05). The Tahoe Transportation District (TTD) operates the East Shore Express (ESE) shuttle service, which provides transit service between Incline Village and the east shore of Lake Tahoe. The two locations affected by this permit provide parking for visitors to park and utilize the service. The site located at 771 Southwood Boulevard will serve as the primary location for the service. When that parking fills up, the "overflow" will utilize the site at 915 Northwood Boulevard. The proposed transit service operates seasonally between mid-June and Labor Day each year. The service operates seven days per week, between 10:00 AM and 7:00 PM, with a 30-minute headway. The site at 771 Southwood will be utilized throughout the service season. The 915 Northwood location will be utilized only while school is not in session.

Both sites have been certified for Best Management Practices (BMPs). (APN 132-201-02: Certificate #14705; November 4, 2011; APN 132-012-05: Certificate #4630; February 23, 2005).

Other than the temporary placement of benches, trash receptacles, signage, etc., directly related to the proposed transit service, no physical improvements are proposed at either location.

Per Special Condition 5, below, TRPA will require the applicant to prepare a report regarding the usage at each location (and for the service as a whole), which will be utilized to develop a long-term plan for the East Shore Express and future transit facilities in Incline Village.

The current proposal is to allow these two locations to be utilized as a “Transit Station and Terminal” as a temporary use, which allows the use of the sites for one season, with an option to extend for a second season.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
  - A. Please provide a site plan for each location addressed in this permit that includes:
    - (1) The location and number of parking spaces available at each site.
    - (2) The location of the transit stop, and the route the vehicles will access the stop.
    - (3) The location of any improvements (e.g., benches, trash receptacles, signage, etc.) that will be temporarily placed onsite.
  - B. Please submit a temporary sign plan for review and approval. Temporary Sign Plan shall include all temporary signage to be placed onsite and shall comply with TRPA Code of Ordinances.
  - C. Please provide a written plan to TRPA that addresses how potential complaints will be addressed by the Tahoe Transportation District. See Special Condition #4, below, regarding documentation of and response to complaints.
  - D. Applicant shall pay an additional \$618.15 in application filing fees. The fees paid with application submittal did not take into account the fee multiplier for requiring a public hearing (1.4), or for the affected parcels being within a Special Planning Area (1.25).
  - E. The Permittee shall pay \$44.66 for the postage required to send the notices of public hearing to the affected property owners.
  - F. The security for this proposed project will be \$1,000.00. Security shall be released upon completion of the project, installation of permanent BMPs and satisfaction of all permit conditions. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and the applicable security administration fee (currently \$212).
  - G. The permittee shall submit final plans to TRPA. If submitted electronically, only one set will be required.
4. If any complaints are brought to the attention of the applicant or to TRPA while the service is operation, these complaints shall be documented and submitted in writing to TRPA within seven calendar days of the complaint. Permittee shall explain in writing how these complaints were addressed, and any changes that were made to the project as a result.

5. The Permittee shall prepare and submit to TRPA a report of transit operations for the service accommodated at each of these locations. This report shall include the number of days the service was in operation, the number of vehicles using each site each service day, the number of total passengers accessing the transit service from these sites each day, any reported complaints, and documentation of how complaints were addressed, consistent with Special Condition #4, above.
6. The permit expiration may be extended by one six-month period pursuant to Section 22.5 of the Code of Ordinances if a request to extend the permit is received in writing prior to the permit expiration date. Because this permit is for a seasonal temporary use, the six-month extension may be applied to the following operating season. This permit does not authorize the permanent use or placement of structures. A separate permit for a permanent use is required if the permittee proposes to continue the use beyond the permit expiration date. The granting of one six-month extension is at the discretion of TRPA and will be evaluated based on the permittee's compliance with permit conditions, adherence to proposed operation plan and compatibility with surrounding land uses.
7. Parking is limited at each location to the paved, marked spaces onsite. Customers can access the transit stop by non-vehicular modes (e.g., other transit modes, walking, biking, etc.). Any customer accessing the site by vehicle shall use the designated parking spaces only. No offsite parking is allowed. The applicant will utilize a parking attendant to ensure parking occurs in designated parking spaces only. When the primary site reaches capacity, customers will be directed to the overflow site.
8. All temporary structures and materials shall be removed prior to expiration date.
9. All trash shall be picked up prior to the end of daily operations.
10. Any change to the temporary use requires approval of a TRPA plan revision permit prior to changes being made to any element of the project.
11. This approval is based on the Permittee's representation that all plans and information contained in the subject application and associated materials 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.
12. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
13. 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,

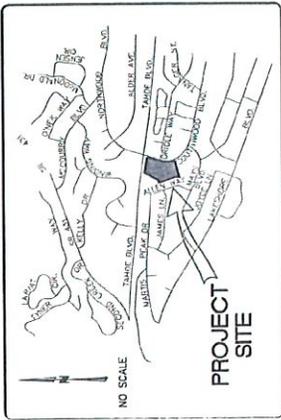
installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

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 B

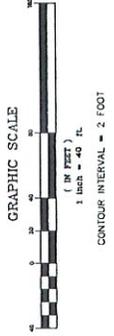
Project Plans



VICINITY MAP

- LEGEND**
- AREAS OF IMPERVIOUS COVER
- FOUND 5/8" REBAR W/CAP "PLS 2771" PER R/S 2771
  - FOUND POINT AS NOTED
  - CALCULATED POINT, NOTHING FOUND OR SET
  - CFA CONTROL POINT
  - RECORD OF SURVEY
  - IRV/S
  - PIE
  - PUBLIC UTILITY EGRESSMENT
  - T.M. TRACT MAP
  - CL OR CL CENTRALINE
  - SMH SANITARY SEWER MANHOLE
  - SDMH STORM DRAINAGE
  - CB CATCH BASIN
  - DI DROP INLET
  - DMP CORRUGATED METAL PIPE
  - CC CONCRETE
  - PCP REINFORCED CONCRETE PIPE
  - UC GAS LINE
  - WM WATER METER
  - WV WATER VALVE
  - OHE- OVERHEAD ELECTRIC
  - TPAD TRANSFORMER PAD
  - PP POWER POLE
  - DM DUCT
  - CUY CURB
  - TMH TELEPHONE MANHOLE
  - ECP EDGE OF PAVEMENT
  - AC ASPHALTIC CONCRETE
  - H-C HANDICAP
  - 107P PINE TREE W/DIAMETER TRUNK SIZE
  - 117P FIR TREE W/DIAMETER TRUNK SIZE
  - CLF CHAIN LINK FENCE
  - CLW CHAIN LINK FENCE
  - WDF WOOD FENCE
  - IE INVERT ELEVATION
  - IRP IRON PIPE

Site visit  
Juliana Vincent  
7-1-10



FILE COPY  
LCAP200-0114  
132-201-02

**SITE DATA**

APN: 132-201-02  
 ACREAGE: 6.432 ACRES ±  
 STREET ADDRESS: 771 SOUTHWOOD BLVD.  
 INCLINE VILLAGE, NV  
 TOTAL LOT SIZE: 286,177.92 S.F.  
 LAND CAPABILITY: 1407/6 84,053 S.F.  
 99,150 S.F.

TABLE

	Area (S.F.)
IRV/S	5,448
TPAD	9,256
PP	15,068
DM	25,657
CUY	7,668
TMH	32,960
ECP	2,684
AC	829
H-C	99,350

Clear 4: 57,794 ft @ 20% = 14,559  
 Clear 6: 72,7, 30 ft @ 30% = 46,714

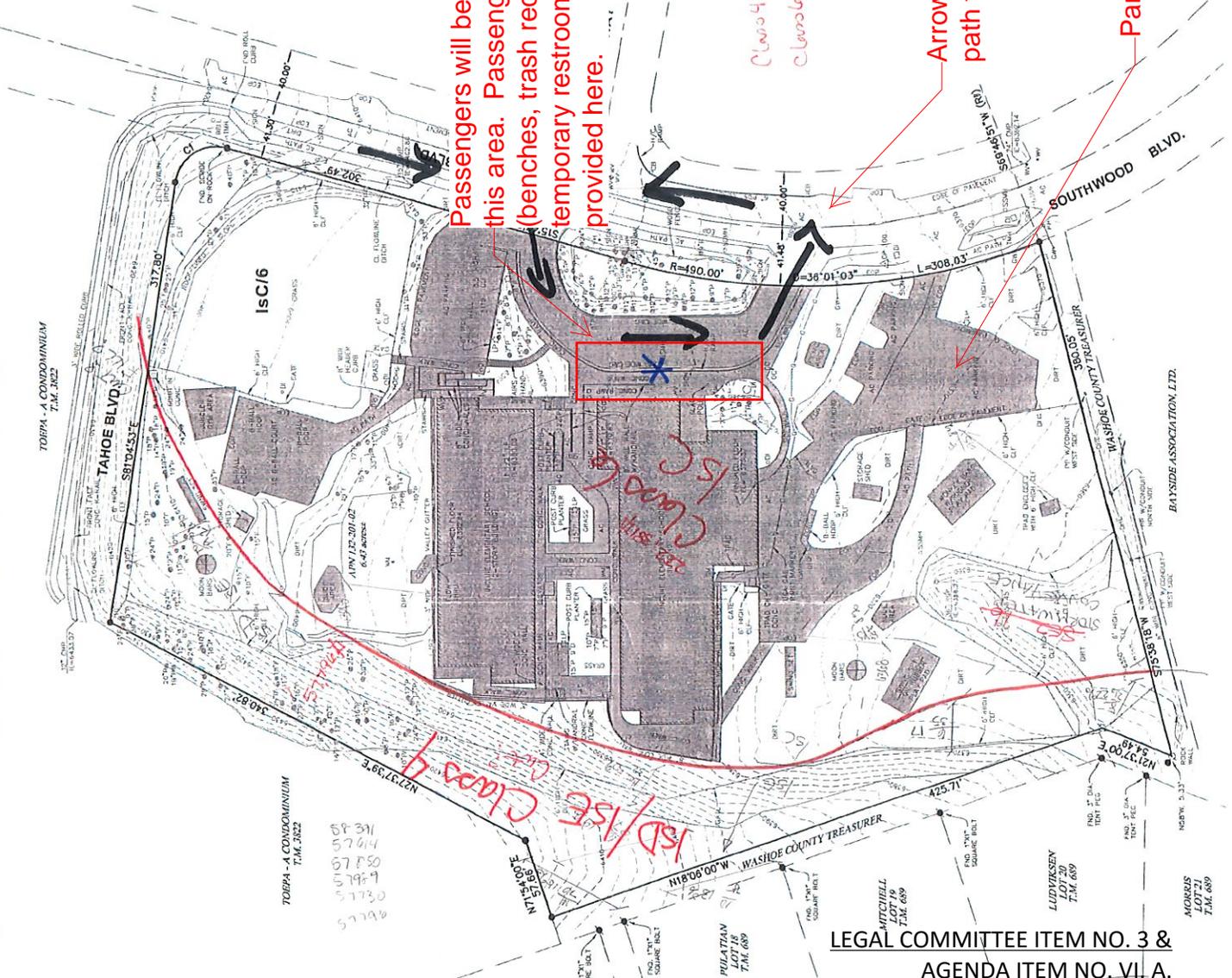
CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
CI	98°52'47"	30.00	30.73

Arrows delineate access path for transit vehicles.

Parking Area

771 Southwood Boulevard  
 TRPA File #ERSP2021-0673



Passengers will be picked up in this area. Passenger amenities (benches, trash receptacle, temporary restrooms, etc.) will be provided here.

TOPIA - A CONDOMINIUM  
T.M. 3222

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5776  
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5797  
5798  
5799  
5800



Passenger Pick-up Location



Incline Elementary School

Parking Area

915 Northwood Boulevard  
TRPA File #ERSP2021-0673

Attachment E

Initial Environmental Checklist dated May 20, 2022



**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.gov](http://www.trpa.gov)

---

***INITIAL ENVIRONMENTAL CHECKLIST  
FOR DETERMINATION OF ENVIRONMENTAL IMPACT***

---

Project Name:

APN/Project Location:

County/City:

Project Description:



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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 and reference the question number and letter. If more space is required for additional information, please attached separate sheets and reference the question number and letter.

For information on the status of TRPA environmental thresholds click on the links to the Threshold Dashboard.

## I. Environmental Impacts

### 1. Land

Current and historic status of soil conservation standards can be found at the links below:

- [Impervious Cover](#)
- [Stream Environment Zone](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion



## 2. Air Quality

Current and historic status of air quality standards can be found at the links below:

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

### 3. Water Quality

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

<b>Will the proposal result in:</b>	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-year flood waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Discussion



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## 4. Vegetation

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. A change in the natural functioning of an old growth ecosystem?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



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## 5. Wildlife

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

## 6. Noise

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



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## 7. Light and Glare

**Will the proposal:**

	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

## 8. Land Use

**Will the proposal:**

	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



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## 9. Natural Resources

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial depletion of any non-renewable natural resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

## 10. Risk of Upset

**Will the proposal:**

	Yes	No	No, with mitigation	Data insufficient
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



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## 11. Population

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

## 12. Housing

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing? <i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i>				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion



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### 13. Transportation / Circulation

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



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## 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?:**

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## 15. Energy

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

## 16. Utilities

**Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:**

	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



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## 17. Human Health

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

## 18. Scenic Resources / Community Design

**Current and historic status of the scenic resources standards can be found at the links below:**

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

**Will the proposal:**

	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

## 19. Recreation

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

**Will the proposal:**

	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## 20. Archaeological / Historical

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## 21. Findings of Significance

	Yes	No	No, with mitigation	Data insufficient
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion



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**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:

\_\_\_\_\_ at \_\_\_\_\_  
Person preparing application County Date

**Applicant Written Comments:** (Attach additional sheets if necessary)

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## 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

\_\_\_\_\_  
Signature of Evaluator

Date \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator