

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

NOTICE IS HEREBY GIVEN that on **October 27, 2021**, commencing **no earlier than 11:30 a.m.**, via **GoToWebinar**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. Pursuant to the State of California's Executive Order No. N-29-20, and Assembly Bill 361, the TRPA meeting will not be physically open to the public and all Governing Board Members will be participating remotely via GoToWebinar. TRPA sincerely appreciates the patience and understanding of everyone concerned as we make accommodations to conduct business using best practices to protect public health. The agenda is attached hereto and made part of this notice.

To participate in any TRPA Governing Board or Committee meetings please go to the Calendar on the www.trpa.gov homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website. For information on how to participate by phone, please see page 4 of this Agenda.

NOTICE IS FURTHER GIVEN that on **Wednesday, October 27, 2021**, commencing at **9:30 a.m.**, via **GoToWebinar**, the **TRPA Regional Plan Implementation Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 55) 3)** Discussion and possible direction to staff for Briefing on Chapter 65 of the Code of Ordinances for the Mobility Mitigation Fee Update; **(Page 305) 4)** Committee Member Comments; Chair – Yeates, Vice Chair – Bruce, Aldean, Friedrich, Gustafson, Lawrence; **5)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, October 27, 2021**, commencing at **10:30 a.m.**, via **Zoom**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 75) 3)** Appeal of Denial of Remand of Appeal ADMIN2021-0004 (Denial of Non-Littoral Existing Mooring Buoy), 4100 Doe Avenue, Placer County, California, Assessors' Parcel Number (APN): 085-161-014, Appeal File No. ADMIN2021-0029; **(Page 223) 4)** Closed Session with Counsel to Discuss Existing and Potential Litigation; **5)** Potential Direction Regarding Agenda Item No. 4; **6)** Committee Member Comments; Chair – Bruce, Vice Chair – Novasel, Rice, Williamson, Yeates; **7)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, October 27, 2021**, commencing at **10:30 a.m.**, via **GoToWebinar**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Recommend approval of September Financials; **(Page 81) 3)** Recommend approval of California Tahoe Conservancy Land Bank Administrative Fee and Memorandum of understanding Update; **(Page 105) 4)** Recommend approval for Release of Excess Coverage Mitigation Funds (\$35,000) to the California Tahoe Conservancy for the acquisition of an environmentally sensitive parcel, at 1450 Boca Raton Drive in El Dorado County; **(Page 121) 5)** Recommend approval of Amendment No.1 of the FY 2022 Transportation Overall Work Program; **(Page 195) 6)** Informational Update on Project Applications volume and processing; **7)** Quarterly Treasurers' report; **(Page 333) 8)** Upcoming Topics; **9)** Committee Member Comments; Chair – Aldean, Vice Chair – Gustafson, Cegavske, Hicks, Hill; **10)** Public Interest Comments

October 20, 2021



Julie Regan,
Acting Executive Director

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

TAHOE REGIONAL PLANNING AGENCY	
GOVERNING BOARD	
Via GoToWebinar	October 27, 2021
	No earlier than 11:30 a.m.

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

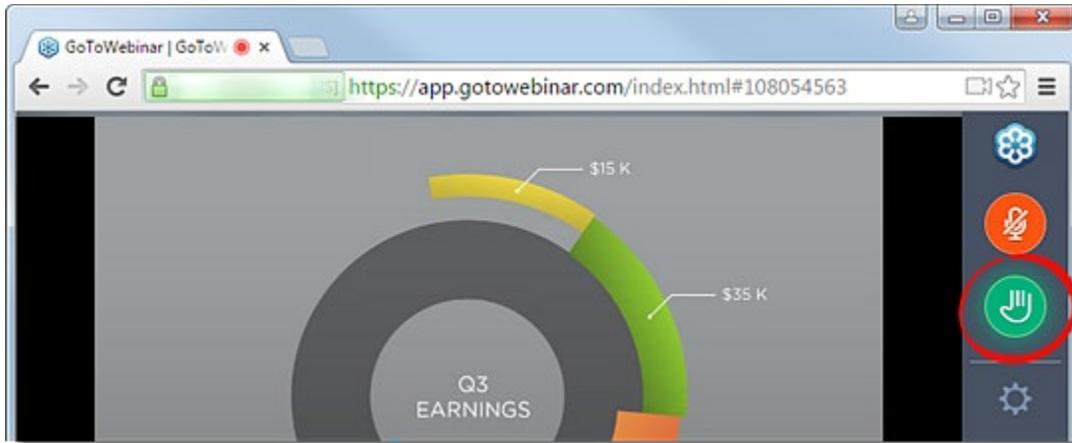
Members of the public may email written public comments to the Clerk to the Board, mambler@trpa.org. All public comments should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set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

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance.

The Governing Board agenda and staff reports will be posted at <https://www.trpa.gov/governing-board-documents-october-27-2021/> no later than 7 days prior to the meeting date. Any member of the public with questions prior to the meeting may contact Marja Ambler, mambler@trpa.gov or call (775) 589-5287. On meeting day please contact TRPA admin staff at virtualmeetinghelp@trpa.org or call (775) 588-4547.

Public Participation in the Webinar:

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2. Find the link to the meeting at <https://www.trpa.gov/governing-board-documents-august-25-2021/>. Clicking on the GoToWebinar link will open the GoToWebinar app automatically and prompt you to register for the meeting. Please register with your first and last name so that you may be identifiable in the event you would like to make public comment.

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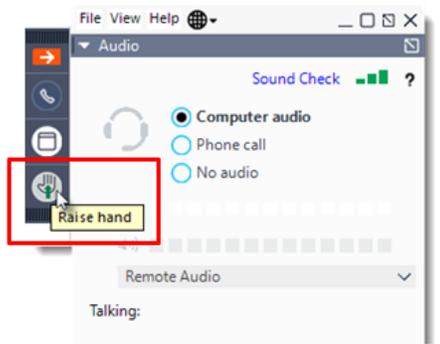
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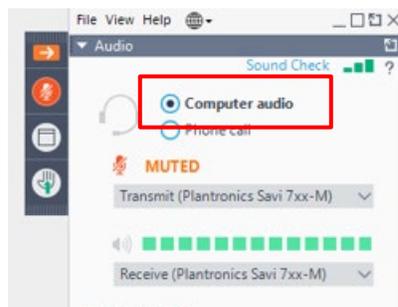
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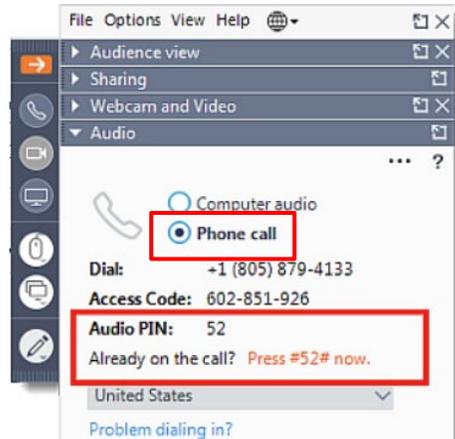
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AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - 1) August 25, 2021 Page 9
 - 2) September 22, 2021 Page 33
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)

Adjourn as the TRPA and convene as the TMPO
- VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR (see Consent Calendar agenda below for specific items)

Adjourn as the TMPO and reconvene as the TRPA
- VII. PLANNING MATTERS
 - A. Round Hill Pines Resort Highway Intersection Improvements, **Action** Page 205
TRPA File No. EIPC2021-0012
 - B. Science Briefing:
 - 1) State of the Lake Report by Dr. Geoffrey Schladow, **Informational Only** Page 219
University of California, Davis
 - 2) Caldor Fire Science and Monitoring Overview by **Informational Only** Page 219
Dr. Sudeep Chandra, University of Nevada, Reno
 - C. Update on the Caldor Fire Recovery Program **Informational Only** Page 221
- VIII. APPEAL
 - A. Appeal of Denial of Remand of Appeal ADMIN2021-0004 **Action** Page 223
(Denial of Non-Littoral Existing Mooring Buoy), 4100 Doe Avenue, Placer County, California, Assessors' Parcel Number (APN): 085-161-014, Appeal File No. ADMIN2021-0029
- IX. REPORTS
 - A. Executive Director Status Report **Informational Only**
 - 1) Quarterly Report: July – September 2021 **Informational Only** Page 283
 - B. General Counsel Status Report **Informational Only**
- X. GOVERNING BOARD MEMBER REPORTS

XI. COMMITTEE REPORTS

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

XII. PUBLIC INTEREST COMMENTS

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

XIII. ADJOURNMENT

TRPA CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>
1. September Financials	Approval <u>Page 81</u>
2. California Tahoe Conservancy Land Bank Administrative Fee and Memorandum of Understanding Update	Approval <u>Page 105</u>
3. Release of Excess Coverage Mitigation Funds (\$35,000) to the California Tahoe Conservancy for the acquisition of an environmentally sensitive parcel, at 1450 Boca Raton Drive in El Dorado County	Approval <u>Page 121</u>
4. Natural Grocers Commercial Redevelopment Project 869 & 873 Tahoe Boulevard, Washoe County, Nevada Assessor's Parcel Numbers 132-240-20 (formerly 132-240-02) and 132-240-21 (formerly 132-240-03) TRPA File Number ERSP2021-0546	Approval <u>Page 125</u>

TMPO CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>
1. Amendment No.1 of the FY 2022 Transportation Overall Work Program	Approval <u>Page 195</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

GoToWebinar

August 25, 2021

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Bruce called the meeting to order at 12:21 p.m.

Members present: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

II. PLEDGE OF ALLEGIANCE

Ms. Hangeland led the pledge.

III. APPROVAL OF AGENDA

Ms. Marchetta said Agenda Item VII.A Briefing on emergency response and evacuation planning will be taken ahead of Agenda Item VI.A Resolution for Casey Beyer.

Mr. Marshall said Agenda Item VIII.B Appeal of Single Parcel Pier Expansion Application has been withdrawn. The appellant is in agreement that staff will bring the issue of whether or not we should have another exemption for non-conforming structures for expansions, conversions of buoys to boat lifts to the Shoreline Steering Committee. Consultant, Jan Brisco has agreed on behalf of her client.

IV. APPROVAL OF MINUTES

Ms. Aldean moved approval of the July 29, 2021 minutes as presented.
Motion carried.

V. TRPA CONSENT CALENDAR

1. July Financials
2. Release of Douglas County Air Quality Mitigation Funds (\$35,666) towards planning and design of a new Douglas County Tahoe Transportation District Administration and Maintenance Facility
3. Resolution of Enforcement Action: Edgewood Companies; Unauthorized Vegetation Removal and Grading Outside the Grading Season, 180 Lake Parkway, Douglas County, NV, Assessor's Parcel Number 1318-27-001-015
4. AJC California Holdings LLC, 20-Unit Deed Restricted Achievable Multi-Family Housing Project, 941 Silver Dollar Avenue, City of South Lake Tahoe, California, TRPA File Number ERSP2020-1763, Assessor's Parcel Number (APN) 031-290-012

Ms. Aldean said the Operations and Governances Committee recommended approval of items one and two.

Mr. Marshall said the Legal Committee recommended approval of item three. There will be a \$55,000 payment to TRPA and \$50,000 contribution for control and containment of Aquatic Invasive Species along Edgewood Creek and ponds within the Edgewood Tahoe Golf Course.

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Public Comments & Questions

None.

Mr. Friedrich moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Motion carried.

VI. ADMINISTRATIVE MATTERS

- A. Resolution recognizing former Governing Board member, Casey Beyer, Governor of California Appointee

Mr. Bruce read the resolution into the record.

Board Comments & Questions

Mr. Yeates said he always had a lot of fun balancing Casey and Clem as the three public members from California. It's well stated in the resolution, Casey did have a bi-state perspective. He was always very concerned about how the board could work together and the collegiality of the board; he was one of the real leaders. That allowed them to work together and accomplish many of the things that are set forth in the latter part of his resolution. He enjoyed and appreciated Casey's concerns about things that happened to him personally and wished him the very best in Santa Cruz.

Ms. Aldean said when she heard that Casey was thinking of stepping down, she was obviously a little distraught. She reminded him that he had made kind of an informal commitment to make this a lifelong appointment! In his email response he produced a long litany of all the initiatives he participated in. Not only does he have a phenomenally good memory but that's an illustration of how deeply involved he was and how seriously he took his role as a member of the TRPA Governing Board. One of the things that she's always admired about Casey, is that not only does he have an agreeable personality, but he also has a refreshing outlook on issues and he illustrated what we can all accomplish working for a common cause. Casey was her Vice Chair choice when she was Chair. It was an easy choice for her to make, based on the fact that he is also affable and so committed, and it has a very ingratiating way about him. Casey, you will be missed.

Mrs. Cegavske said she's thrilled that she was on the board with Casey. It was fun to have him on the board and she learned a lot from him. She appreciated his bipartisanship of both states. Sometimes it was hard to tell what state members were from because everybody thought of the lake as one. Casey knew Tahoe and what the issues were.

Mr. Hicks thanked Casey for all he's done. He was so welcoming to him when he started on the board and was always there to answer questions, give him insights, and always there to come up with a funny line. He appreciated what he did for him personally and echoed all comments on what he did for TRPA and the two states.

Mr. Lawrence said just to add on to all the kind words that have already been spoken. Casey selected him as his Vice Chair when he was Chair. There's been comments regarding his bi-state perspective but even more he had a Tahoe first perspective. It was a difficult time for him to be chair. We were a couple of years into the Regional Plan Update being adopted and there were some kinks to be worked out. His sense of humor, steady hand, served the Agency in a

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tremendous capacity in addition to all of the initiatives that he worked on. He's disappointed that he's not on the board anymore, because he enjoyed working with him.

Ms. Novasel echoed what Mr. Lawrence said as a Monterey person, She enjoyed all of the conversations they had about what was going on in Santa Cruz and how they could apply that in Tahoe. Thanks for all the work that you've done and we'll miss you.

Mr. Bruce thanked Casey for his families contributions. Secondly, he and Casey were fortunate to have some things in common and relationships outside the board including Reno High School. Casey introduced him to a number of people for other projects whether they were science, social, or other philanthropic projects. It's incredible how many people he introduced to him that were involved in the Silicon Valley leadership group and for that, he will always be extremely thankful. Casey has been very valuable to this board and has made an impact to this majestic place that we call Lake Tahoe.

Ms. Marchetta thanked Casey for his collegiality, dedication, and tenacity hanging in for 12 years. We know this board post is not for the faint of heart. Thank you for your kindness and advice to staff and appreciated all the bipartisanship and the bi state perspective. You've never been insular and you've always been willing to compromise. Recalling one circumstance in particular, when he made an unbelievable personal sacrifice at a time of family crisis, where he showed up for a 14 hour hearing so that the quorum and vote would be complete.

Ms. Regan thanked Casey for his support of staff over the years. With his passion for cycling he brought a group of cyclists up here and we were all making peanut butter sandwiches in the lunchroom for this group. Our team got hands-on involved with a lot of his personal causes and passion that aligned perfectly with the direction of the Agency to make Tahoe more bikeable and walkable in the Regional Plan. Staff has truly valued his leadership, guidance, and friendship.

Mr. Beyer thanked everyone; he's humbled. Twelve years seems like a long time but when you do it for the lake, it's not. There's an old saying in Nevada that you can't take the Lake out of the Nevadan. Even in California, he's still a native Nevadan and Lake Tahoe is home. There's a lot of things that we did for the 12 years that he was on the board. He looks at what the board does as a team. Each member played a respective relationship in terms of developing policies, programs, and projects that were instrumental to the to the Agency. There may have been different perspectives but at the end of the day, they were pretty close in alignment. Then Secretary Laird under Governor Brown told him he needed to be on the team. And what team are you referring to? The Governor's team. Mr. Beyer responded that he was on a different team and the Governor's part of it and that's called the Lake Tahoe team. There was only one time in the 12 years that he and Mr. Shute former California Governor Appointee board member disagreed. They came to the issues in their own perspective way, and he always thought of what's best for the lake? Not what's best for Nevada or California. It was highlighted by the 12.12.12. Regional Plan Update. That was a significant lift of a collaborative working group led by Ms. Marchetta and her team that pushed it over the finish line, and the Lake is better for it. One of his first trips as a board member was to the area of the Angora Fire about 1.5 years after the fire. He learned more in that tour about South Lake Tahoe that he had in his entire life living around the lake. It's a significant ability to put our differences behind us and focus on what's common good. When we do that, we succeed. When people, stand tall and work together, you can overcome almost any obstacle.

Public Comments & Questions

None.

Board Comments & Questions

Ms. Aldean made a motion to adopt the Resolution as presented honoring Casey Beyer as a former member of the Governing Board.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Motion carried.

VII. PLANNING MATTERS

A. Briefing by Chief Clive Savacool, City of South Lake Tahoe Fire Rescue on Emergency Response/Evacuation Planning

Mr. Cowen said the board expressed interest in this topic earlier this year. TRPA staff reached out to law enforcement and fire protection representatives, who are the lead agencies on evacuation and emergency response preparation in the Tahoe region. The board also passed a resolution in May, in support of the 2021 Tahoe Wildfire Awareness Campaign and also in support of the responsibility of every resident and visitor to the Tahoe basin to be prepared for a wildfire and to have their own evacuation plans and go bags at the ready. This topic has become extra poignant this year as climate change and prolonged drought are changing forest ecosystems right before our eyes. The question of if, but when is being answered right now, for us as wildfire and evacuation warnings approach, the very rim at the Tahoe basin. With the Caldor Fire now less than 12 miles to the south-west of us, we are incredibly fortunate and grateful that local law enforcement and fire protection personnel have agreed to join us today and to provide the board and staff with an overview of evacuation planning.

The lead presenter is Lieutenant Travis Cabral, the City of South Lake Tahoe Police Department presented on behalf of Chief Savacool of South Lake Tahoe Fire Rescue who was called away this afternoon for a meeting on the Caldor Fire. Also joining was Division Chief Fire Marshal, Eric Guevin with the Tahoe Douglas Fire Protection District who is also the fire representative on TRPA's Advisory Planning Commission. That seat was added to the APC at the request of the Governing Board, following the devastating 2007 and Angora wildfire.

Lieutenant Cabral said this has been a topic of every conversation in the past few days, as we prepare for what could possibly be something coming into to Tahoe.

(Slide 2) The evacuation map was a coordinated effort with the area law enforcement, fire personnel and all of the partners and stakeholders that would be involved in evacuations in the basin. The model is color coded and named with the neighborhoods. It's a way for them to locate neighborhoods in an evacuation and evacuate each neighborhood individually. A disaster could be one neighborhood or the entire city. This is helpful for the public and also outside law enforcement that come into our area on how we're going to evacuate.

(Slides 3-8) Is the hazards community evacuation plan. This is a preparation plan for the community and for visitors into Tahoe. The best way to prepare is to prepare yourself. This plan gives an overview of what you can do as citizens to prepare yourself for any type of disaster. They're very basic principles, of preparing your family, identifying hazards in your community, knowing your entrances and outlets into and out of the basin. This was put together in cooperation with multiple agencies around us and is a plan that the El Dorado County Sheriff's office had already prepared for county wide. This is shared, both online, with the city, as well as through our tourism core where they are working to get them out to hotels This would have a QR Code to scan when people come into town, to sign up for the Code Red Emergency Notification Systems. It gives them more access to provide people with information while they're here in Tahoe. This is more of the preparedness side because all disasters are different.

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There's many times when disasters strike suddenly and a plan to say where someone's evacuation center is may not be the same for one incident versus another.

(Slide 2) This map does not include Douglas County which has their own system. In case of disaster they would tie in with them. They have an updated map that will be distributed to the public that has all the street names and neighborhoods that they can provide to area law enforcement and sister agencies that come in and help evacuate. A lot of times in evacuation, for example, they may evacuate the Christmas Valley area first by sending law enforcement out to provide information both through the alert systems and personal communication. They go door to door, letting people know what's going on and clear each neighborhood individually.

Division Chief Fire Marshal Guevin said they have a trap line set up through the Fire District as well as in South Lake working with the Forest Service. They are a two faced board that has maps and the QR codes on it that push out the fire information on those boards. Those boards are available throughout the district. They also felt the need to set up an information booth at the Safeway in Round Hill that had information about evacuation preparedness. It was live staffed from 1:00 to 5:00 p.m. initially over the weekend. They worked with K-Tahoe to broadcast those times to the public. One of the bigger issues for them was that they knew this fire was away from the basin and some say it's knocking on Tahoe's door. It's very unlikely that it will make a run into the basin, but it can happen. More importantly, they want people to be aware that we're fire prone either way. Fires are going to happen and we really want people to be situationally aware of what's going on. That's somewhat difficult place to be in for us to get that information out because we have a lot of transient occupancy, vacation homes, second homes, etc.

If they can get information to our residents and making those touch points by having the boards available for the community to get the information. They want the local residents to sign up for the reverse 911 system. Early notification is key in having a successful evacuation. They geofence the areas around Kingsbury, down Highway 50 out into Glenbrook. They can't flush everything at once. They need to have some organization, priorities need to be made, and they try to give as much notice as possible so they can have a buffer zone. So, you're evacuating one area and warning another area and that tier system kind of continues on. They can geofence those areas, send an alert out, get warnings out, and then can send the notifications for evacuation. It's important that those people are prepared to leave at those times. That's why those touchpoints and being face to face with individuals, they can calm them and equip them with the information that they need to respond in an emergency.

There is very limited egress out of the basin, so it's important that we can do that in an organized fashion. They did that really well with moving traffic in the Angora Fire. Luckily no one was killed or injured in that. They could also have cases where they move the traffic in one direction on the highway and split that egress out. The casinos are pretty hardened against fire and wildfire so they make a good place to make a stand and have a shelter in place. There are other areas where we can shelter people in temporary areas of refuge. This would be done through those notification systems on the phones, social media, and mainly through the radio system. K-Tahoe is tied in and has emergency power available. They can change information quickly and make sure they're getting the right information out. Another source is KOH 780 that is broadcast out of Reno that can reach the entire basin.

It's important for people to have their go kits, sign up for the early notification, know their routes out, and dress appropriately

We look at a lot of what happened with the Campfire in Paradise and the notifications there and they had very difficult access. A lot of people compare that fire to what could happen in the basin but we've done a lot of field work here as well. There's much more work to be done we can use this time to get that information out to the public and just be aware there's things they can do and those action points will help calm them.

Presentation can be found at:

[Agenda-Item-No.-VII.B-Lt.-Cabral-Emergency-Response-Evacuation-Planning.pdf](#)

Board Comments & Questions

Ms. Novasel, Christmas Valley resident said there's an amazing amount of help already from law enforcement coming from all over. It's nice just knowing that we have that kind of support. Unfortunately, we are nationally renowned for this fire but the good news is there's a lot of support. She went with the CHP into fire area on Sunday and didn't see any flames all the way down to Fresh Pond. There's been a lot of misinformation with social media and would recommend everybody do exactly what we're being told to do with staying informed. If you have neighbors and properties around you that are vacation rentals please go knock on the doors and let them know what's going on because they'll probably be the least informed. A shout out to all the firefighters who are doing an excellent job. The California Highway Patrol are working 16 hour days, seven days a week.

Mr. Hicks expressed his thanks to all of the fire personnel. We all new these days were coming and they'll come again. All of this underscores the importance of us approaching this and doing what we can do to help the fire personnel and people in the basin by coming up with better fuels treatment programs.

We have great ones now and is not complaining about them, but we need to pay attention to that. For example, the West Shore fuels project that is on the drawing boards and moving along but we need to do everything we can to make those things actually happen and happen quickly. When this burning season is past, he would welcome anything that the Tahoe Fire and Fuels Team members have for us that we in our regulations can do to address our procedures and requirements, but also whatever we can do to encourage our fellow authorities to do to help expedite these fuels treatment programs is absolutely critical.

We all hear the news about climate change. Something is happening here. We all know what needs to be done. The forests need to be cleaned up, we all know it's going to take millions, if not billions of dollars, to do that but we really need to move on this.

Ms. Gustafson thanked all of the first responders, law enforcement, and firefighters for the tremendous efforts they put forth on all of these fires with resources that are very, very tight. Similarly, Placer County has a voluntary sign-up alert that is there to inform people to receive text messaging. But when she was recently in Reno, she was getting alerts from WEA for the Dixie Fire for evacuations. She's not signed up for anything in Reno but was down there as that day visitor, like many might be in reverse.

Lt. Cabral said it's a similar system to their site and believes Douglas County also has the same system. There's a couple systems out there. First, there's a sign-up based system, which is like Placer's and that is more of a Code Red system which is what we call it here and that's area specific. A person signs up using their address and phone number and then get alerts based on that region. What Ms. Gustafson was referring to is considered a reverse 911, or what they call I Pause which is a geographic system. It sends an alert to all those people and that's great for tourists whereas maybe they won't get a Code Red alert because they're not signed up. The inherit problem with a geographic system, especially in our area, is that there's bleed over. As people in the Christmas Valley area can attest to with the Caldor Fire as they were receiving evacuation notifications even though it wasn't in their area and that's because of the bleed over. They're great systems the law enforcement and fire personnel have to think about how they utilize those systems to make sure that the right people are getting the information at the right time.

Ms. Gustafson said even though it was a bleed over, it may be re-assuring to many who question how will the visitors be notified? There is that technology and ability in an absolute disaster to

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push that messaging out to those who wouldn't have signed up. That's important for our locals to know as well, that we will have the ability in those circumstances where we do need to reach our visitors. Visitors may not know the radio stations, the neighborhood they're in, but at least they're getting an alert .

Ms. Aldean echoed all the comments about the steadfastness and the dedication of the law enforcement folks and firefighting community. Because of the close proximity of the Caldor Fire, most of the focus right now is along the south end of the lake. There's been coordination between South Lake and Douglas County but are there similar plans in Placer and Washoe Counties? If so, will we be receiving information on those evacuation plans at some point in the future? People in Incline Village, in particular, we're interested in viewing those plans. It's important that everybody be cognizant of what the plans are and reassured by both firefighters and law enforcement personnel that their concerns have been taken seriously.

Mr. Cowen said the Tahoe Fire and Fuels Team is region-wide, North and South Shore. While we were trying to organize the presentation for the board today, it was a lot to ask for different law enforcement agencies to all try and get together for this presentation. As long as we know that those organizations in those areas have evacuation plans and that they are making those available to the people who need to see them. In the future, they'll do their best to see if they can get more of a region-wide snapshot of this.

Ms. Aldean said she didn't remember signing up for the Amber Alert system and yet she gets alerts on her phone about abductions. Is there a way we can piggyback on that system.

Division Chief Fire Marshal Guevin said absolutely. That system is part of that Wireless Emergency Alert System (WEA). It's done by geofencing. If you're on the Lake and call 911 it could actually go down to Sacramento and it could be dispatched from there because it's going to grab the nearest tower or strongest signal. Those emergency alerts are our broadcast wide and far. You have to allow your phone to receive those emergency alerts. It's a default when your phone is activated so if you don't change anything, it's automatic. You can opt out of that on your phone. The emergency alert systems on the Douglas County side and believes it's the same with the City of South Lake Tahoe they go through a gateway which in Douglas County it's through the emergency managers. Washoe County would be the same. They've got a real similar way that they would handle these evacuations. They would follow the Incident Command System, (ICS). It's very similar throughout, not just our region, but all over, it's international. The Fire Pit, Public Information Team are putting together a frequently asked questions. He believes the Tahoe Fund is going to put that up and probably share it. It'll allow you to go in and find your early notification system and register. No matter where you're at on the lake, someone can go to this frequently asked questions on what to do to prepare for wildfire. For the Code Red system a person needs to sign up with their address where they want the notifications.

Mr. Friedrich thanked Lt. Cabral and everyone at the Emergency Operations Center. Every day at 5:00 p.m. Cal Fire Amador-El Dorado Unit hosts a briefing on Facebook. The City of South Lake Tahoe has resources in English and Spanish linked at the top of the website and on City's Facebook page they've also interpreted into Tagalog. He encouraged everyone to share those resources to make sure all folks in our community get the information. Either tomorrow or Friday, the City will be handing out N95 masks at the Recreation Center.

Mrs. Cegavske thanked the first responders, fire fighters, police, and everyone involved. She hasn't done the extent of what some of her other colleagues have done but witnessed what the smoke in the different areas and the health issues that it causes.

Mr. Cowen said the Tahoe Fire and Fuels Public Information Team is working on that overarching "Welcome to Tahoe" and here's what you need to know. That will be available on the Take Care website.

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Lt. Cabral said we're all locals here and we all have questions. Looking at maps and information on how to be prepared really doesn't solve that need to want that information. What are we doing and how are we notifying people are great questions. Today, Ms. Novasel saw three officers just today in her neighborhood. They have 30 to 40 plus law enforcement on our area just today alone. They're going around to our neighborhoods and getting a lay of the land. They pair one of their officers up with them who knows our geographical area and can prepare them so if they do go into that next phase that everyone knows exactly what to do. They're getting counts on people that are leaving and they'll know how much they're going to need at the time of an evacuation when they have this time to prepare. This way they can get everything done as quickly as possible. It's that personal connection. The people in the city are not seeing that as much yet, but if that does turn into a warning stage, they'll get that same information.

Public Comments & Questions

None.

VIII. APPEALS

- A. Appeal of Hearings Officer Approval of Stock/Johannessen New Single-Parcel Pier, 5568 North Lake Blvd., Placer County, California, Assessor's Parcel Number (APN) 116-220-049, TRPA File Number ERSP2020-0074, Appeal File No. ADMIN2021-0014

Mr. Bruce asked if any of the board members had ex parte communications with any party in the appeal.

Ms. Gustafson said she's known the appellants for many years. She's visited their property and have had discussions with their counsel. They briefed her on the content of their appeal.

Ms. Aldean said received an email Gregg Lien representing the appellant.

Mr. Bruce said he thinks that most, if not all of them might have received that email because he did too.

Mr. Marshall said this is an appeal from the issuance of a permit by the Hearings Officer after a public hearing for a new pier in Placer County on the California side. Because it's an appeal of a permit issuance, it is similar to a revocation hearing. That's why the vote comes forward to the board with the requirement that if the board is going to overturn the appeal, it will take five California votes and nine votes overall.

There are three key issues in this appeal and they condense down to two. The first one has to do with the navigation and compatibility finding which rests on whether or not that the new pier constitutes a navigational issue compared to or causing a navigational issue to the existing pier to the South. Then whether or not there is the necessary finding for additional length was appropriately made to extend the pier another 12 feet out to the pier headline. There were presentations by Mr. Marshall, Counsel for the Stock/Johannessen permittee and their consultants as well. As a result of those presentations, the Legal Committee had some questions and then voted unanimously to deny the appeal. The motion needs to be in the affirmative to grant the appeal but their recommendation is to vote no and deny the appeal.

(Slide 4) The location is where it's indicated with the box on the right hand side. The pier would be located between the two existing piers. (Slide 5) is the site plan of the new pier, which is in the middle, the Harrosh pier is off to the left (south) side of the diagram. The Harrosh pier is an older pier and was developed prior to TRPA permitting. It sticks into the setback but yet, the minimum dimensions that are required by the Code of Ordinances are more than met with the setback from an existing structure on both sides. It splits the difference here between the two different piers.

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The key finding that we're going to be talking about is this navigation and safety finding. TRPA must find that the project will not adversely impact navigation or create a threat to public safety pursuant to the determination of agencies with jurisdictions over the navigable waters in the basin. The way that this finding was made in this particular case, was that we brought this matter to the Shorezone Review Committee at which point neither the Coast Guard nor the Army Corps of Engineers objected. Then they also got specific input as shown in the staff report that preliminarily, they did not see any major issues.

The Hearings Officer issued the permit based on a condition that would require before any project is put in, to receive all required permits which would be an Army Corp of Engineers permit. The Corp permit would be the determination of that agency as to whether or not there is any inappropriate impacts to navigation or to public safety. This is a debate about the timing of that determination and not whether or not TRPA can make the finding TRPA can make the finding based on a conditional permit, but at what point does the determination need to be made? Does it need to be made prior to TRPA action, as the appellant's will argue, or has TRPA consistently applied this provision that it can be conditional based on the receipt prior to construction of the determination of Army Corps.

The compatibility finding condenses into the navigation finding because the objections on this site have to do with compatibility, not with the appearance, but rather the function of the pier between the two other piers.

The extra length finding is that it can to up to 15 feet of additional length if you show that the additional length is necessary for the functionality of the pier. Whether or not it adds function and then whether or not the average grade of the bottom is greater than 3 percent. There is no dispute here as to whether or not there's a grade greater than 3 percent.

The focus is on if the interpretation of the additional length is necessary for the functionality of the pier. It doesn't say, for the function of the pier, so, it's not an absolute standard. It's whether or not the additional length will add the necessary functionality of the pier. The board will hear from both sides talk about whether or not, given the substrate and the low water conditions, that extra length is necessary.

The Hearing Officer found that because of the depth at low water, the additional length is necessary for the functionality of the pier and made the finding.

Mr. Lien, Counsel for the applicant. He finds himself in agreement with TRPA counsel as to the issues. In this particular case, the applicant who's going for the maximum length, width, and a boat to lift. The crux of this both in terms of the adverse impact on navigation, public safety, compatibility, and as to additional length. What the applicants are doing is to put this extremely large structure for a single use pier in the minimum possible size area as shown in the staff report.

TRPA has to find, and that's the present tense, must find that the project will not adversely impact navigation or create a threat to public safety. Pursuant to this determination, a determination is defined, not the Code of Ordinances but by the dictionary "Is the act of deciding definitively and firmly." With that, they've got the information in the record, those in the Legal committee heard that, basically, it was just an offhand comment. The key thing here is that the applicants chose not to make application to the only Agency that has expertise in public safety and navigation, and that's the Army Corps of Engineers, they chose not to apply. TRPA has to find in the present pursuant to a determination. Again, that's in the present tense of agencies with jurisdiction. That can only mean the Army Corps, it means not a determination. It only means Army Corps. This is not a determination by staff, a Hearings Officer, or legal counsel. It can only mean a present tense decision by the Army Corps.

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Mr. Roukey was a 34 year veteran of the Army Corps of Engineers. He managed staff for Tahoe and is well known and respected in the area.

Mr. Roukey, Army Corps of Engineers said one of the issues that came up was the coordination effort. He knows there's been changes since he retired in 2009 but the coordination that was set up during the TRPA Compact has resulted in the Shorezone Review Committee. It's always been pretty standard that they didn't move forward with any agency until that process of approving a project was done. Even if the final permit was not done by either agency, they would either hold them in abeyance until everybody got it done because they didn't want to issue permits that were going to have to be redone to another standard.

The two things that really kind of hit him was that they talk about going out to the pier headline. The pier headline was not aligned, that was just determined. It was discussed in depth for years until they finally came up with 6,219 as a safe elevation of the lake bottom that would be above the Lake Level of 6,223 which was for four feet of draft underneath a normal boat that was going to be up against a pier. If a pier went out to 6,219, that was justified as enough draft for that boat. To just arbitrarily put it out to the pier headline, the pier headline in many of these areas was not drawn to the 6,219 because existing piers were already around the lake. Rather than have this swaying line in and out on the lake at 6,219, if there was an area where you had one pier out and another one kind of lined up to it, the line was drawn straight. So, the pier headline really wasn't the safe navigation beyond that point but inside that point, also, has to be considered. When you put a pier in between two existing piers, just the mere presence of the new pier impacts navigation of the two owners; up and down shore for their safe navigation.

Also, every pier at Lake Tahoe can be used for safe harbor by anyone in the public. Any person who has boating experience at Lake Tahoe knows that you can get caught in a storm very quickly and easily. When there's another pier in between two, that for the last half century, have had 200 feet of access in there, it causes an impact. How adverse that is, they don't know. That's what the Corps analyzes. The Army Corps in their process looks at not only the dimensions of the pier but they pay particular attention to the location, general design, and if the obstructions can result from both the existence of the structure, particularly in conjunction with similar facilities, in the immediate area. The district engineer will inform applicants of the hazards involved and encourage safety, location design, and operation. As a result of the construction of these discussions, the district engineers evaluation precedes. He contacted the Army Corps of Engineers office and her recollection was that she was in the meeting and she said that yes, from what she had reviewed, which was not a formal application to the Corps, but just the TRPA drawings and that she had no concern at that time. But she reminded the staff that agencies, the one who makes the determination and suggested that the applicant submit an application to the Corps as soon as possible. That was a year ago. They have not received anything since.

Coast Guard is for search and rescue and maintenance of navigation structures that have been put in place as determined by the Army Corps of Engineers. When they make a site visit, they're looking at, can they get in there to do a search and rescue. When he asked the Coast Guard staff, if there were a novice mariner on the 30 foot boat in Tahoe, would that new pier between two large structures have the same impact? They responded back by sending it to their Safe Water Safety Office in San Francisco. He received an email back stating that it would be a navigational hazard. He asked if it could be mitigated from the staff of the Army Corps? They said, yes, and it may need to be shortened. He can't make that call now, but that call could be there. So you may be issuing a permit. He thinks that staff was a bit presumptuous in issuing the TRPA permit without at first calling the Army Corps and asking if they had any idea if it was going to be shortened or not. You may see this permit come back at you possibly. He feels it's going to be under pretty good scrutiny. His opinion, if he was still the staff officer at the Army Corps, it would because we are looking at, again, the addition of additional structures that can cause that impact.

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In his opinion, he would have done more due diligence as staff, instead of just responding to what a one-time statement was, especially from the lead federal agency, the Army Corps of Engineers, that makes the call for navigation, safety, and for the length of a pier. They are the ones that are going to say, yes, that's proper, or it's not. They are the ones to make that call and they'll have to have that discussion with the applicant.

Mr. Lien said the video in the power point today graphically points out again their problem with the project is about the length. They don't need it for functionality. This is a video of the bottom substrate in the area. You'll see that this is exactly the same kind of substrate that's typical at Lake Tahoe around most of the near shore. They also have expert testimony from Brian Johnson, a 40 year marine engineer at Lake Tahoe. Very well-known expert in navigational safety. In his opinion to this does create a threat to safety because of the way boats have to go into the Harrosh boathouse. It's incompatible, that's the other thing they haven't had time to go into but is in the written materials. It's the stern of the boat that is crucial for navigation. The stern comes in at the end and there's plenty of room for that boat to be safely moored at 6,219 in that location.

Mr. Roukey said yes, it seems that we have at 6,219 with a lake elevation of 6,223 you would still have that four feet of draft. That's more than enough for the prop of a boat coming in. The Lake has not gone down below 6,223 but a handful of years. If it happens, it happens to everybody.

Mr. Lien said from their point of view, when you look at the words of Subsection G finding, there needed to be substantial evidence in the record. Again, there wasn't determination in any dictionary sense of the word at present time. You can't defer it on condition of approval. If you were in that chair, he would be pushing for shorter pier as well because it disrupts the navigational pattern that's been common for 50 years through that area because you're plugging up that hole with the largest pier that could possibly be approved. This is going to force needless litigation because while we're waiting for the Army Corps, they have to meet TRPA's 60 day statute of limitations and we don't want to have to go there. He feels the only logical thing to do is to continue this and bring it back in its own forum. They could even agree if the Army Corps shortens it, they'll withdraw their appeal. This is the reason that the applicants failure to apply, really should come back they created their own hardship here and made it a difficult situation for his clients.

He asked if Ms. Faustinos was able to see their video presentation or if she just entirely on the phone. If she isn't able to view this, since we need to have five Californians, he has a procedural objection that she's not able to review the whole record.

Mr. Gatto on behalf of Johannessen's. Mr. Marshall and staff did an excellent job of summarizing why the Hearings Officer approval should be upheld, and the Legal Committee unanimously concurred with staff. The appellant's submitted new arguments that were not included in their statement of appeal just one day prior to the hearing. Pursuant to Section 11.4 of the Rules of procedure, they object to this new argument and materials and contend the appellants have waived the right to raise these new arguments, image sharing, and any subsequent litigation.

Mr. Ogilvy on behalf of the Johannessen's. In light of the comments for by appellant and the summary by Mr. Marshall, he'll focus on three primary items; the process timing of the approval process, navigational safety, and the proposed pier length as it relates to its functionality.

In terms of the process, their office has represented four other pier modification expansion projects within this segment of the lake at Flick Point within last 10 years. In all of their pier projects that their office has pursued regulatory approvals across the multi-jurisdictional framework throughout the basin. They always initiate the TRPA review process first. They've done that through different periods of shoreline plans through time. There was the Original

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1987 code, the 2008 plan adopted and was legally challenged, vacated by the Court, and then an interim policy and procedure up until the adoption of the current Shoreline Plan that is the one that they work under today.

The premise of that is, in their experience with numerous pier projects and the complexity of the relation of the other considerations are the TRPA code, scenic provisions, and that changing regulatory framework through iterations of different plans is most often that they see changes need to occur through the course of TRPA review. In the interest of the efficiency for their client and the process, they have decided to get substantively, if not all the way through to approval in the TRPA process prior to making those other regulatory applications. Compounding that is that the Army Corps process changed meaningfully last year. They previously made a de-minimis finding for pile driving in Lake Tahoe, that there were no impacts and they started requiring archeological and cultural resource studies which they had not embarked on until very recently this August.

If applications are made to those other agencies and they have to make a modification in design, in order to attain TRPA's approval, they're making those modifications across five regulatory applications

The shoreline review committee process was enveloped to try to bring any threshold issues that would lead to repetitive changes across those regulatory entities back and forth to negate that. As the appellant said there were no stark issues raised and they will pursue an approval with the Army Corps of Engineers.

(Slide 16) Is a picture taken from offshore with the Harrosh property to the left of frame. In the center frame, you can barely see the Stock/Johannessen residence, and the residence to the right that is visible is appurtenant to the other boathouse.

(Slide 20) The Harrosh pier does encroach into the projection line setback. It's a non-conforming structure. The Army Corps is a public agency that in his experience is primarily concerned with the navigation of public waters of the United States not the navigational convenience of a private party. At the direction of the applicant, they designed the pier to hug the northerly setback to the greatest extent possible to provide the greatest distance for the navigational benefit to Harrosh. The design standards adopted by the board require a 40 foot separation and by that placement of the pier, they're providing for nearly twice that standard to the extent of approximately 80 feet.

The shoreline analysis under the Environmental Impact Statement determined that new piers primarily result in navigational hazards in areas where there currently are no piers tying to that public navigational concern. Existing private piers and structures drive navigational patterns and therefore clustering private piers reduces navigational impacts. That was within the draft EIS that was adopted by this board.

They solicited comments and feedback prior to the Hearings Officer. It's important to note that through the review of the Shoreline, EIS and adoption of the corresponding design standards by the board, there were no comments provided regarding the design standards that we've adhered to under the proposed pier project.

The rocky caricature of Flick Point and the bathymetry or lake bottom at this project site illustrates the premise under which this provision was adopted, in terms of additional links.

The project applicant demonstrates the additional length is necessary for the functionality of the pier, and the average grade of the Lake bottom beneath the pier is a minimum of 3 percent. They clearly exceed the 3 percent, that's not a point of discussion.

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The additional length is absolutely necessary at the location of the proposed pier. The Hearings Officer approved the 12 feet of additional length commensurate with the adjoining pier, boathouse structures out to the pier headline.

(Slide 26) Shows the lake bottom and in slide 27 shows Mr. Johannessen standing in the Lake. If they reduced the length inward by 12 feet and you picture the 30 foot length of a conforming standard pier head. If you brought the pier head in an additional 12 feet, the bow of the boat or the end of that pier head would be where this picture was taken just in recent weeks at current lake levels.

(Slide 20) Because of the rocky caricature of Flick Point, if they didn't have this additional length to be commensurate with the adjoining structures, the pier head would be at a shallower depth to wear in periods of low water they would be limited. Today, at a period of low water they'll have three feet of draft at the bow of the boat at the terminus of the pier head and would reduce down to within a depth of just slightly greater than one foot. For the appropriate functionality and safety of navigation in and out of this pier, the additional length is absolutely necessary.

Mr. Gatto said the appellant's argument regarding navigation and public safety amounts to nothing more than speculation regarding how a third party public agency may act on a future permit. Quite simply, the pier cannot be built unless the Johannessen's receive approval from the Army Corps. On that basis alone, the finding made by the Hearings Officer is correct. The appellants have submitted zero evidence of how the proposed pier with almost twice the step back required by code results, and navigation or safety impacts. On those basis that they've submitted, they would respectfully request that the board adopt the unanimous recommendation of the legal committee to deny the appeal.

Mr. Marshall emphasized the recommendation of the Legal Committee and to make certain that all Board members heard that the committee unanimously recommended that the Governing Board deny the appeal.

Presentation can be found at:

[Agenda Item No./VIII.-A.-Appeal-of-Stock-Johannassen-Piercomp.pdf](#)

Board Comments & Questions

Ms. Aldean asked if it was uncommon for TRPA to take a lead agency role in processing pier permit applications.

Mr. Marshall said he wouldn't say it's a lead agency role. TRPA basically calls all the jurisdictions together in the Shorezone Review Committee to try to help facilitate everyone's processing, and to minimize any overlap that the applicant might have. It's fair to characterize that most of the changes to piers go through a TRPA process, rather than any of the other process. To some degree, it makes sense for us particularly in these Covid times to move ahead first. Therefore, TRPA takes the lead role in that sense.

Ms. Aldean said she feels that everybody has acknowledged, including the appellant and TRPA that we are not experts when it comes to navigational issues. But as a facilitator of this process, TRPA did reach out to the Army Corps and ask for input during the process. Since we are not experts in the area of navigation, we rely on the other permitting processes to address any concerns that there might be in connection with the accessibility of the pier being proposed or to adjoining structures.

Mr. Marshall said that's correct.

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Ms. Aldean said the other assertion was that we failed by not requiring a simulation. Are simulations typically required of pier projects if there are no extraordinary scenic implications?

Mr. Marshall said no.

Ms. Aldean said if TRPA's pier permit is issued it's conditioned upon the receipt of all other permits from agencies with jurisdiction. Can TRPA ask the Army Corps for an expedited review within 60 days of an approval?

Mr. Marshall said we could ask but they are their own independent federal agency and whether or not they accede to that is entirely within their discretion.

Ms. Aldean said they've already seen some preliminary documents related to this application, so we could request an expedited review.

Mr. Marshall said we could make that request as soon as an application is filed.

Ms. Aldean asked a hypothetical question of Mr. Lien. If you are reasonably confident that the Army Corps will support your position, what is the rationale for challenging the issuance of a conditional TRPA permit when it will likely be more expensive for your client to initiate litigation than to simply let the process play out.

Mr. Lien said they've discussed that but feel that there's a lot that can happen out there and they want to preserve their legal remedies. That's my clients call and we've discussed extensively. He appreciated her idea of an expedited review. It may solve the need for litigation if they can get that feedback quickly.

Ms. Gustafson said Ms. Aldean addressed one of the critical points that she was going to ask. She wanted to make it clear to the rest of the Board members that she's very familiar with this property. She's attended social events and known the family for a long time. She met with them to discuss a number of concerns, some of which weren't expressed today, including safety of their swimming area and the children's access in and out of the water. They have received public comments on that from others that use this area. The adjacent parcel is commonly owned with another family. Because she's newer to the board and wasn't part of the Shorezone ordinance, do we look at the consistency of spacing of piers in the surrounding area? This was one of the issues raised early on. From the satellite view, most of the piers are more distant than this one will be around that front edge of that point.

Mr. Marshall said TRPA decides if it meets the general setbacks and then they leave it to the Army Corps to decide whether or not there's a reason given the minimum setbacks, there is a safety concern. That's how TRPA would generally treat the spacing. They don't compare it around the lake. That was considered as part of the Shorezone Plan and was rejected in favor of the setback requirement and the minimum findings for navigability. They didn't bring that density standard forward that would look at the average density in a particular area that could not be exceeded.

Ms. Gustafson said she was also interested in the length of the pier question of primarily any findings TRPA made necessitating this longer pier.

Mr. Marshall said fundamentally what they're looking at is the bottom slope and the type of bottom there is as to whether or not the additional length is warranted. In this case, it is a rocky bottom and as this bottom slopes away, there's an increased drop off right past the point of 6,219. When you look at the 6,219 and looking at where the average boat is going to lay. It is within their discretion to justify the additional length, given the substrate and the fact that at low water, there will be navigability concerns for the boat. Therefore, in this case, there will be an increase functionality, significant as a result of the additional length because of the drop off.

Note that the 3 percent rule is in there in order to avoid a situation where the additional length does not drive additional navigability. That's what they find here that there's a 16 percent drop off and so there is a significant gain in navigability or functionality, as a result of the additional line to the pier headline.

Mr. Yeates said they did hear this extensively at Legal Committee and the only question he had was if TRPA issues the permit does that in any way prejudice the Army Corps of Engineers permit.

Mr. Marshall said no, it does not. The Army Corps will act independently and that finding will be complied with because they will only issue a permit for a pier that does not adversely affect navigation and safety. A pier cannot be built under this permit that's been issued that will adversely affect or be contrary to the determination of the Army Corps.

Mr. Friedrich had a question relating to the issue of navigability and the spacing between the piers. It was stated that the current Harrosh pier is non-conforming, is that because of the placement of the boathouse and boatlift on the pier?

Mr. Marshall said it's non-conforming for a number of reasons. It's a rock crib pier. It has superstructure, the boathouse. It has a viewing deck on top and is within the setback. There's a number of reasons why it's non-conforming, the pier head is too big, but that really doesn't matter for the navigability finding. They take the situation as it lies. It is non-conforming; it doesn't preclude the determination by the Army Corps that the spacing would be inadequate if it in fact proves to be inadequate.

Mr. Friedrich asked if it didn't have the non-conforming structure narrowing the distance between the piers would that lessen the concern about navigability.

Mr. Marshall said yes, that would lessen the concerns of navigability.

Ms. Gustafson said on the issue of non-conformity, and if in the Harroshes felt they needed to modify a non-conforming structure in the future. What happens in the case of a non-conforming structure seeking modifications to adapt to this?

Mr. Marshall said in general, modifications are allowed if they can make a finding that it brings a structure into greater conformance, and there's an environmental gain. A non-conforming structure cannot be expanded. If they wanted to re-arrange the structure that have, they can generally make that work within a modification.

Ms. Gustafson said she hopes that any decisions we're making or other agencies are making are going to force that, but if it were to happen, she wanted to make sure she understood that they could make modifications in the future.

Public Comments & Questions

Chip Johannessen, 5568 North Lake Boulevard, which is subject property. Counsel, Gregg Lien implies that they're trying to build the biggest pier possible, but that's not true. As is required by regulations, that the additional pier length is necessary for the functionality of the pier. To qualify for the extra length, the regulations require that there be a minimum of a 3 percent grade at the lake bottom. They have a 16.6 percent grade there. In that extra 12 feet if they go out to the pier headline, they get two additional feet of water depth. Functionality is not just a question of the depth at the lake end of the pier head. It also depends on the depth of water along the pier as it moves toward shore as boats are attempting to use the pier where those boats would be. This is where the trouble lies because that same steep slope that gets them so much additional water depth on the lake side as you extend the pier it means as you move back toward the shore, the water gets shallow pretty quickly. Without the additional 12 feet of

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length, the shoreward side of the pier quickly becomes unusable except under high water conditions.

In the PowerPoint there was a photo of himself standing in the water last Friday. He was standing at the shore end of what would be a hypothetically shortened pier head and already the water level was below his knees. That's where the bow of a boat attempting to use the shortened pier would be today. A shortened pier would already be borderline unusable, even with today's water conditions. According to the USGS, today's conditions are more than 2.5 feet higher than the low point in the last drought. In drought conditions the pier head would be high and dry rocks and unusable. No pier on Flick Point has been built like that where it's unusable except in the highest water conditions and is why the pier headline is where it is. TRPA regulations recognize that and the likelihood of low water in our future. That's why the 12 feet of additional length was already approved in this particular case, where the lake bed is rocky and relatively steep. They're asking for a denial of the Harrosh pier and keep that TRPA approval in place.

Virginia Stock said they received notification from the lottery that they had the right to apply for a private pier in July 2019. They immediately tried to find a consultant who had experience and understood this complex ordinance. What TRPA has achieved at Lake Tahoe is incredibly important and is with pleasure they are complying with this ordinance. It's remarkable that during this time when the population of California has doubled, TRPA has managed to make the water a lot clearer than the oil slicks she remembers playing in as a kid. Consultant Wyatt Ogilvy told them that they would need to sign off from a number of different government agencies and that the process almost started with TRPA for clear reasons.

t's the most rigorous scrutiny and going to the other agencies for approval first and then receiving changes from TRPA would probably result in unnecessary time and money. This was not some kind of subterfuge, nor was it an unusual process as Gregg Lien claims. They were informed by their consultant that it is almost always the usual process. To the best of their knowledge, they have not subverted the TRPA process by coming to TRPA before the other governmental agencies. This process is a fantastic template for how to preserve a very public asset that is surrounded by private property. They urged the board to reject this appeal which undermines the goals and the specifics of the ordinance.

Kevin Roukey said the Army Corps process has changed and there is no longer a regional general permit 16 at Lake Tahoe. They have a new general permit for docking structures. If it doesn't meet those conditions, then it has to go through a letter of permission process, which is a modified standard permit. They have to do all of the coordination with the other federal agencies and 60 days would be pushing it even with full staff. Right now, they have one staff person and they are working from home. With regards to simulations, what they were talking about was not for scenic but for the approach that the new pier provides or causes for access to and from the up and down shore piers. Those approaches are what can cause that. Hazards to navigation, especially during a storm if they have to come in closer to that new pier. Some of the wave wash could wash an unskilled mariner into the pier instead of into the safe harbor. Those are the kinds of things that from the Army Corps staff standpoint they are looking at. Does the structure change the approach of the current structures for them to have access to their piers. It's not just for the landowner's but for the general public who may have to in an emergency situation, use that pier safe harbor.

Gregg Lien provided comments due to technical difficulties of Michael Harrosh. He would imagine that he was going to talk about the extra length and the manner in which they access their boathouse which will dramatically impacted by this structure. Essentially, their entrance to the boathouse is going to be blocked as a practical matter in late afternoons when there is the anticipated 4 to 6 foot wave heights that their engineers calculated. It's quite a task to maneuver in there now and with a new pier you can't come in safely.

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Michael Harrosh said this pier is going to make it very difficult and, in some conditions, unable to come in to their pier. Their pier is used as a safe harbor and has been many times over the years and as recently as a month ago. In the current video with the second diver in the water was himself and is where the bow of the boat would have been. The stern of the boat is where the diver was showing you the size of the rocks. There would be enough room for a boat to have a shorter pier. All of this could be solved with a continuance to allow the Army Corps to explore the navigation and safety aspects of this and find the common ground that would allow their pier to be usable and for the Stock/Johannessen to have a pier. Instead of approving this pier, which is going to create a hazard for them, the Stock/Johannessen's coming in, swimmers, and anyone seeking safe harbor. By doing a continuance and allowing the Army Corps of Engineers to weigh in on this.

Why does it take five votes, a supermajority to overturn this when it's supposed to be a supermajority to approve it? Not even a majority of the board members has a say as to as to what goes on in this lake and can overturn staff. How does that work and how does that help the board continue to protect the lake? How many times has that voting rule been used for an approval of a dock and here this is the first dock being approved. He asked the board to consider a continuance and allow the Army Corps of Engineers to weigh in on the navigation and safety issues.

Board Comments & Questions

Ms. Gustafson asked if TRPA's approval today in any way prejudice the Army Corps determination on Navigability.

Mr. Marshall said no, it doesn't. It will be their own determination as to whether or not the structure as proposed will constitute a navigational issue.

Ms. Aldean asked if the applicant is aware of the indemnification provision in the permit and that any litigation that TRPA has to defend will be at the expense of the applicant.

Mr. Marshall said Mr. Lien in other contexts is aware of that condition, but it is directly on the permit. Mr. Ogilvy has dealt with a lot of permits.

Mr. Gatto said yes, they aware of that requirement.

Mr. Hicks said he's always sympathetic to people who are trying to build or improve their piers. He understands both parties, concerns, and issues. First, to the additional length of the pier being applied for. He's a boat owner too and wouldn't want to take his boat into even three feet of water, much less one foot of water. The bow is different than the stern, the stern is what counts. He doesn't believe there is any merit to that argument.

As he understands the argument for the continuation is to require the applicant to go to the Army Corps of Engineers first and get their ruling. But the applicant would get full TRPA approval here but for the condition that's put on it, where they have to go to the Army Corps. He recognizes Mr. Lien's argument that under the Code there is a limited period of time in which to file an appeal of the TRPA decision. To file that appeal is a pretty simple task for lawyers, all they have to do is file notice of the appeal and if necessary, file a complaint in court. He's not aware of any court California, Nevada, or even the federal courts, that acts on the day you file the appeal. These actions take months, if not years to process. Yes, there's a lot of cost and expense but if given a reason the courts they will give the parties time to get something done and that could be getting a resolution of the Army Corps of Engineers. Everything doesn't end just because they have to file an appeal.

He understands the Harroshes concern but if the Stock/Johannessen pier is approved and constructed and apparently it meets all of the new code standards, the Harroshes still have a

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further avenue to preserve their right to modify their pier in a way that would bring it closer into conformance. Whether that would be a restructuring of their access into the boatlift, or perhaps the replacement of the boathouse with a boatlift. It sounds like they have alternatives available to them.

He's sympathetic to both parties but feels both parties can be successful, in the long run, here. The fact that someone has a non-conforming use, it doesn't override the new TRPA Shorezone Code. It appears that the Stocks and Johannessen's have met that code and therefore, if he could vote on this, he would vote as recommended by the Legal Committee.

Mr. Marshall said it would be an affirmative motion to grant the appeal. If you want to uphold the Hearings Officer, vote no to deny the appeal. If you want to grant the appeal, vote yes. In order to revoke this permit or modify it, you'll need to have five California votes to vote yes and nine overall on the motion to grant the appeal.

Mr. Yeates made a motion to grant the appeal, which motion should fail to affirm the Hearing Officers determination.

Nays: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Hill, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

Abstained: Ms. Gustafson

Motion failed.

- B. Appeal of Denial of Single Parcel Pier Expansion Application, 570 Gonowabie Rd., Washoe County, Nevada, Assessors' Parcel Number (APN) 123-101-07, TRPA File Number ERSP2020-1453, Appeal File No. ADMIN2021-0011

Withdrawn.

IX. REPORTS

- A. Executive Director Status Report

- 1) Performance Review, Incentive compensation and base pay adjustment for Executive Director Joanne Marchetta

Mr. Bruce said the purpose of this item is to review the performance and pay for Ms. Marchetta and Mr. Marshall.

Ms. Marchetta's current pay is \$193,000. TRPA's study of similarly situated Executive Directors shows that's a 25 percentile salary is at \$209,000 and the midpoint is that \$238,000. It's his understanding is that that came from a study in 2017 that has been updated. Joanne's salary as of now is significantly under the 25 percentile mark. For comparisons of past years; in 2018 and 2019 Joanne received a \$10,0000 bonus. But because of Covid, she didn't receive a bonus last year. He assumes all board members received and reviewed Joanne's self-evaluation and list of accomplishments over the past year. Some of the more significant accomplishments were the 2020 Regional Transportation Plan, the adoption of the first Transportation, Sustainable Communities, Threshold Standard, the on launching of new affordable housing initiatives, and identifying Climate Action as the overarching Environmental Improvement Program framework. That is far more significant and covers many areas because of all of the impacts that we're seeing relating to climate change. The approval of the Tahoe South Event Center project, the approval of the Washoe County Area Plan, and delivering the first fully online threshold evaluation. Those are just some of the accomplishments and in his view, that's incredible.

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This was all in the face of a pandemic, all on the face of not knowing what was coming. Not knowing where we were going to be, having to act remotely, both through staff interaction and Governing Board.

The considerations relating to public meetings and public meeting law, the last year and a half has been incredibly challenging. He doesn't know anybody more committed to her job than Joanne. She responds to his calls and texts late at night, and on weekends and she initiates them late at night and on weekends.

She not only responds, but she also follows through always above and beyond my request. He's been most impressed this year watching her work on relationships that are most important for the success of TRPA. One of those is the relationship that we have with Lahontan on one of the most significant threats to Lake Tahoe and that is the Aquatic Invasive Species and the Tahoe Keys.

She's our leader, and he's very thankful for that and in his view, she should be significantly rewarded. The staff report is recommending \$7,000 bonus, and a 3 percent pay increase. His suggestion is that we approve a \$10,000 bonus, and at least a 3 percent pay increase.

Board Comments & Questions

Mr. Yeates said you find out how really excellent, Joanne is, Mr. Chair. That was certainly his experience the last couple of years, especially during that very difficult time for him personally during the second part of his term. We also changed over to virtual process and in the midst of the Event Center project approval with many deadlines to meet. He recalls the days driving to the Lake with Mr. Shute and asking what about this? What about that? Mr. Shute replied that that doesn't apply to us, we're sui generis, meaning there's nothing like us. That is true, to be an executive director of a bi-state organization with all of the agencies that Joanne stays on top of yet being very available. Also, working closely in building a staff. The confidence that he had at all times, that the staff work was first rate and that the staff was well prepared for the Governing Board meetings, and all the meetings that occurred prior to the board meetings. She's an excellent leader and motivator. He agreed with Mr. Bruce that the motion should be to pay an incentive of \$10,000, and to increase the base pay to \$204,000.

The fact that we couldn't do anything last year makes it all the more important to take care of this issue now. She deserves more than what was being proposed but has been told from staff that this is within the budget.

Ms. Aldean echoed everything that's been said. She admires the way Joanne pivots so effectively when faced with a challenge. Her level of dedication exceeds anything that she's witnessed having worked with other executive directors of other agencies and private organizations. She's witnessed over almost the past 18 years since Joanne was hired how the culture at the Agency has changed. We've gone from an organization that was once disliked to an organization that is well respected. That is a phenomenal accomplishment and it speaks to the depth of her commitment. She is someone who can empathize, be stern when she needs to be, demanding when required, but at the end of the day, she values what every member of staff and the Governing Board has to offer to the organization. All of those talents and abilities add to the overall image of the Agency. She agreed with the proposed bonus incentive and pay increase.

Ms. Marchetta said thank you to her staff because she couldn't accomplish any of it without them.

Public Comments & Questions

None.

Board Comments & Questions

Mr. Yeates made a motion to award Ms. Marchetta incentive pay of \$10,000 and an increase in base pay to \$204,082.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Lawrence, Ms. Novasel, Ms. Williamson, Mr. Yeates

Absent: Mr. Rice

Motion carried.

B. General Counsel Status Report

Mr. Marshall said yesterday, the Third District Court of Appeal in California issued two opinions in the Squaw Valley masterplan case. In effect, they sided with Sierra Watch and invalidated Placer County's approval of the development. In large part based on the Environmental Impacts Report dealing with impacts in the basin, both Vehicle Miles Traveled and air quality. It shows that projects close to our borders in California, at least need to take into account impacts within the basin and do so in a way that's consistent with how we analyze our impacts. It provides some good direction for those nearby basin projects for local California jurisdictions that are doing those projects and we stand ready to help with the processing of that application if they're bringing the EIS back through.

- 1) Performance Review, Incentive compensation and base pay adjustment for General Counsel John Marshall

Mr. Bruce said Mr. Marshall's current pay is \$177,000. TRPA study of similar situated general counsels showed that the 25 percent percentile salary was at \$182,000 and the midpoint was at \$206,000. That was in 2017 study and has been updated. John's salary as of now, remains slightly below the 25 percent percentile. For comparisons of past years; John received a \$10,000 bonus in 2018 and 2019 but because of Covid he didn't receive a bonus last year. He assumes that all the Governing Board members have reviewed John's self-evaluation and list of joint accomplishments for John and Joanne which he went through during Ms. Marchetta's performance review. Mr. Bruce served as 1 of 12 civil attorneys for the City of Reno. He understands how difficult the job is. He understands that in many cases, John is the face and the most significant, at times, especially on legal issues, the responding party to an entire body of the public. Mr. Bruce served as counsel for two different cities and one county and sitting at the podium during a public meeting and knowing answers with clarity and accuracy, is extremely difficult. Especially with the breadth and significant issues that we deal with on a regular basis. He's seen extraordinary work and responses in public meetings when pressure is on most. When the answer is not clear, John is very clear to let us know that it isn't and is quick with a solution to deal with for efficiency purposes at the hearing. He supported the unanimous decision at the Legal Committee.

Mr. Yeates said the Legal Committee recommended an incentive pay of \$10,000 and to increase the base pay to \$186,755. The incentive pay would be increased from \$7,000 to \$10,000 and agreed to the 186,755 which was in the original proposed motion in the staff report.

Board Comments & Questions

Mr. Yeates said there was a lot of pressure to get the Event Center project to the board for consideration. That was not the cleanest of processes, there were problems with environmental analysis, the California Attorney General concerned about Vehicle Miles Traveled, and the League to Save Lake Tahoe was uncertain about the Event Center. We had a couple of months to pull this together and Paul Nielsen, John Marshall, and other staff must have worked around

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the clock. That's the kind of commitment that John has. The staff relies on his kind of steady legal analysis when we're dealing with these issues. That certainly helped with the VMT project. He had dive into the models, deal with transportation issues, etc. It was reassuring that John over saw what we put together such as the various staff reports and revising what we were going to do on vehicle miles traveled threshold. You don't find a job like this. This is a job of two states, two different kind of procedural operations and yet, he can answer those questions. He supported the proposed the recommendation.

Ms. Aldean said John is very calm and collected and uses an incredible amount of temperate and self-control in contentious situations. She remembers when John received some constructive, critical comments which he took to heart. She's really proud of his progress over the years. No one would probably contest the fact that nobody has the command of the Code of Ordinances the way John does. He is incredibly conversant with not only the current Code but changes to the Code over the years. He is quick on his feet when asked a question, he doesn't defer the answer, in most cases. He has the maturity to defer if, in fact, he doesn't feel confident in his response. She feels blessed that we have both Joanne and John as part of our team. It would be a tremendous challenge to replace either one of them. She supported the proposed recommendation.

Ms. Hill said John has been very patient with walking her through a lot of questions that she's had. He always follows up with additional information and is very generous with his time. It's been appreciated and she's been learning a lot.

Mr. Marshall thanked the board for their comments and for comments in the Legal Committee this morning. The vast bulk of what we do is accomplished by people who are not directly in front of the board. Staff members who support what we do, particularly when he and others are the face in front of the board. He thanked Ms. Hangeland and all the staff members that are behind a lot of the appeals or projects that are heard by the board. Thank you for the comments and monetary reward.

Public Comments & Questions

None.

Board Comments & Questions

Mr. Yeates made a motion to award Mr. Marshall incentive pay of \$10,000 and increase the base pay to \$186,755.

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Lawrence, Ms. Novasel, Ms. Williamson, Mr. Yeates

Absent: Mr. Rice

Motion carried.

X. GOVERNING BOARD MEMBER REPORTS

Ms. Gustafson said Erin Casey, who was in their County CEO's office and in charge of the Tahoe operations has left the county. They've just announced their appointment of Stephanie Holloway to that position. Stephanie worked on their Corridor Master Plans and the VMT analysis.

Ms. Novasel said at the El Dorado County Board of Supervisors meeting yesterday they had the first reading and approved a new vacation home rental ordinance that requires a clustering. It's

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a non-clustering ordinance of 500 feet. The County is continuing with their neighborhood compatibility issues.

Mr. Friedrich said the City of South Lake Tahoe recently allocated half of their Covid funds from the American Recovery Plan Act and to the extent they align with TRPA priorities, they gave the public a chance to directly vote on those on a participatory budgeting process. The biggest amount went to affordable housing, also bike infrastructure, and fire hydrants and in conjunction with the South Tahoe Public Utility District.

XI. COMMITTEE REPORTS

A. Local Government & Housing Committee

None.

B. Legal Committee

None.

C. Operations & Governance Committee

None.

D. Environmental Improvement, Transportation, & Public Outreach Committee

Mr. Lawrence said the committee received a presentation from the consultants that have been hired to come up with some recommendations for funding revenue sources for transportation projects, and to work through some of those issues. They reported out today the results of some in-person surveys, as well as online surveys regarding objectives for regional funding and objectives for governance and administration. The four primary objectives for the regional funding that came out of their survey work was that it needs to be predictable and sustainable, fungible, have clarity and transparency, and have equity between residents, versus visitors. There is also a lot of discussion during that meeting that it also needs to encompass equal access and equity amongst income groups.

Regarding governance and administration, the four priorities were to keep it simple and transparent. Make sure that implementation is feasible, and that the projects are coordinated. The Committee will probably be meeting monthly for the rest of the year. In September the consultants will be back with a list of possible revenue funding sources, and possible alignment with project priorities.

E. Forest Health and Wildfire Committee

Mr. Hicks said the committee will be proactive in addressing some of these issues concerning cleaning up the forest. Priority is to get those fires out. But we really need to give some thought to, what can we do to help the fire staff and the public safety people, and to promote and push forward, existing and future plans to clean up our forests.

Additionally, he thanked Ms. Marchetta for the excellent emails that she's been providing to all of us regarding the status of the fire. He's taken the liberty of providing that to several of my friends and associates and they all been very appreciative of the information.

F. Regional Plan Implementation Committee

Mr. Yeates said part of what the committee did on housing was sent back to the Local Government and Housing Committee to discuss the issue about accessory dwelling units.

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Mr. Hester said next month the committee will receive an update on the mobility mitigation fee.

XII. PUBLIC INTEREST COMMENTS

None.

XIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Chair Mr. Bruce adjourned the meeting at 3:44 p.m.

Respectfully Submitted,

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

Marja Ambler
Clerk to the Board

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

GoToWebinar

September 22, 2021

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Bruce called the meeting to order at 11:21 a.m.

Members present: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates

II. PLEDGE OF ALLEGIANCE

Ms. Hangeland led the pledge.

III. APPROVAL OF AGENDA

Mr. Bruce deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

None.

V. TRPA CONSENT CALENDAR

1. Resolution for Quagga/Zebra Mussel Infestation Prevention Grant Program Application and Funding Agreement in the Amount of \$398,433.98

Public Comments & Questions

None.

Mr. Yeates moved approval.

Motion carried.

VI. PLANNING MATTERS

A. Update and Discussion on the Caldor Fire

Ms. Regan expressed their unmeasurable gratitude for the thousands of Firefighters and personnel who raced towards one of the largest fires in California's history to protect lives, homes, businesses, wildlife, and the environment. As thousands fled to safety, and many more prepared for the worst, those brave women and men worked tirelessly to control the uncontrollable. Much has been lost in the Caldor Fire, but much more has been saved because of the fire service and they join the community and many partner agencies thanking them and applauding their incredible work.

The fire is not over. It is still being fought in some areas and heavy smoke is still impacting Tahoe and the Eastern Sierra. Tragically, more than a thousand homes and structures were lost just outside the Tahoe basin and our hearts go out to our affected neighbors in El Dorado County.

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The Caldor Fire sparked on August 14th, which seems now like an eternity ago. As the fire approached and evacuation warnings turned to orders. Staff held tightly to our core values of community support and customer service. In just a few days, TRPA computer servers and other equipment were relocated from our building to safety and brought back online. This IT challenge was enormous. The work that we do here at the Agency supports so many functions of our society, including the real estate community, one of those major industries, \$25 billion dollars in assessed real estate values at Tahoe. The data that we safeguard and the workflow systems are crucial to the local economy. Not to mention, the numerous resource protection plans that we have in our computer systems, among other important functions of the Agency.

TRPA didn't miss a beat on the work front despite these evacuation orders. Staff were then forced to crash at friends' homes, shelter with family, moving all across the country because of the fire forcing us away from the Tahoe Basin.

Nearly three quarters of our staff were evacuated, joining the other 30,000 residents of the South Shore who left their homes. Truly, unprecedented that the entire town had to leave. Members of our staff in the Carson Valley opened their homes to their co-workers as well and many were seen camping in the driveways of some of our colleagues and friends in the in the Nevada area in Carson City and in Reno.

It was a dramatic and a traumatic experience that we all are still reeling from on many levels And many of you offered support during this difficult time and on behalf of all staff, thank you.

Despite the challenging circumstances, we kept the Agency humming right along, including continuing a scheduled Hearings Officer meeting through technical difficulties, they processed permit applications working out of cars and campers and really kept the Agency workflow going. It was truly a herculean effort.

Big kudos to the team and for everything they did to preserve our services and themselves and their families. Even the boat crew acted fast to move the TRPA education boats to the North Shore for safety.

For those of us in Meyers and Christmas Valley, many staff that live in the affected areas of where the fire entered the basin watched the video feeds in horror as the flame surrounded our homes and our treasured landscape. Some media dubbed it a Christmas Valley Miracle. Lake Valley Fire Chief said, it was actually firefighting and preparation that saved our beloved Christmas Valley.

Tahoe was prepared for this fire. For those of you who've been on the board for some years, you'll remember Coe Swobe who beat the drum of fire preparedness and hazardous fuel reduction going back 15 years ago, even before the Angora Fire. This Agency has played a major leadership role over the last decade in securing funds for forest health projects and policy shifts to promote fire defensible space and preparedness.

The presentations today aren't intended to distill everything that we've gone through since the fire erupted. The good news is that reports coming out of the incident are unequivocal. The fuel reduction, defensible space and home hardening that went on in Christmas Valley and other neighborhoods made a difference here in Tahoe. And the work that made the difference started even before Angora of 2007.

With your support and leadership basin partners have treated nearly 70,000 acres for fuel reduction in the Basin. Since Angora, 45,000 defensible space evaluations, that's basically every parcel, and then some that have been conducted by fire protection agencies all in preparation for the next fire, which we know will come.

Today, we have three presentations; one by the US Forest Service, two representatives from Cal Fire, and two TRPA staff members.

The Angora Fire was a major milestone in this Agency's history and feel that the Caldor Fire will be as well. Not only for what we just went through, but how we pivot to looking at everything we do in the lens of climate resiliency, and preparedness for more extreme events, which we know Tahoe will experience in the future.

Ms. Sanchez, Acting Forest Supervisor for the Lake Tahoe Basin Management Unit of the US Forest Service. She's been one of the agency administrators on the Caldor Fire for about 30 days now.

As of this morning, the fire was about 219,500 acres and 76 percent contained. Over the past few days there's been an increase in smoke. They've come a long way and have had a lot of success on this fire, but it is not over yet. There are still some areas that are very difficult to get into, and they continue to work on those areas. One is the Desolation Wilderness which is very remote and rocky. They have crews that have been spiking out, which means having stand along that fire line day and night for about 3.5 weeks now. They'll cycle those crews out every 7 to 10 days and get them refreshed with logistical support such as water and food and put them back in. The second area is also very difficult area to access is near Caples Lake. That's where a lot of the smoke has been coming from over the last couple days. With the condition being so dry, this fire continues to look for opportunity and as we get different wind shifts it pushes the fire in and around those rocks and tries to find more fuel opportunity. There's a primary dozer line built on the east side of that as well as a contingency line beyond that.

The smoke will probably continue over the next couple of days because those fuels are so dry and the longer, we go without any moisture or recovery the drier those fuels are getting. The Caldor Fire has been resistant to control since day one. They'll continue to see some of those resistance and control issues until we get some moisture and a significant weather event.

She thinks of fire in four different phases. The first phase which most people are the most familiar with is the suppression phase. That's the active suppression of any fire.

The second phase is the suppression repair phase. They bring in dozers, equipment to suppress those fires, and to put fire lines in. As a result, they may damage different infrastructure such as culverts, fences, and the ground that needs repair. The second phase is repairing the damage that occurred as a result of suppression actions.

The third phase is the Burned Area Emergency Rehabilitation (BAER) phase. That BAER phase is about stabilization. Those actions that need to take place in order to ensure that we don't have future emergencies as a result of the suppression actions. There is a team currently mobilized right now. TRPA staff are imbedded with their team who are going out and analyzing the Caldor footprint and looking at what are those actions that need to be prioritized to stabilize this ground, stabilize the fire, and to repair those areas in the short term so they can start this recovery phase.

Stage four and final phase is the long term recovery phase. That recovery phase could last not weeks and months but years. They could be looking at that recovery phase for the next couple years, collectively, and in partnership with a lot of the other partners that they regularly work with in and around the Lake Tahoe Basin Management Unit. This long term recovery phase is about resiliency. How do we help the Caldor Fire repair itself to be more resilient into the future? It's their attempt to try and help this fire area become more resilient and do it quicker.

Right now they are engaged in that BAER assessment, the emergency response and stabilization assessment. They'll have a report and various information can be found on the InciWeb site to see the soil severity mapping of the entire fire area. There's a team of specialists doing this work from all over the country along with the US Forest Service and other specialists that have interest within the basin that are a part of that team and process. That final report should be available in a few weeks. After they receive the report that will allow them to build that program of work over that long term recovery phase. There are a lot of partners already engaged in the assessment phase. Then there's the project development phase. Once they know what the areas of concern are and

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what areas they need to prioritize, then they'll develop that project list of what needs to get accomplished on the ground.

There's another tier of this that they are looking to their partners to help with which is the communication piece. It's going to be important that they continue to communicate to the public in a coordination effort. Ensuring that everyone is using the same words, the communication is in alignment, and clear to understand. This is a tough one because a lot of people expect that as the smoke leaves that the fire is done. That's the beginning of the work that they are all going to have to come together to accomplish. How do we rally with each other to clearly identify that communication piece to the public that were serving?

The last piece is the funding. How do we all come together to pay for those priority projects to make sure that this long term recovery and repair is completed and they're doing the best job to get the Caldor Fire on a good path towards recovery and resiliency.

Since 2008, within the Lake Tahoe Basin they've treated 65,000 acres collectively with the entire Tahoe Fire and Fuels Team. That's a great accomplishment and all of the partnerships should be proud of that. About 50,000 acres of that has been in the Lake Tahoe Basin Management Unit. They have a large footprint within this basin and have been working hard with those partnerships to make sure that they're doing their part in protecting these communities and building more resilient landscapes.

There was every reason for all these bad things to align and have a bad outcome. Because of the effort that they did, there was a great outcome. If you see those areas that were treated in comparison to the areas that they were not able to treat, it's a night and day difference. Within the Caldor Fire footprint, 3,800 acres of that in the Lake Tahoe Basin had been treated. Those treatments adjusted, changed that fires intensity, reduced the fire flame fronts, flame lengths, and provided the firefighters a safe way to get in and suppress this fire. There could have been a much different and worse outcome but it wasn't because of the partnerships and the work that they collectively did in protecting these communities and infrastructure.

Chief Anthony and Assistant Chief Newman, Cal Fire will present today's item in two parts starting with Assistant Chief Newman who will address some operational issues associated with the fire.

Assistant Chief Newman, Cal Fire Amador-El Dorado Unit East Division Operations which covers the Lake Tahoe Basin and Alpine County Area. His role on the fire was one of the operations section chiefs which are the people that directs the firefight on the ground, the resources, develops a plan, and implements the plan. Himself and Kyle Jacobson, Fire chief with the Forest Service Lake Tahoe Basin Management Unit was one of the other operations chiefs coordinating efforts as the fire progressed into the basin. Prior to getting into the basin, the fire burned quite a bit of acreage with destruction on the West Slope. As they engaged it in the Tahoe area on Sunday, the fire hadn't quite crested over Echo Summit. They were making plans and firefighting up there with all of their resources; engines, hand crews, and bulldozers trying to make an effective stop on a fire at the crest there.

They were fairly effective withholding the fire from the Basin that evening and overnight. But then as it got into Monday, there was an increase in winds and fire activity which led to the fire spotting into the basin. First along Highway 50 in the frog pond area and starting into some of the Christmas Valley area.

As the activity started picking up that caused them to have two fall back to utilizing the highway and instituting the secondary plan. Starting Sunday evening and Monday before the fire had come into the area, himself and Chief Jacobson had started contingency planning with putting bulldozers down in Christmas Valley and the North Upper Truckee area to build fire lines behind the homes and make a plan if the fire did get into the basin. Those plans were concurrent with the firefighting that was going on top of the Echo Summit area.

On Monday the fire spotted into the basin and they utilized those fire lines that they had developed and continued to push those dozers around the backs of the homes on the east side of Christmas Valley and then further north into North Upper Truckee and onto the Angora Ridge area. This was to create a good defensible fire line that they could utilize to slow the fire spread as it moved to the east coming down into the basin. The fire spotted over the Christmas Valley and into the area directly to the east of Christmas Valley on the slopes by the Luther's Fire and into the Cowboy Hat Rock area. They started to have that increase in activity and the fire pushing off to the north and east. They utilized their resources to continue to affect point protection and to allow for construction of fire line behind the homes in the Apache area, Pioneer Trail, the old dump site, and moving towards Cold Creek. One of the things that helped as they were dealing with the firefight in all of those areas was, they were able to utilize the fuel reduction that had been done in and around those areas of Oneidas and in towards the High Meadow area. Himself and Chief Jacobsen were aware of those favorable areas with trails, road systems, and fuel reduction to direct the firefighters to be able to make an effective stand along the perimeter of the fire before it was able to impact the homes.

The Tahoe Fire and Fuels Team did provide a good map of where all the fuel reductions had been done in various places and recognized that was also a good opportunity to have effective direct attack. The direct attack is where they could get on that fire's edge and put that fire line and hose line in to be able to extinguish a fire on that perimeter to slow and stop the spread.

There was coordinated effort and collaboration with all the agencies to direct the fire activity and the fire attack as it moved off to the Heavenly and Trimmer Peak areas. They did have some established decision points, one of those being the Cold Creek area for recommending any additional evacuations. The fire did approach that specific area, but they were able to make an effective stop before it hit that Cold Creek area specifically.

The defensible space of the homes also allowed for them to be able to do that direct attack nearest to the homes in the Apache, Mandan, and other areas off of Pioneer Trail. That was part of the local knowledge that they were able to institute as part of the firefight. Overall, it was very successful. It was a challenging incident, but between all the agencies, federal, state, and local, they were able to coordinate and do a good effective firefight to get them where they are now.

Chief Anthony said they would never have had a scenario with a situation where a fire would have started south of Grizzly Flat and end up in South Lake Tahoe. Things are dramatically changing as it relates to the way wildfire burns through landscapes. They've seen that play out year, over year and this year is no different with the Dixie Fire to the north which is one of the largest single ignition fires that they've ever seen. Just south of that was Beckwourth Fire, Caldor in the basin, and then the Tamarack Fire. That's just four fires, not to mention all the other ones that many of which were burning simultaneously throughout the state, at the same time that the Caldor Fire ignited.

He thanked TRPA for their support throughout all the years. TRPA has been an outstanding partner to Cal Fire and to the Tahoe Fire and Fuels Team as it relates to all the work that they've done over the years that resulted in remarkable success in the Lake Tahoe Basin. That's important to mention because there are no guarantees when it comes to the way wildfire burns through landscapes anymore. However, what they need to do is ensure that they're doing everything that they can to give firefighters' that opportunity to be successful.

One of the things that struck him as they were progressing into Caldor, he had a lot of uncertainty, in terms of what the outcome was going to be, just based on the previous fire behavior as it came up the American River Canyon and as it crested into the Lake Tahoe Basin. They were planning for the fire to continue through the basin into Nevada, and potentially all the way down to the mesa in the bottom of Kingsbury Grade.

When it comes to the Lake Tahoe Basin specifically, his take away from the Caldor incident is there has been a lot of great work done by the Tahoe Fire and Fuels Team. The leveraging of all the resources that they bring to be able to address this issue. Some may say that 21 entities is too many in the Lake Tahoe Basin. He would disagree with that and thinks it's a very functional group, and has been for many years. It's formed under the incident command system which is the same system that they use to manage major incidents like the Caldor Fire.

If you look at everything that has been done as it relates to home hardening, defensible space, and chipping programs provided through the local fire protection districts to help homeowners remove hazardous fuels around their houses. Also, the pre attack planning that has been done in the Lake Tahoe Basin around the entire basin with all of the fire districts, Cal Fire, the Forest Service, and law enforcement partners. Much of which was through a grant that TRPA submitted to Cal Fire to get funding for that.

In addition, the fuels reduction projects that Chief Newman mentioned, as well as the larger landscape projects that are being looked at around the basin specific to Lake Tahoe West. As well as the evacuation planning and Community Wildfire Preparedness meetings. It has to be this cohesive and well-coordinated approach to be able to achieve success the way that fires are now burning through the landscape.

The resistance to control of the Caldor was remarkable. The unified teams between Cal Fire and the Forest Service were literally doing everything they could to stop the approach of the Caldor Fire as it came into the Lake Tahoe Basin. But again, and again, it would continue to spot over those lines and is reflective of how dry things are right now throughout the state, with the drought, lack of snow melt this last winter, and the increasing rising temperatures that we're seeing throughout the state, year, after year, after year.

Many of the areas that it burn through there were dense forests which also contributed to the spread of the incident. You can't necessarily talk about the Caldor Fire without anchoring back into the Angora Fire. The Emergency California Nevada Tahoe Basin Fire Commission that was formed by then Governor Jim Gibbons from Nevada and Governor Arnold Schwarzenegger from California.

He's thankful that they're in a much different place today than they were back in 2007. Out of those commission hearings came 90 recommendations that were very specific to the Lake Tahoe Basin. Out of those 90 recommendations back in 2017 as they were leading up to the Lake Tahoe Summit, all the agencies got together and reviewed each one of those recommendations to see where we at and had we achieved some success in meeting those recommendations. In 2017, 59 percent of those 90 recommendations had been completed, another 25 percent had been partially completed, 7 percent were ongoing, and 9 percent had not been completed. There's still room for improvement. What they ended up doing was leveraging all the resources that they had or could bring to the table to be able to address all of those recommendations. Every agency that was part of those commission hearings was committed to trying to see those recommendations through. The fuels reduction and forest health projects that were completed made a significant difference in the way that this fire burned through the landscape.

When he heard how the fire had transitioned out of the crowns of the trees above Oneidas onto the ground in the area where the Forest Service had completed some fuels reduction work that was the first time that he realized that they had a chance to contain the fire and keep it from entering into the built environment in South Lake Tahoe. At that point, they were able to put resources direct onto the fire, using dozers and hand crews, and engine companies and began to make progress because they had a safe area to work.

When you go back into those areas now, you'll see the treated areas fared very well. There's still live green trees in those areas, but above that in those untreated areas, you'll see quite a bit of stand replacement fire, where it's pretty much a 100 percent mortality up in those upper watersheds.

One of those recommendations that came out of the Commission was specific to these slope restrictions for mechanized equipment. In the Lake Tahoe Basin there is a 30 percent slope restriction on mechanized equipment. They've been talking for years about the need to elevate that slope restriction, in order, to be able to do more forest resilience work more effectively. Otherwise, they would have to use hand crews which would take too much time and wouldn't be very efficient. The state has different standards under the California Forest Practices Act as it relates to that slope restriction. He would encourage the board to take a second look at that. Specifically, as they look at Lake Tahoe West, as well as additional fuels reduction projects that need to be done around the basin. Given the advancements in mechanized equipment, and the technology that exists it's critical and will help get to a more resilient forest more quickly.

They're seeing much larger fires that are much more severe, more damaging, and last longer. In addition, they're seeing multiple fires occurring at the same time. The reason that's so important is that they only have so many resources in this state, that we can allocate to fires. If there's five or six major fires all burning concurrently it's a major resource draw that occurs in California. We need to shoot for landscapes that are more resilient to fire and that can withstand the effects of fire. The forests were naturally adapted to fire at one point in time and they can see that in those fire return intervals based on research that's been done around the Lake Tahoe Basin. That's where we need to get back to as it relates to forest resiliency.

Through the good work of all the partner agencies, the preparedness, prevention, and the planning that led up to the Caldor, as well as the amazing efforts of the firefighters and the law enforcement officers on the ground, they had a success and they don't get a lot of successes. This is a great story to share and there's a lot to learn. There's still a lot of work to do in the Lake Tahoe Basin.

Ms. Caringer, Environmental Improvement Division Manager and Ms. McIntyre, Forest Health Program Manager will provide an overview of TRPA's role in the Caldor Fire recovery and Tahoe Fire and Fuels Team in the long term.

Ms. Caringer said the fire suppression repair was enacted quickly and is underway. Their partners at Cal Fire and the Lake Tahoe Basin Management Unit have welcomed TRPA right from the start. There's already been a lot of collaboration to map out TRPA's roles and responsibilities in the immediate short-term, and in future planning for long-term fire recovery and climate resilience.

It was clear from the beginning that this fire recovery is going to span many years, and it's going to cross a lot of different divisions at TRPA. Staff has put together a cross agency internal team to make sure they were coordinated internally while engaging with their external partners.

She's leading this team with all the divisions at TRPA; Current and Long Range Planning, the Research and Analysis Division, the Environmental Improvement Division, and Communications. There's internal staff plugged into both into the BAER process right now along with the state process, known as the Watershed Ecosystem Recovery Team.

Last week, staff went on tours with Cal Fire to see firsthand the immediate repair work that's going on. They're working to stabilize and cover the bare soils to try and prevent any erosion control and debris flow in the immediate term. Today, staff is going out with the federal team to do the same. There's been a lot of collaboration between the state and federal teams. People from all over the country are coming in and going above and beyond to protect the lake and water quality. TRPA's Stormwater Team is plugged in with the local jurisdictions, particularly El Dorado County, and City of South Lake Tahoe on what needs to be done in the immediate term with ash and debris flow and the potential for entering their water quality infrastructure. Protecting that to try and prevent flooding or reducing flows of these pollutants as much as possible. They already have staff involved in sustainable recreation and tourism initiatives in Tahoe which the Caldor Fire will undoubtedly affect those. They'll be engaged in this team to think about how to restore trails or recreation sites that were damaged and making sure those types of projects are included in the

long term recovery. Mr. Segan is working with the Tahoe Science and Advisory Council to determine what the short and long term priorities are for monitoring and seeing how smoke or ash from the fire has impacted the basin.

They are fortunate in Tahoe to already have the Environmental Improvement Program framework established. It's through the EIP that they all have a lot of experience in the basin on collaborative planning, funding, and implementation of restoration projects basin wide. Where we all work together to leverage each other's roles, funding, and together making a greater impact. As they work through this same framework, they'll work at TRPA to think about the planning and climate resilience, and how they continue to adapt the basin on living with fire. This is likely not the last time they're going to see fire in the basin so how do we work together to think into the future, adapting the programs to for climate resilience planning.

Ms. McIntyre, Forest Health Program Manager said the Tahoe Fire and Fuels Team was created in 2008 after the Angora Fire to implement the multi-jurisdictional fuel reduction and wildfire prevention plan. It's 21 partner groups across the Basin working to focus on fuels reduction, protection of communities, and also safeguarding environmental resources.

A large component of the Tahoe Fire and Fuels Team is the Fire Pit which does communications. Right now, this group is focusing on providing a coordinate and unified message regarding the Caldor Fire and future recovery efforts. Also, communicating the importance of defensible space and home hardening in mitigating risks to homes and communities. In 2019, the Tahoe network of fire adapted communities reported a multitude of successes, but specifically, six educational workshops that were held, 22 different community events that were attended by the Fire Pit and by the Tahoe Network of Fire Adapted Communities. There were 2,512 individuals that were reached at those outreach events. They are having impacts all across the basin in communicating the importance of defensible space and home hardening.

Defensible space is treating the vegetation around a structure to increase the likelihood of the structure surviving, mitigating fire risk, and ensuring firefighter safety. The Tahoe Fire and Fuels Team works with private and public landowners across multiple jurisdictions in the basin to help establish defensible space.

(Slide 7) List the parcels that have been inspected for defensible space from 2008 to 2020. The different colors represent different fire protection districts in the basin. The takeaway from this graph is it is a coordinated multi-jurisdictional basin wide effort to have consistent messaging and reporting around defensible space. There's been over 45,000 inspections within the basin, that's almost every parcel and more.

The Tahoe Fire and Fuels Team is working to create a Caldor Fire task force. This task force is focusing on long term recovery. We heard a lot about the BAER Team and the Watershed Ecosystem Recovery Team which is the state complement to the Baer Team. Eventually those teams will wrap up their work and this is where they feel that TFFT can kind of pick up the ball and run with the long term recovery and project implementation.

The task force will coordinate on things like communication, funding opportunities, data collection and management, and forest restoration and recovery on the long term.

(Slide 9) There is still planning and implementation occurring all across the basin. This list is just a few of the projects picked to highlight. For example, the West Shore Wildland Urban Interface has 2,600 acres of 4,800 acres already completed. This is to reduce stand densities for resilience and fire risk on the West Shore and create defensible space. There's the Lake Tahoe West and the Utilities Resilience Corridor projects, the Hazardous Fuels Reduction Project is 11,000 of almost 12,000 acres of national forest areas from Emerald Bay to Burke Creek.

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The Bon Pland on the Nevada side is an 85 acre fuel reduction or fuel break that's created on the East Shore. The Marlette Summit project which was 100 acre fuel reduction within the Lake Tahoe Nevada State Park to modify fire behavior. The list goes on and on and the key takeaway is that implementation is occurring within the general forest and within the wildland urban interface all across the basin.

TRPA Forest Health and Wildfire committee had a presentation in July 2021 on the modeling regarding thinning on slopes 30 to 50 percent. Staff brought in the partner scientists to present those initial results. They're currently conducting the environmental analysis that would be needed to support a code change for thinning on slopes 30 to 50 percent. Staff will be bringing analysis and draft code language to the Forest Health and Wildfire Committee and the Governing Board in coming months for comment, review, and discussion.

The Southern Nevada Public Land Management Act that was created in 1998 sells public lands in the Las Vegas area and makes funding available for a variety of projects, including Lake Tahoe restoration projects. They're currently on Round 18 and since it was created there have been many opportunities for funding over the years. For Round 18, the Tahoe Fire and Fuels Team coordinated across the entire basin with all the 21 partner groups to submit a comprehensive basin wide package of projects for funding at approximately \$40 million.

(Slide 11) All the colors on the legend represent different projects and organization that were coordinated and integrated for the SNPLMA Round 18 funding nomination. The takeaway is that how do we treat a landscape holistically? How do we coordinate across jurisdictions? How do we bring all of our partners together to look at the landscape as a whole in terms of forest resilience and wildfire risk reduction? They anticipate approval of SNPLMA Round 18 funding any day now.

There are additional funding opportunities that the Tahoe Fire and Fuels Team will be identifying and prioritizing over the next few months and long term such as the emergency suppression repair funds. SNPLMA Round 19 request for nominations was released within the last two weeks and the TFFT is actively working on identifying a package of nominations. There will be a focus on the Nevada side of the basin. The TFFT will look at Lake Tahoe Restoration Act funding, private funding sources, and state funds.

Ms. Regan said there are so many people who contributed to the community and getting the community out safely. They've mentioned many, law enforcement, fire service, and the resource professionals. There's also utility infrastructure. If we had this fire in other places in the basin they could have run out of water. Luckily, the South Tahoe Public Utility District had ample infrastructure to fight this fire. The export pipeline that carries treated effluent up and over Luther Pass into the Carson Valley has fire hydrants. That was a big source of concern years ago about making that water available in the event of firefighting. To her understanding, firefighters were connecting to those purple hydrants on Grass Lake Road in Christmas Valley and every available resource even garden hoses on people's individual property. The infrastructure need is great in addition to everything that we've already covered.

The local governments were involved daily in the emergency operations support; the city, the county, and the local communities were cooking meals for firefighters.

Presentation can be found at:

[Agenda-Item-No.-VI.A-Caldor-Fire-Update.pdf](#)

Board Comments & Questions

Mr. Bruce thanked Ms. Sanchez, Chief Anthony, and Assistant Chief Newman. These teams put their health and lives on the line and worked around the clock. They were powerfully strong when they needed to be. A tremendous amount of thanks also goes out to Ms. McIntyre, Ms. Caringer, Mr. Hicks, and all the other folks, agencies, and committees who work so hard on the fire and

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fuels issues. It's important that we express our thanks to you. We've always appreciated when you provide updates to the board but this last month or so has been where we've really seen the accumulation and the miracle that you have created.

Ms. Aldean echoed the comments regarding the magnitude of the tasks that everyone was confronting and the heroic effort put forth. It was during the tenure of Bill Morgan as the head of the Lake Tahoe Basin Management Unit when the Forest Service began the process of decommissioning roads in the basin. In view of recent events, do they think that's appropriate, especially when roads are required for heavy equipment access for firefighting and hopefully for forest improvement work?

Ms. Sanchez, Forest Service said they did go through a review as part of their first plan in developing what it might look like and what that balance is. There are areas where they need access and need to ensure that they're maintaining that system to allow for that access. Perhaps they don't need as many roads as they originally had. Road systems are difficult to maintain to ensure that they don't find sedimentation and erosion issues along with some of the other concerns that come with road systems. It's a fine balance. They've been looking at the areas that they need that access and trying to find a balance between that and areas which are causing some harm to the environment with regards to poor layout, erosion, and sedimentation issues. Those areas that they're able to leave open, they're now able to maintain to a level which is much more friendly to some of the ecologic resources that they're trying to balance. They'll continue to look at as they develop their vegetation treatments and future iterations of their forest plans.

Ms. Novasel said it's been tough. Basically every single constituent that she has was evacuated within the last three weeks. They lost a lot of homes, it's very difficult. She understands from being a Christmas Valley residents for 40 years on how scary it got and it was difficult. But they're moving on and is very proud of our firefighters. It's been a pleasure to hear about the work that's being done. Those cooperators meetings and public meetings have been a huge help and comfort to the community. Thank you very much. Moving forward as TRPA we need to focus on that second phase and how do we get through it? Winter is coming with rain and snow. We all have concern about getting that recovery moving forward where so there isn't flood and storm issues going into water. Everyone has been doing a great job and it's a huge relief to the community and her constituents to know that it's been a coordinated and very good effort and they're doing everything they can.

Mrs. Cegavske thanked all the first responders, those that took people in, and Ms. Novasel for what's she's done. She thanked Ms. Marchetta for keeping the board updated. She was a former resident of Lake Tahoe on the North Shore for 24 years so she somewhat felt the pain, but not being there she didn't know all of it. She was intrigued by the redwood trees that were saved by being wrapped with the fire retardant material. There was also a gentleman that wrapped his house with the fire retardant material. Thank you for everything that you've done and are doing.

Mr. Friedrich thanked all the firefighters and first responders. Everyone in the community is so grateful. We recognize that others have suffered from this experience and there's more work to be done. There were about 500 to 600 people that gathered around Ski Run Boulevard to cheer on firefighters that came in from Idaho, Montana, and Southern California. It was quite amazing.

This Saturday at noon the City of South Lake Tahoe and Lake Tahoe Community College are hosting a ceremony to honor the firefighters at LTCC. After that there will be a community gathering together with the Tahoe Brewfest which is a fundraiser for the Boys and Girls Club of Lake Tahoe. Everyone's invited to come out and write messages and greet firefighters, etc. that's still being done.

It was mentioned in the presentations today that one thing that could happen policy wise is the 30 percent slope allowance of mechanized equipment. There's attention here with renewed focus on the need for pace and scale and building resilience to this new climate change we're in and expecting future mega fires. What other opportunities do they see in the basin to take advantage

of the billion dollars that the California legislature just authorized for wildfire prevention and the other sources mentioned? Where could those needs be best addressed if we were to get some major resource infusion in the wake of this to prevent the next fire that may come our way?

Chief Anthony, Cal Fire said there are a lot of streams of funding that do come into the Lake Tahoe Basin. When it comes to thinking about above and beyond just the increase in that slope percentage, they haven't solved the problem with biomass utilization throughout the state. That's a key component because when they do any kind of resilient treatments in these areas, they need to have a place for that biomass to go. That has been a major challenge. They need to be looking at the landscape differently than they have. Tahoe has been a great leader in this as it relates to Lake Tahoe West. There's been a lot of focus on the West Shore and that landscape level project there. The idea behind Lake Tahoe West was then to replicate that around the lake on the north and the east shores. A lot of work has been done in the South Shore, but more needs to be done.

We need to continue that effort of looking at the large landscape kind of resilient projects. He was surprised when Ms. Sanchez said 3,800 acres had been treated. It was just over 10,000 acres total burned in the Lake Tahoe basin. If you think about that in terms of percentage, the amount of treated land in relation to the untreated land. It's a fairly high percentage of treated land and that led to that success. Implementors can only get so far based on whether it's regulatory or policy constraints that they're faced with. The Tahoe Fire and Fuels Team has done a great job working within the constraints that they have. We need to think a lot bigger than we have in the past and that's just a function of the fact that they didn't expect to see fires burn in terms of the same intensity, severity, duration, and size that that they're seeing.

Those are good places to start as it relates to funding. A lot of that funding is specific to the type of project that needs to get done. Not every source of funding will cover every source of project. Within Cal Fire and the Tahoe Fire and Fuels Team there's been a huge focus on home hardening. Lake Valley Fire Protection had done roof replacements through a grant program in many areas where the fire had occurred. There's a high cost to some of these things and finding grant money to offset some of those costs for the individual homeowner is important. He hasn't quite figured out how we solve this problem yet in the Lake Tahoe Basin.

But as the local, state, and federal agencies do their work to protect communities, one of the legacies that we still have within our built subdivisions is a high density of trees. It's not so much that homeowners aren't willing to do some tree removal because under the TRPA regulations, they can remove anything under 14 inches diameter without a permit. The problem is the cost associated with doing that kind of removal. It's working around homes that are very close together, power lines, using cranes to move trees that aren't very large but can't be removed without that kind of expertise and level of equipment. That needs to be a focus as well, not only not only to increase that defensible space, but also looking at it from a forest health and resilience standpoint.

At some point, many of the trees are starting to compete with each other and if we continue with these prolonged drought periods, they're probably going to see an increase in bark beetles that are going to come into the basin like we saw in the 1990s. We'll see mortality one way or the other if we don't have forests that are resilient to bark beetles, drought, disease, and wildfire. He would encourage at least on the California side of the Basin for the agencies to continue to look at the Fire Prevention Fund grants and the Forest Health Grants. That's going to be a fairly steady flow of money over the course of the next several years.

Regarding building capacity, Lake Tahoe Community College has been working on trying to ramp up a forestry program at the college. Forestry has languished over the years and we need to recruit more forestry professionals throughout the nation to be stewards of our forest lands. Kudos to Kim Carr who is doing this under a grant and the college for supporting this program.

Mr. Hicks said as a former member of the bi-state fire committee that was formed after the Angora Fire it is gratifying to see what today's professionals have been able to accomplish in the past 13-14 years. It's gratifying to see the report of that commission was not buried and forgotten. It was a rewarding experience to be on it along with many fine people from California and Nevada. Back then, all of the agencies and especially TRPA had an angry public. The public was angry over some of the restrictions and limitations that prevented them from protecting their own properties. The education and the fire safety had been around but people really didn't relate to it. Looking back now over those years, it's rewarding. He thanked Ms. Sanchez, Chief Anthony, and Assistant Chief Newman and all of the people in their agencies for the amazing job that they've done with the Caldor Fire, the Dixie Fire, the Tamarack Fire, and all of these other fires that are surrounding us.

Another lesson learned from the bi-state fire commission days is that there's things that they do as commissioners to allow a forum where they can listen to people tell them what's going on. They listen to the professionals, the public, and each other. From that they learn. There's so much that in our own little way, we can do to try to help out. We all have our lives and constituencies but anything they can do to help address these problems will have long term benefits. We do have some serious recovery and restoration matters that have to be addressed. He thanked Ms. McIntyre and Ms. Caringer for their work and coordinating the efforts with all of the agencies in the basin. We've covered a lot of things today but the important thing is that the fire isn't out yet and there's work to be done.

The fire staffs are dedicated to putting these fires out and there are going to be many more fires but these are the people that are the resources that we look to when doing a lot of this preventative work in the future. No one has a simple answer to the question of how this will affect the preventative work that needs to be done. He's concerned about this wonderful project in process on Tahoe's West Shore of 60,000 acres. There's no doubt that the forest health work needs to be done there so we can prevent or at least help reduce the impact of a fire that will hit that area someday. They as commissioners need to focus on doing everything they can to help the cooperative agencies keep these things on track moving forward to get them done as fast as we can.

Mr. Rice said the cooperation was incredible. During the Tamarack Fire every morning he attended a Cal Fire meeting in the Valley. During the Caldor Fire he attend those meetings by Zoom to get information on what the community needed to be aware of, keeping the County Manager and everyone involved that were not firefighters informed and to provide their input on what they felt needed to happen. He's thankful and appreciated for all of the people that spent their time letting us know what was happening and what was coming next. Even before this fire in the basin there was the Gondola Fire and they had what was called the Fire Safe Council in Douglas County. There was federal money that was made available for treating our own properties to make them more fire safe, which included removing trees. He had several trees removed from his property at very little cost to him. He would like to see something similar to the Fire Safe Council basin wide to help individual homeowners thin the forest on their land. He would also like to see the Forest Service continue to treat their properties. Some of their property on the east shore was treated years ago but things have a tendency to grow back. Although, they allow them under the good neighbor policy to clear the pine needles and things adjacent to our properties.

Ms. Gustafson echoed all of her gratitude to the first responders and the presenters today in the efforts that have come about. She was able to go out with the Placer County, Cal Fire chief as the fire entered over the summit and watch some of the efforts of the firefighters in tracking down those embers. It was truly amazing. For any of us who haven't had that chance to see it firsthand and be enveloped in that smoke and feel the heat through the vehicle of being so close to burning trees. None of us can thank you enough. A group we haven't thanked enough are the local residents and especially watching the evacuation from South Shore, and the efforts of the public to go ahead and get out of the way was so tremendously helpful. We hear this a lot at TRPA that people are afraid we can't evacuate and we won't be able to evacuate in a timely manner, yet that

did go well. There were delays, but no city anywhere in the world can evacuate all its people without those kinds of delays. She thanked everyone for the proactive approach of getting those folks out in a safe and organized manner. As traumatic as it was for people to have to leave their homes, everybody did a great job. She also thanked the public for tolerating prescribed burns and for the fuels treatment, and changes in our code. Without the public support, we could fight and fight on some of these issues. We've come a long way and the public is accepting of much more. Two days ago there was an article in the San Francisco Chronicle about how the prescribed burn areas helped with the Caldor fire. That education goes a long way when people are asked to tolerate smoke in the off season.

We know catastrophic wildfire changes the forests and the forests have come to the place they are because of the practices that interfered with nature. When we revegetate are we looking at ways to recreate a more mature forest? And more thoughtful plans on how we revegetate so that we can skip revegetating as densely and then ending up with the same situation again?

Ms. Sanchez, Forest Service said the recovery phase of any fire is very delicate. The science is not exact and that is what makes it so hard. There is a little bit of a human element that goes into the recovery phase of fire and post processes. Over the last 20 years of them responding to fire recovery they've learned a lot and their practices have changed. Even since the Angora Fire their practices have had to evolve because the climates and systems have evolved. They continue to look at what is right and where that sweet spot lies. When they look at revegetation and forestation the practices that you're going to see them implement on the Caldor fire are different than some of the practices that you saw them implement on the Angora Fire, and other past fires. Science has evolved, science is better, and the climate has changed. The climate is such that they're not able to sustain as many trees as we were able to 30 or 40 years ago. It's in an environment where it doesn't make a lot of sense to stock levels at higher areas or higher densities because those trees are competing for the same amount of water and nutrients. The scientists and specialists are looking at what that is and they've continued to evolve and adjust within their agency.

Some of these areas are able to be restocked and reforested and some are based on slope, rock, and the soil type. Some of that area, specifically within the Lake Tahoe basin is going to limit those restocking levels. They'll see once that report comes out what that looks like. Those will be things that she'll look at and consider what the sweet spot is and right level. They've learned a lot over the last 20 years of post-fire recovery and what that looks like. She expects that those post fire recovery conditions and expectations are also going to be evolving specifically on the Caldor just because of where we're at with climate.

Chief Anthony, Cal Fire said there's a tremendous amount of carbon that gets out of the living vegetation released from fires. There are standing dead trees that are still storing carbon that will either be removed and stored in a different way, such as biomass or lumber, or some other product, or it's eventually going to decay and release back into the atmosphere. Ideally, what you wouldn't want to see except for those areas that Ms. Sanchez mentioned where it is difficult to restock or reforest an area is the forests more and more throughout the State of California after they burn are converting back to brush, which is really kind of the natural succession. But it has to do with the fact that the forests are burning so intensely there's no seed source left for trees to grow back in that area. There are both private nurseries as well as the Forest Service who has a large nursery in Placerville where they can begin that process of growing trees to replant. That's a goal of both private and public entities to do that. One of the considerations that has to go into that now, is that seed stock that came from that area the most appropriate seed stock to now plant back into that area.

Because of the way that the climate is changing, the trees may not necessarily be adapted to that elevation band anymore. There's a lot of research being done and looking across seed zones on how we can use a seed from another zone that would be more appropriate for that area. The goal of all the agencies is to try to appropriately restock those areas and maybe not using the same

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stocking standards that we've used in the past, in terms of number of new trees that get planted but looking at lower density levels that are more manageable moving into the future.

Also, there needs to be the funding to manage that moving forward. You don't just plant a tree and walk away. There's a number of steps that go into ensuring the success of that reforestation effort that needs to occur. This isn't specific to the Tahoe basin but rather a statewide level issue that we have to somehow get ahead otherwise we're going to see these large landscapes convert to something else that's going to be a lot less desirable and more flammable.

Assistant Chief Newman was on the Dixie Fire when the Caldor Fire started and had mentioned to him that he had to switch some modeling with the Caldor Fire from essentially a mixed conifer tree type to a brush type to replicate just how fast the fire moved out of Grizzly Flat. They have to make these shifts in the fire behavior modeling to better understand what's happening with the vegetation and landscape.

Mr. Bruce said Lauren Fletcher, PHD from Oxford who has been in our community for the last couple of years is an extraordinary expert in seeding ecosystems and might be a great resource for purposes of science and tree growth post fire.

Ms. Williamson said her deep and profound thank you to the fire community and all of the leaders in the community for all the work they've done. Her comment is towards that public utilities commission piece of this. Utilities and fire, you can't talk about one without the other. There's a staggering percentage of some of California's biggest fires started by utility equipment including the Dixie Fire. As public utility commissions in the West start planning for this, they look more to the utilities to work with the fire community to put these issues in front of utility commissions who aren't traditionally fire experts. In Nevada, in 2019, there was a bill passed requiring them to do natural disaster protection planning. The PUC passed their first natural disaster protection plan for Nevada. In 2020, the one thing they looked at was those powerline corridors. In the Caldor Fire the powerline corridors provided an important fuel break along Pioneer Trail. TRPA permits a lot of the tree removal on these corridors.

She wanted to ensure that the PUC's in California and Nevada, in particular, are getting that information from the fire community on how wide those corridors should be around powerlines. It's a double bonus of being a fuel break and also preventing fire starts. As part of that Nevada protection planning, they also talked to the telecoms and the communication centers to make sure that, for instance, cell on wheels are available. Some of those were provided for the Caldor Fire by NV Energy and some of the telecom providers. There's a lot of infrastructure utility telecom planning that goes on through the PUC process. The California PUC has similar plans from the regulated entities pending before them. Just want to make sure that they're plugged into the fire community getting your best recommendations on those utility corridors. As we talk about undergrounding some of those power lines that were not potentially losing some of those corridors by undergrounding those lines. She doesn't know that we're getting to fuel break but we're certainly getting the fire start reduction there.

During the Caldor Fire she received some briefings from NV Energy ensuring that for instance, Lake Tahoe Airport was up and running for water drops and that they had power throughout that incident was key as well. They need to ensure that the PUC's are being as helpful as they can to the fire community in their planning efforts.

Chief Anthony, Cal Fire said he can only speak for the California side. They've been engaging with the utilities for quite some time because they inherited a lot of challenges when they came into the basin. Their vegetation management folks have been great to work with when they identify issues are threats to lines. There has been a tremendous amount of work and some grants that have been submitted that haven't been funded to do resilient corridors throughout the Lake Tahoe Basin. Recognizing that not only is there a potential threat of trees moving into the power lines during the wind events but also using those as a point of defense. That risk is as real and it's

there. He's not sure where they are at with the resilient corridor concept but was actively being worked on and may have found a different funding source.

Ms. Sanchez, Forest Service said they've been working closely with Liberty Utilities and NV Energy to ensure that they've got the ability to treat within those corridors and to make sure that it's coordinated but they're not working to tie their hands either. There's a fine line between making sure that those are coordinated efforts which fall within their Forest Plan, guidelines, and expectations. But doing it enough that they reduce those risks from those corridor infrastructures. There's a line item in the infrastructure bill that speaks to infrastructure. When they talk about infrastructure resiliency this is the base of that. How do they broaden people's perspectives to see things like power lines as infrastructure resiliency or making sure that they're allowing them to move into the future in a way that reduces risk to that infrastructure?

That is key here in California and Nevada and the Lake Tahoe basin. That is one area she's looking at is how do they take those potential funding opportunities specifically around infrastructure language and utilize that to better secure and defend those utility companies or corridors as well as other areas. That is one aspect that they have further opportunity coming towards us moving into the future. Maybe they're not where they needed to be 20 years ago but they've come a long way and still have a long way to go on this one. They're working with the utility companies across both state and federal areas to try to give them those opportunities that they need to better secure that infrastructure.

Ms. Regan thanked the speakers who presented today. Chief Anthony spoke to many pipelines of funds coming down the pike. They're working with their Tahoe partnership, the California Tahoe Alliance partners to advocate for climate resilience and forest health funding at the state and federal levels. If you look at the last 10 years of the Environmental Improvement Program, they've invested \$133 million in forest health. The lion share of that is federal funds. They've already invested so much more than most communities and it's helping them be prepared in all of what everyone has heard today. It takes money to do these projects and there's a lot more to do. They're going to need to advocate and continue to have that unified voice for Tahoe with the Tahoe Fire and Fuels Team being a leader in bringing us all together to collaborate.

They are also supportive of all the utility corridor work. TRPA staff has met with the utility and PUC staff to advance that work. There are funding proposals on the table which they hope to hear soon, particularly when Secretary Haaland signs the SNPLMA Round 18 that will allow more of that work to continue.

TRPA's Forester, Bruce Barr has been heavily engaged working with the utilities. If you drive up and down Pioneer Trail, you'll see blue paint on the trees that Mr. Barr marked for the utility corridor on the South Shore. He's has been marking thousands of trees just in the last couple of months. He's also been working with the South Tahoe Public Utility District marking trees around pump stations and other critical infrastructure, even just ahead of this fire to do additional vegetation clearance to help safeguard our public health and safety equipment.

Public Comments & Questions

None.

VII. APPEALS

- A. Appeal of Executive Director Approval of Westermeyer Single-Family Addition and Remodel, 1015 Skyland Drive, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-03-210-030, TRPA File Number ERSP2021-0347, Appeal File No. ADMIN2021-0022

Mr. Bruce asked if any board member has had ex parte communication with any of the parties of this appeal.

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Mr. Marshall said the Legal Committee heard testimony from both sides in this appeal, as well as, from staff, and voted unanimously to deny the appeal. At the Governing Board, the motion will be made in the affirmative. The unanimous decision of the committee was to deny the appeal and affirm the decision of the executive director to issue the permit.

This is an appeal from an executive directors approval of a permit for a single family rebuild. The issue is height and how TRPA staff calculated height. You'll hear that this application was outsourced to a third party reviewer, Wells Barnett.

(Slide 3) Shows the parcel outlined in red which is located in Skyland in Douglas County. This is the Westermeyer parcel that received the rebuild permit. The parcel just to the north noted by the red dot is the Herwig parcel. Mr. Herwig is the one who filed the appeal because the reconstruction he believes will block some of his view of the Lake out towards Skyland Court.

(Slide 4) This is the view of the existing dwelling on the Westermeyer parcel. To the left is the Herwig parcel. We'll be speaking about the height of the rebuild portion of the house that is essentially the garages and may be a complete tear down.

(Slide 5) Is the site plan. The bold lines associated on this proposed site plan is the foundation lines. The foundation for the main part of the house is bolded and they're consistent and it's circumscribing the white area. The House is built with two porches over the driveway. The light lined area is an extension of the house that when they show an elevation you'll see is built on these posts. This is the foundation from which the lowest point of natural grade will be determined.

There's two key items to a height determination. One is that where do you start measuring the height? Under TRPA rules it's the lowest point of natural grade where it intercepts the foundation or the foundational elements, external walls, etc. because of these posts, it's the lowest point of natural grade to a post.

The lowest point of natural grade is 103.7. The "x" that's circled in green at 103.2, that's the nearest accurate spot elevation. Since they're about a foot away from that elevation point upslope, the actual calculated height for lowest point of natural grade is 103.7. That's how the lowest point of natural grade was determined. It's consistent with all of TRPA determinations. The 102.6 spot elevation is the spot that the appellant, Mr. Herwig's consultant contends is the spot that should have been used. It's not used because it's not close to a foundational element. It's significantly further away from any one of the posts that they would have used to determine this. Staff and the consultant chose the nearest point of lowest natural grade to the foundational element which is this post in the upper part of the diagram.

(Slide 6) The next point of dispute is the cross slope which is one of the axes on the height table that determines together with the roof pitch the actual amount of height it can go up. It goes up approximately six inches in every two degrees of height. The difference is about six inches between what the appellant contends and what the Agency found. The yellow line going through the site plan is an illustration of the cross slope calculated through the building site. It's perpendicular to the elevation lines, in particular, the 108 line that was etched across the building slope. This is calculated just like TRPA does all of their height calculations. There is nothing out of the ordinary here. This is described in the staff report. The cross slope here just a few feet to the right of the cross slope outside the building site which was done during the site assessment turns out unsurprisingly to be the same 10 percent. Adding those two calculations; the 10 percent cross slope plus the lowest point of natural grade, that is the allowable height that was determined by the consultant, checked over by TRPA and is the guiding force of the permit that was issued for the allowable height.

Mr. Johnson Attorney representing the appellant Mr. Herwig. His understanding of what happened this morning in the Legal Committee is that there is a document in TRPA's file that until

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this morning Mr. Midkiff, Mr. Herwig, and himself were unaware of. This document in the file may have a material effect on the reasons why this application was granted at the staff level and maybe even played a role in the Legal Committee's decision today. He doesn't believe it was intentional but there was a document with topographic lines on it that makes it relevant to what they're discussing now that was not available to them or on TRPA's website. They have concerns that they're playing with a different deck than what was being reviewed by staff and this morning by the Legal Committee. They'd like the opportunity to consider the missing card from the deck that they didn't get a chance to look. It offends fundamental notions of substantive and procedural due process that there's something happening at TRPA and the processing of this application which includes a document that they are unaware of until this morning. It's important to know what it is being reviewed so they can evaluate that themselves.

Mr. Midkiff will speak to the merits of this and explain why the plans themselves exceed the maximum allowable height under the TRPA code. If you're not inclined to do that right now, at a minimum this matter should be sent back to staff and the approval should be vacated. Then they and staff can all evaluate this based on the same deck of cards.

Mr. Bruce said as he understood it from this morning, the document that that's being discussed was essentially an exhibit of which the calculations would have been exactly the same without it being shown in a depictive way.

Mr. Marshall said yes, that's accurate. The illustration that's being referred to was purely illustrative. It was not operative in terms of the actual determination of the height of the building. He'll walk through that during his rebuttal after Mr. Midkiff and the permittee provide their presentations.

Mr. Midkiff, Midkiff and Associates said there are several things to point out for consideration. (Slide 10) Looking at TRPA's site plan shows the slope being calculated through the building site. When he spoke to the outsource reviewer and the documentation he got from the file had a line to south of the house that was used by TRPA during this site assessment to classify the land capability, not the drawing through the building site. Also, TRPA's drawing of the slope through the building site does not go all the way through the building site. It goes from through the existing footprint that's bolded on the line but not through the elevation and the footprint of the living room and deck that projects over the driveway.

When you use the entire length of the building site the cross slope is 8 percent not 10 percent. When you apply that with the roof pitch that gives the height of 25.7, not 36.1. That's the case whether we're talking about a different load point or not. The issue with the column out to the north of the end of what is seen on the plans for the footprint of the projected living room is not visible on the copy of the site plan on the screen right now. Looking carefully, you can see a part of it on the right side where the columns are. But there is no projection of that deck across the driveway to where he ended his cross slope calculation. It was not apparent to him that there was a deck out there with a column further out. When he spoke with the outsource consultant that was not apparent and was not aware of that. Those things are elements that he didn't consider and would have if he'd been aware of them.

The cross slope is still in error and the house very well might be over height because he was not aware of those additional information pieces that came to light this morning.

Mr. Exline on behalf of the permittee. They are in agreement both with the permit and the process that was undertaken to have the permit be issued, the permit itself, the determination of the Legal Committee and Mr. Marshall's presentation today.

However, there's a few things to further fill in how these processes generally work, and how some of these nuance decisions are made. Representing an applicant, you typically submit an application, run your own cross slope, start to develop the design of the building, and you submit to TRPA.

In this particular instance, the project was farmed out to a third party review, Wells Barnett and Associates. Mr. Barnett was a former manager of Current Planning at TRPA. Following project submittal there was a question regarding slope and height. The designer, Wells Barnett and TRPA staff met to ensure it was accurate because they want to be in line with TRPA policies. As a result of that, they engaged with the surveyor to give them the spot elevation that was referenced that derived the height and is accurate with every kind of historical TRPA interpretation about heights calculated. They're supportive of the TRPA process that got them here but more broadly, the interactive nature in which they were able to collaborate with Wells Barnett and TRPA to assure that they were bringing forward a complete project that would be approvable, and it was. It's unfortunate they're here today.

Regarding the additional information that came to light today appeared to him that it was a site plan in which Mr. Barnett decided to mark up with a highlighter, one particular topo line. He's been challenged on projects for many things, but a highlighted topo line on a map is a new one.

(Slide 5) Mr. Marshall said this is the site plan that everyone agrees was available. Unfortunately, it's because they were trying to fit it all on the slide you can't see it. You will see that same post with that circle around it that reads lowest point of natural grade (LPNG). At that point is the spot elevation. All of that is the operative information that drove the site and lowest point of natural grade calculation which is there and has always been available to the applicant.

(Slide 6) What the applicant was saying that was new, is this dashed line running down the 103 contour. That's what Mr. Barnett put on his working copy of the plans and that's what this is a closeup of. That line is just there for illustrative purposes it doesn't operate in any way to identify the lowest point of natural grade which was done off of that post and that site point at 103.2. Whether or not they had this, it doesn't matter to the actual calculation of height. We have a site plan that was drawn on by the outside consultant but is not an effective line to the actual determination.

The other question that Mr. Midkiff raised was the fact that it was unclear to him that the foundation elements was very lightly drawn extension over the driveway. That it was, in fact, these posts. He says he was unaware and it was not apparent to him.

(Slide 12) This is the elevation slide and was available to the neighbor, Mr. Herwig and you can tell that that whole aspect of the house is built on those posts that were calculated. It can be seen that his highlighting here illustrates right in the area where he thinks the low point of natural grade is. He should have known that the low point at natural grade was not the wall, but actually where the pillar is which was the 103.7.

Both of these points that they've raised don't hold water in terms of the actual operation and justification for the permit. They litigated this due process issue in the in the Garmong case and the District Court dismissed a due process case that was based on a neighbor's interest in a permittees application that was received. They're saying that they didn't have the information that established that this was the correct way to do the height. If they didn't have that line which again was not operative, they're still basically conceding that we did the calculation appropriately.

(Slide 6) The difference from TRPA's cross slope and Mr. Midkiff's cross slope is that his cross slope was essentially canted to the right and he came up with a lower cross slope which gets a lower amount of height. He did that based on what he says is extending the line all the way to the extension over the driveway. But mainly it was the 8 percent because it was canted to the right. Maybe that's how he would have done it but what staff did was draw right through the main section of the house and made it perpendicular to the lines that are running through the house rather than in Mr. Midkiff's view canting them off to the right. Which TRPA doesn't think is perpendicular to, particularly to the 104, 108, and the 106 lines. That is an illustration of the planner judgement that goes into these height derivations.

Presentation can be found at:

[Appeal-VII-A-Herwig-Appeal.pdf](#)

Board Questions and Comments

Ms. Aldean said this is really all focused on the interpretation of the code with respect to establishing the low point. Did this application require the preparation of a simulation to determine what it would look like from various vantage points including from the neighbor's property?

Mr. Marshall said this house is not visible from lake and they don't require simulations based on impacts to private views or in this case would be Mr. Herwig's property.

Ms. Aldean said presumably the setbacks are all in keeping with the Code of Ordinances.

Mr. Marshall said correct.

Public Comments & Questions

Jonathan Herwig said he's the appellant in this case. Mr. Marshall stated that this house isn't visible from the lake; it's clearly visible from there. The photo that was shown was taken in such a way that it was blocked by the pump house in Skyland. But if you move either direction, you can easily see the house from there as it currently exists. And the house that will be built will dominate the entire beach area there. He's an environmental consultant and has been through a lot of permitting hearings. He's never experienced something like this where the reviewer of a permit is also in essence trying to make up the deficiencies of the permit design. That seems very odd to him. That is what Wells Barnett is trying to do here. There's various reasons why that might be happening.

They heard that from Jesse Walker, Wells Barnett that they had looked at the permit and identified deficiencies. They sent it back to the Westermeyer architects to take care of the deficiencies. When those revised drawings were returned, they were not addressed but Mr. Walker indicated that the TRPA staff ignored that instead issuing the permit rather than sending the information back to Wells Barnett so they can identify the deficiencies. It seems to him that there's a strange permitting process and there's problems with it. A couple of days ago, Mr. Marshall called Mr. Midkiff and suggested that they drop their appeal because the board what he said essentially was incapable of understanding these issues and would just approve it. There is a problem with the permitting process here and he's asking the board to recognize this and to approve the appeal, or at least approve a continuance so they can take a look at this and make sure that this design is copesetic with TRPA regulations.

Board Comments & Questions

Lyn Barnett, Wells Barnett Associates said he was with the Agency for 25 years, starting in 1986. He always worked in the environmental review or project review division reviewing projects. His last 12 years with the Agency he was the department chief in charge of all that work. In 2011, he left the Agency and started a consulting business with Jerry Wells, TRPA former deputy director. In his experience with plan review he personally reviewed hundreds, possibly, thousands of projects such as this, either directly or through his staff. He takes umbrage at this accusation that there's some something going on, some collusion, or other factor. If you can't win on the facts and you have to pick on a consultant.

This was a pretty vanilla project. The house is visible from the lake but not very well. It is not a lakefront or in the shorezone. They reviewed the house initially and had communications with the architect and asked for additional information and make some corrections. That's very normal in the review process which was heard from Nick Exline. They finally received a set of plans that

passed the test and issued a permit for this. They made findings for the height. What is seen on the orange line is the work in progress and was their own internal deliberation. When they review plans it's common to mark up the plans as you're reviewing them. It's common to write notes and verify points. What they have on this survey besides topographic contours at two foot intervals which is the requirement in the application packet that they have a number of spot elevations.

When a surveyor goes through a property such as this, they'll make spot elevations all throughout the property, make field notes, and they'll draw the site plan. They estimate where those two foot contours are based on their spot elevations. When they're reviewing these plans, he was curious on where that middle elevation was. In his drawing that is a one foot contour elevation which was his own estimation. It did not change the height calculation. For him to hear that the architect got some special favor out of this or treatment is offensive. These plans are not complicated any more than a normal project. They did not look at the view protection from the neighbor as mentioned and that's not part of the calculus. If this was a lakefront property, they would be doing shoreland calculations and measuring visible mass. He stands by their decision. They were in communication with TRPA staff throughout the process and at the end they presented their draft permit to staff for discussion. It's not common, but sometimes the staff will ask them to make revisions. In this case, the permanent passed muster and it was issued.

Mr. Marshall said the motion should be to grant the appeal to affirm the decision of the Executive Director. Vote no to deny the appeal and vote yes to grant the appeal. The unanimous recommendation of the Legal Committee was to deny the appeal which would be a no vote on this motion.

Ms. Aldean made a motion to grant the appeal.

Nays: Ms. Aldean, Mr. Bruce, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Lawrence, Mr. Rice, Ms. Williamson, Mr. Yeates

Absent: Mrs. Cegavske, Ms. Novasel

Motion failed.

VIII. REPORTS

A. Executive Director Status Report

Ms. Regan said last night, several members of TRPA including herself, Mr. Marshall, Mr. Nielsen, and Ms. Good participated in the Tahoe Keys Property Owners Association town hall meeting. TRPA is very engaged with the Tahoe Keys on a number of fronts. Last night's topic was the pending Memorandum of Understanding on the shoreline implementation for moorings and getting the keys into a mooring registration program that was in contained in the approved Shoreline Plan of 2018. She thanked staff who have been working for the last four years to do this. It is a very complicated matter, but last night, they heard a lot of support from the homeowners. The meeting was held at the Tahoe Key pavilion with in person and virtual participation. The board will hear this soon for deliberation.

In addition, they've hit a milestone in the weeds control project that's been going on for some time. The environmental analysis has been done and the Lahontan Water Board released a Draft Discharge Permit as part of their regulatory process. It's scheduled to go for decision at the Lahontan Water Board in January 2022. Then it will come back to the Governing Board for a decision at the January board meeting. This is a high priority lake clarity issue with invasive species moving from out of the Tahoe Keys into other parts of the lake.

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B. General Counsel Status Report

No report.

IX. GOVERNING BOARD MEMBER REPORTS

Mr. Rice said Douglas County has been having issues with the vacation home rentals. They've come up with their final panel who will be their advisory board. There will be two lake residents who have permits, two lake residents who do not have permits, and one from the East Fork area. The five member board is Lauren Romain, Michael Sloan who are VHR permit holders; Keith Byer, and a Mickie Hempler, Lake Tahoe residents who are not permit holders, and from the Valley, Patty Graf. They'll be hearing any appeals for fines instead of the board.

X. COMMITTEE REPORTS

A. Local Government & Housing Committee

None.

B. Legal Committee

None.

C. Operations & Governance Committee

None.

D. Environmental Improvement, Transportation, & Public Outreach Committee

Mr. Lawrence said the purpose of the meeting was to hear from the consultants on their findings for revenue suggestions for transportation after they held a series of interviews with key stakeholders. Their presentation was along the lines of what they felt was feasible revenue sources, and perhaps those that were not as feasible in order to get to that \$20 million per year target. That was a very robust discussion, and a lot of questions were asked. He's confident that if they can get those questions answered they can have even a more productive discussion the next time they meet.

E. Forest Health and Wildfire Committee

Mr. Hicks thanked Ms. Marchetta and staff particularly Ms. Caringer and Ms. McIntyre who did all the work on the fire briefing today. They will be addressing the question of using mechanical equipment on steeper slopes. The committee will also address biomass. There was an amazing amount of work done on this Caldor Fire, but there's more work that has to be done to prevent future fires and to prepare the basin for future fires.

F. Regional Plan Implementation Committee

Mr. Yeates said in October the committee will discuss the Mobility Impact Fee.

XI. PUBLIC INTEREST COMMENTS

None.

XII. ADJOURNMENT

Mr. Yeates moved to adjourn.

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Chair Mr. Bruce adjourned the meeting at 2:35 p.m.

Respectfully Submitted,

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

Marja Ambler
Clerk to the Board

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

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

Via GoToWebinar

July 29, 2021

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 8:36 a.m.

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

II. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

III. APPROVAL OF MINUTES

Ms. Aldean provided Ms. Ambler with minor clerical edits and moved approval of the June 23, 2021 minutes as amended.

Motion carried.

IV. Item 3: Discussion and possible recommendation for approval of Phase 1 Housing Code Amendments to the TRPA Code of Ordinances related to: **a)** Bonus Unit Boundary, including amendments to Chapter 52; **b)** Non-conforming density, including amendments to Chapter 31; **c)** Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley and Tourist Core Area Plans, and Rules of Procedure Section 12; **d)** Development Rights Strategic Initiative Code Clean-Up: Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52

TRPA staff Ms. Bettinger provided the presentation.

Ms. Bettinger said staff is back here today with Phase one of the Housing Code Amendments which they presented last month with the request for a motion to recommend approval to the governing Board of the amendments and the findings. These housing related amendments emerged out of consultation with the Tahoe living housing and Community revitalization working group which is a committee of the APC.

The amendments are focused on addressing the serious housing shortages that we're facing in the basin today. Staff went over these in quite a bit of detail in the presentation last month. Today's presentation will be at a high level with what the concrete elements of the proposal are. They will emphasize what's different this time and answers to questions that came up in prior hearings.

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This proposal is to encourage and allow more workforce housing types and is fully within the growth caps and the development pattern identified in the Regional Plan and 2020 Regional Transportation Plan. The impacts of that growth have been analyzed.

This proposal moves forward policy changes that further implement the goals of the Regional Plan such as encouraging more walkable neighborhoods and centers, providing sufficient housing to meet local and regional housing goals and providing housing that is sized appropriately for local workers and residents.

At the last presentation, they discussed the missing middle workshop that they held a few months back and how this amendment package supports those concepts, which was often that they see the overlay of multiple regulations end up leading to larger homes that aren't very affordable to local residents. An example of that is that they wanted to look at how the size of homes in Tahoe has changed over time. They obtained some GIS data from the County Assessors to come up with examples that you see on this slide four. What they're seeing play out in Tahoe is that people really maximize the total building envelope that they have available. Especially in areas where single family is the only residential option that's allowed, they're seeing it result in much larger homes than they've historically seen in the basin. That's not to say that there is not a need for larger homes. But the needs assessments that they've done over time and throughout the Basin have shown that the majority of homes needed are really in the studio to two bedroom size range. The median size home has increased pretty significantly over the past 50 years or so.

As part of addressing that overall issue, they are trying to increase the amount and diversity of housing options and the other Regional Plan goals. This has resulted in the development of the Phase one Housing Code amendments.

The first element of the proposal is to expand the bonus unit boundary to encompass previous planning efforts. First, is the Regional Transportation Plan. Second, is the town centers from the 2012 Regional Plan, and third is the existing multi-family zones which much of the affordable housing is already located in and these overlap with the community priorities that were analyzed in the in the Regional Transportation Plan.

(Slide 5) These maps are showing the different boundaries that we are expanding the bonus units to. First is the half mile from transit buffer which is our existing bonus unit boundary. Second is the half mile from town center buffer, and third is the multi-family zones. This map in green is showing that total area.

(Slide 6) This slide is illustrating the environmental analysis and the new areas of the proposed bonus unit boundary are shown in orange. They align quite well with the low trip length traffic analysis zones which are areas with trip lengths that are less than or equal to the average.

Encouraging more development in areas that are at or below the average trip length contribute to bringing the overall average down. Trip lengths are closely correlated with VMT.

The next code change would allow non-conforming tourist density to be converted and used for multi residential redevelopment on-site, as long as multi residential development is an allowed use in that location.

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Under the current code, a hotel owner with the tourist density over what is currently allowed can redevelop and keep all of those units on site if they redevelop and keep the tourist use. But if they want to redevelop to residential then they have to comply with residential densities, which are generally much lower than tourists, and much lower than some of the non-conforming tourists.

The proposed change would allow these tourist units to be redeveloped on-site as residential density. A question came up offline, does this create more residential development? It does not. Under existing code, they allow conversion of development rights from one type to another. Tourist units can convert to multi residential at a ratio of 1:1.5, and under the existing code, all 17 of these units could be converted to 25 multi-family residential units. That does not change. What changes is how many units can be used on site. Under the existing code, in the example shown, the owner would only have been able to develop six of these units on site, then they would have to bank and transfer off 19 of the residential units. But under the proposed code, they could build 17 of these units on-site as multi residential then bank and transfer off the remaining units. It's important to note here that if a hotel owner decides to redevelop to residential and they want to deed restrict these new units to affordable, moderate, or achievable, they can receive bonus units at no cost from the TRPA pool. If they want to sell off the original development rights that they now have, this can help the project pencil financially.

Because the conversion of tourist units to multi residential was already analyzed during the development rights strategic initiative, and environmentally neutral conversion rates were developed. The Environmental impacts of allowing the same number of multi residential units on a site as there are existing tourist units has already been analyzed. However, they did want to check and see where these units would go, specifically if these units would go into areas where they want to encourage and incentivize development.

Using their GIS data, they wanted to see whether there is an existing tourist development outside of the proposed bonus unit boundary that would be eligible to take advantage of this specific code change. They found that there wasn't any. In summary, all tourist developments that exist today that would be eligible for this code change, are within the bonus unit boundary. Attachment B shows the proposed code changes and track changes. After the change that expands a non-conforming tourist density can be used as residential density. We also added another section to clarify that non-conforming residential density can also be redeveloped and keep the non-conforming residential units.

This has already been the practice and the code interpretation that they wanted to codify as part of this amendment package.

The next code change is to allow accessory dwelling units on all residential parcels regardless of size, accessory dwelling units are commonly referred to as secondary units or mother-in-law units, as well as a couple of other names that you may be familiar with.

The proposal would lift the one acre size limit and allow up to two accessory dwelling units per residential parcels to allow one attached and detached ADU. Then because ADUs would be an allowed use on all residential parcels, just like any accessory uses, it wouldn't require special noticing to neighbors like they currently do right now. This is all part of the effort to reduce the disparity between how easy it is to build larger single family homes, and how hard it is to build smaller more typical workforce housing types.

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That is the summary of the proposed changes to TRPA's regulations. Local regulations still would apply to ADUs in the Basin. In Douglas County and Washoe County ADUs are not allowed on parcels of less than one acre. That rule will not change unless they amend their area plans.

On the California side, each jurisdiction has passed or is in the process of passing their own ADU regulations that reflect the California law. Based on this, in California counties, ADUs would be allowed on all residential parcels. There are no rentals of less than 30 days, and there are size limitations.

As noted in the packet, they're bringing forward the area plan amendments needed for those California jurisdictions to be able to implement their own ADU codes with this packet.

For the environmental analysis, because ADUs would be allowed on all residential parcels, they decided to model this using their transportation model, because it's not that easily assessed at a qualitative level.

Based on how they've developed this code proposal, they do expect that most new ADUs will be built inside the bonus unit boundary because that's where the incentives are provided. However, if people do want to develop with a full development right, they can build outside the bonus unit boundary.

ADUs that utilize bonus units will get a deed restriction along with the bonus unit. ADUs that use a full development right are not required to be deed restricted. Allowing this is consistent with encouraging as many of our remaining development rights and allocations to be used for smaller units that are more affordable to local workforce and have a stronger likelihood of providing naturally affordable housing than if that development right was used for a larger house. Because ADUs could be allowed anywhere in the Basin, they wanted to analyze an ADU scenario that took into account the furthest extent of where we might see this development. The modeling team analyzed a scenario where they assumed that a significant number of remaining development rights would become ADUs and that all of these would be built in areas that are zoned single family only. Since they've also have updated information on projects in the pipeline, that will be using bonus units they were also able to model those as well, such as the Sugar Pine Village and Ski Run Pioneer Housing Project.

Even though this scenario shifted more people into the longer trip length areas that had been in the Regional Transportation Plan forecast, that was offset by an increase in lower income households as they're seeing implementation of the bonus unit incentive program. Lower income households have a lower trip rate.

Overall, these changes represent a pretty small shift in general that are basically absorbed by all the other measures that have been put in place in the Regional Transportation Plan and the Regional Plan.

Staff ran the most conservative scenario, looking at the worst-case scenario and that's what those results are showing that there would not be a significant affect.

They wanted to identify some of the questions and comments that came up at the informational hearings on these amendments in June, including ones from the Regional Plan Implementation Committee, the Local Government and Housing committee, and the Advisory Planning Commission. The committee and commission members asked for clarification on whether the

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amendments would affect the transfer of coverage from sensitive lands and in general and wanted to be sure that the environmental analysis would adjust parking, traffic, and VMT.

They tried to point out the outcomes of this analysis through the presentation but wanted to highlight that the amendments do not make any changes to the coverage regulations, and all the incentive programs for transferring coverage remain in place and would not be affected by the amendments.

As noted at the beginning of the presentation the overall growth and growth pattern is consistent with what was analyzed in the 2012 Regional Plan and the analysis here for parking, traffic, and VMT ties off of that analysis. They also received a few questions from the Local Government Housing Committee, and RPIC members about ensuring that the bonus units are used as intended, and don't become extended stay hotels due to the lack of clarity and the definitions or the compliance language.

Based on these comments staff made a couple of changes to the proposed code. They modified the definition of affordable to specify that it is intended for permanent residents and seasonal workers and to clarify that the compliance language was to clarify some of the language in the bonus incentive program.

Phase two housing amendments will be started in February where they'll looking at site constraints, an additional incentives for ADUs.

Presentation can be found at:

[Agenda-Item-No.-3-Phase-1-Housing-Code-Amendments.pdf](#)

Committee Questions and Comments

Ms. Aldean referred to page 94 of the packet under Section 21.3, Accessory Uses. Under sub paragraph B, C and D, please add an "s" after unit. That was done in A, but not done in the subsequent paragraphs. In 21.3.2, where it states that an accessory dwelling unit shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. She assumes that the reference to transfer provisions includes coverage limitations. She knows that it's been suggested by some that we take a look at those coverage restrictions in addition to looking at the idea of perhaps not requiring an additional development unit if the ADU is within an existing structure. She wants to ensure that people understand that our coverage limitations are still intact.

Mr. Marshall said that is correct. These amendments do not change the basic coverage rules. That will be a topic for future conversations. None of these changes allow any additional coverage to be brought in that you wouldn't otherwise be able to do.

Ms. Aldean asked when we reference the transfer provisions, is that language included in those transfer provisions?

Mr. Marshall said the transfer provisions are really related to the transfer of the units, rather than coverage which would have its own independent sections regarding coverage.

Ms. Aldean said for purposes of full disclosure, would it be prudent to include something in the accessory use provision that states that coverage limitations remain intact?

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Mr. Marshall said they would generally avoid that kind of duplication because otherwise they'd have to do that in many areas. There are distinct coverage rules in wherever you're trying to transfer or move coverage around, you have to go to those rules as opposed to transfer of the use provisions. These kinds of transfers or for the ADUs or for any of these that we should say, none of these provide additional coverage opportunities at this time. That shouldn't be a code issue but more of an educational issue.

Mr. Friedrich said a suggestion was made of allowing junior ADUs or ADUS in already constructed space such as a garage, or a bedroom to be built without a development right and without a bonus unit. He asked what would be the implications of that and what analysis is required if they were to make such a move. Assuming that would be some amount of analysis required, might that be considered in the next round?

Mr. Marshall said fundamentally if you're going to do an ADU you need to have a development right of some kind. Either it's a bonus unit or development right in either an existing unit of use or an allocation if you're going to put it in an ADU. They are not excusing any part of that requirement. That issue, however, is on the agenda for the next series of amendments to look at whether or not there should be, particularly maybe for an in-house use that there should be requirement for some sort of existing development or bonus unit. By maintaining that requirement it provides an incentive for affordable housing and affordable housing within our bonus unit areas, because it reduces the cost substantially by getting a bonus unit. This is so someone wouldn't have to go out and acquire or get an existing unit of use or an allocation. That allows them to make those assumptions that Ms. Bettinger was talking about where these units are going to go primarily because of the incentive, the significant incentive to use bonus units. If you're going to use a bonus unit, you need to deed restrict. It has those advantages. However, there may be some instances in which it may be better as a policy matter to also incentivize junior ADUs by not requiring an existing unit. That analysis is going to have to be with the next set of considerations.

Ms. Bettinger said that this issue has come up with the Tahoe Living Working Group members quite a few times and many of the members do feel like we need to make changes to this. Staff will be looking at this in the next phase and how to do this in an environmentally, sound way, so there are not any major changes to the growth caps.

Mr. Friedrich there's been some interest expressed in in South Lake Tahoe for allowing mobile tiny homes, ADUs on wheels, essentially to be permitted under this program. He understands that we're not doing that now, but what would be the process if a local jurisdiction wanted to amend its code to allow mobile tiny homes as an ADU, what would be required?

Mr. Marshall said that would most likely take a TRPA code change. It could also potentially be done in an area plan. But fundamentally, under TRPA definition those are mobile homes. Those would need to be reviewed under their definitional changes. TRPA classifies mobile homes as only being allowed in mobile home parks. TRPA would have to do some massaging of their general rules to take on that issue. That issue is also slated for Phase 2 or 3.

Ms. Bettinger said correct, that has also come up in the working group. Staff will be addressing it, hopefully, in the next few months.

Mr. Lawrence said he had the privilege of being part of the Local Government & Housing Committee and the Tahoe Living Working Group. A big thanks to TRPA staff for all of the experts

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they brought in during this process and the phenomenal work of Ms. Fink and Ms. Bettinger in a fairly short period of time.

There's a lot of merits to taking a look at junior ADUs or tiny homes and then seeing whether they need a development right or not, That may get us some momentum towards affordable or achievable housing.

But we do need to be cautious, so much of what we do is based on growth caps. We have a lot of conversations whether it's over tourism or short-term rentals, etc. It's all kind of tied to the major effort they did in 2012 to get the Regional Plan Update and keep growth caps in place. It should be looked at a Phase two but we do need to be mindful of the growth gaps and just the overall capacity of the basin. Lastly, they received a letter from Tahoe Meadows regarding the historic district. He reached out to Ms. Bettinger and although they didn't connect, he was able to get his questions answered. He also had a conversation with Mr. Marshall and is comfortable that the historic district of Tahoe Meadows addresses much of the concern in the comment letter that they received.

Mr. Yeates agreed that the work of Ms. Fink, Ms. Bettinger, and others was remarkable. But he is struggling with what has been clearly stated in the narrative and also Ms. Bettinger's presentation that accessory dwelling units attach themselves to a residential use. Referring to page 95, Section 21.3.2, Subsection B, it says that an accessory dwelling unit shall be considered accessory use, where the primary use is a commercial use, public service, or recreational use.

He doesn't get that because now we're attaching a residential use to a potential caretakers place in a recreational area or adjacent to a ball field for example. The same goes for recreational, public service. This is a residential use, attaching it to a residential use. We want to use it for purposes of encouraging more housing, especially affordable workforce, etc. And that, in fact, it would attach itself within the density bonus area so that would get the density bonuses that might give us more housing.

But at the same time there's the Regional Plan that we're kind of encouraging development in the town centers, places where it's appropriate, where there's transit, etc. To him, recreational uses don't fit that. And the concept of a public service building of some kind, having an attached ADU, maybe it makes sense but that that should be treated more on a case by case basis.

He's not comfortable moving this to the Governing Board. This is different than what the narrative of the staff report and is different than what Ms. Bettinger presented that this is a residential use attaching to a residential use except for this specific language here that they're amending the code to allow to be attached to public service or recreational use. He suggested holding this and discuss it further and then bring that back because he's not at all comfortable.

The other issue that he has is one that's been raised in recent comment letters to the board from the Nevada side. Because California has the requirement in the ADU that it can't be used for short term rentals, there's a 30 day limit on rentals. That would be attached to whatever they do making the amendments to the code here for the California side. That doesn't apply to Nevada because of the fact that they are not California and will have to amend their area plans to be less than an acre, for example. People are concerned that it could mean that what they really don't like is short-term rentals in areas like Incline Village and other areas of the Nevada side. Can we as the basin wide agency carry over that 30 day requirement for ADUs from a basin

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wide perspective and understand that to get down to the less than one acre, they would have to amend their area plan. But as far as basin wide, the 30 day limit applies.

Mr. Marshall said starting with the accessory use issue and to what types of base uses accessory dwelling units should attach. The primary place where people are going to put these things are an accessory to a residential use. Reviewing Section 21.3.2 that is labeled B, historically, TRPA's Code of Ordinances has allowed a secondary unit (TRPA's language for an ADU) or associated with uses that are permissible which means that they're allowed in that plan area statement or now area plan. TRPA currently allows accessory dwelling units to be placed on non-residential parcels and that has happened in the past but not very often. It's fundamentally areas like a caretakers cabin associated with a cabin on the Forest Service acquisition lands, for example. There are other campgrounds that might want to have a dwelling unit on the campground for the host or whoever is taking care of the campgrounds. They have historically allowed that kind of recreation and commercial.

There are two things happening: One is they're allowing two ADUS; a regular ADU and a junior ADU for residential parcels. That is another change that's been made because previously there could only be one secondary unit on a parcel more than one acre. The parcel size is being reduced and allowing two instead of one. The change they wanted to make here was to clarify that for these other uses that they currently allow you to only get one. It states that one accessory dwelling unit shall be considered an accessory use. That's one purpose for why this edit here and they wanted to make certain that permissible use where that one was identified as these other kinds of uses. They're being more specific; they're not expanding the category of uses for which an ADU could be accessory to. Mr. Yeates' point is that it goes to the underlying policy rationale of should we be doing this for these parcels that could be remote. Are we putting residential units in areas where that's not consistent with the Regional Plan guidance of concentrating those units within the town centers. It hasn't been a problem in the past with the existing secondary unit allowance. They're not anticipating it being a problem in the future. He recommended that if he's hesitant about this particular one, that they stay with the language that substitutes the ADU for the secondary residence because that's what we're now calling this product.

Maybe it's that we don't go forward with the rest of the language and bring that issue back in phase two, as to whether or not we want to continue this language here. It's not changing the language so that you still only have one, that's still in there. It's one ADU shall be considered accessory. He believes what Mr. Yeates concern is the specification of the types of uses that a ADU could be accessory to. The proposed Code of Ordinances list them out and whereas, before it said it just had to be permissible. That allows any kind of uses that are permissible or consistent with the base zoning. It's not expanding anything, it's making more express, what the intent is. The underlying issue Mr. Yeates is bringing up is whether or not that was good policy in the first place. They didn't really discuss that through the process and if they want to discuss that item, staff will bring it back for further discussion within the Phase Two process.

Mr. Yeates said that would be his preference to further discuss this because everywhere else in this code, it's just striking the word secondary unit, and coming up with accessory dwelling unit. We're treating it different. We're now dealing with California's policy of encouraging this kind of stuff. Maybe, we didn't have this problem under secondary units, but now, we're pushing accessory dwelling units. They should be pushed where we get density issues and where we're focusing on the services that are available and are consistent with the Regional Plan direction.

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If it's agreed in that unique situation where there's a Forest Service dwelling unit and they want to put an ADU attached to that for an additional staff person, okay. If everyone feels comfortable that those are unique things then maybe there should be some additional language to make clear that those aren't where they really want to emphasize these accessory dwelling units is fine but just rewriting to take care of the secondary residence issue because they're cleaning up the code throughout, just striking that term and replacing it with an accessory dwelling unit. It's been raised that those prior 1987 secondary residence don't come back and say it's something else and therefore, what the old language says that applied to secondary residences now should get the full benefit or the accessory dwelling unit.

Is staff suggesting that we would reduce Subdivision B that would come forward to the Governing Board?

Mr. Marshall said if the committee wanted to do that, he suggested making the change on line one of B substituting accessory dwelling unit for a secondary residence and leave the rest as is. Then staff could work that issue through Phase Two. However, there are good reasons to specify that it's now just commercial, public service, or recreational uses. It reduces the universe of those other permissible uses. It makes express what those are, so there's some benefit there, His recommendation is to stay with the proposed language but direct that the issue be addressed in Phase Two to make certain that's what we want to say.

Mr. Bruce said what he doesn't want to remove something and then have it impliedly believed by people that by substituting those words it carries the former permissible language forward and then we're stuck with what we had before, without the restrictions. Is it correct in that what Mr. Marshall is stating is to leave the restrictions in, it's better to at least expressly state the restriction so that the permissible isn't implied or isn't available for a go forward purpose.

Mr. Marshall said yes, his recommendation would be to stay with the recommendation from the working group, the Advisory Planning Commission, and although they didn't discuss this item expressly, it was discussed generically how that came through the process. Then direct this larger policy question is do we want to have ADUs as an accessory use for these use categories to Phase Two. It's not about the language here, because that's already allowed. What's being questioned is the underlying policy of that existing code section. He suggested going with these changes as they are now, but in Phase Two ask that the question be posed; Do we want ADUs associated with non-residential uses? That's the policy question that's being asked and is it consistent with the Regional Plan?

Mr. Bruce said maybe what Mr. Yeates is saying is until we decide that policy question, it should be restricted to residential, and we will come back with Phase Two and discuss that.

Ms. Aldean said if they eliminate the amended language entirely then these existing units that are attached to these various categories become non-conforming. That's a problem.

Mr. Marshall said that's correct. He doesn't recommend deleting this section. That raises some other noticing issues and it's inconsistent. We shouldn't do that because then that's judging that we have made a policy determination that we really want to restrict it to residential uses when that really hasn't been the topic of any discussion that we've had to date. There's two options: We can do nothing and that unfortunately will leave the secondary resident language in there that we don't want because we're switching to ADUs. We could swap out ADUs for secondary residence. Make that minimal change to this code section or adopt the code section as proposed

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with those changes but direct the underlying issue to be addressed in Phase Two. He recommended the last one as that gets the good code changes in but the underlying issue about this code section, not the changes to the code section, but the reasons why it's in the Code of Ordinances in the first place and allow that to be addressed in Phase Two.

Mr. Lawrence said working for the Agency in the past he has the perspective that this hasn't been an issue in the past but also recognizes the times change so it's important that we get this right regarding accessory uses, or ADUs for these other uses that aren't residential. He looked at this through the lens largely at recreation and maybe public service, thinking about the agencies within the Department of Conservation and Natural Resources, primarily State Parks, and the Division of Forestry. Recognizing that two of the biggest issues that we're facing here in Lake Tahoe Basin is over tourism, sustainable recreation, and catastrophic wildfire. While we do need to continue to focus growth in and urban areas, we need to recognize that there is going to be a need in order to address those issues. Having folks on site in some of these recreation areas and public facility areas in order to be ambassadors and getting the message out on how to be a good steward, particularly on high recreation days. With forestry and the Forest Service we know that if we can be on the ground and be able to spot wildfires or get an initial attack that makes all the difference in the world and is sometimes more difference than even doing the pre-suppression fuels work.

He is supportive of holding back on going all the way to these accessory units for these other uses. He doesn't want to lose sight of that. There are reasons for doing this particularly in those areas of over tourism and catastrophic wildfire. We have to be cautious because they don't want to also create a situation where we make a code change and all of a sudden, we have a preponderance of non-conforming uses. .

Mr. Yeates said looking at the staff report narrative and the changes to the code didn't square with everything they're talking about, attaching it to a residential use only. Further discussion would be good. The second issue is trying to address concerns raised about short-term rentals, that wouldn't apply to Nevada Side, because it's not California.

Mr. Marshall said there's also churches, cemeteries, and other uses that there may be appropriate for a ADU to be associated with that kind of public service use. As they explore this, he thinks we'll see a range of not unreasonable instances where the primary use is not residential, that we would want, or wouldn't mind having an ADU associated with it.

When the vacation rental issue was addressed in the overall approach was taken as, this should be decided within reasonable bounds by local jurisdictions as to how they want to deal with vacation rentals. What is being proposed today is to allow ADUs on less than one acre. That change will not be effective on the Nevada side because both the Washoe County and the Douglas County Area Plans have the one acre requirement in them, so this would not be changing that Regional Plan. That would control over the more specific code language that would say there's no longer a parcel size limitation. The question is that when and if that one acre rule is lifted on the Nevada side, in each jurisdiction, what should accompany that lifting of that rule? Each jurisdiction or the Governing Board at that time, could propose something to address this issue of vacation rentals because of the concerns that there's a state law in California, but not in Nevada. That's going to be an issue that needs to be addressed. It's not triggered by what we're doing here, it would be triggered by the lifting of that one acre rule in each of the area plans. That would be the appropriate time to consider whether or not there should be some sort of regulatory give and take with lifting of the one acre size limitation on the

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Nevada side through those area plans. Rather than take on that large generic issue of should ADUs be vacation rentals.

Mr. Yeates said that in carrying out this one acre change and just encouraging ADUs they're carrying out California's state policy when we say, you can't have a rental less than 30 days. It's not anything that El Dorado County, Placer County, or the City of South Lake Tahoe did but essentially what the state legislature said. Now, we have people who are worked up over short-term rentals in general. Thinking that in fact if we do this, that Washoe County won't adhere to California's rule and the only position that TRPA could take as the basin wide entity could say that these new ADUs cannot be used for anything less than a 30 day rental. That would be a decision that TRPA could make, and yes, we did adopt a different way that when we dealt with the issue of short-term rentals. And said that they were going to have agencies do whatever they wanted to do consistent with TRPA and would review it when it comes to the residential allocations to ensure that they've met the requirements that TRPA put forth. Not changing that, but it seems that the one size fit all seems as appropriate to simply say basin wide for all ADUs that there should be a 30 day rental requirement.

Mr. Marshall said that is correct that TRPA does have the authority to do that. The more appropriate question is that should it exercise the authority to do that within the context of these ADU amendments?

Ms. Aldean said to a certain extent, they've tinkered with the definition of affordable housing. This was in part to address Ms. Gustafson's concern about the need for affordable housing by seasonal workers and not just permanent residents. By changing the definition to read "Residential housing deed restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are lower income households, and so forth." Technically, a seasonal worker might only be on the job for 29 days and could be considered by some, a short-term rental. As long as the dwelling is accommodating workers in the basin, whether they be permanent or seasonal, that provides a modicum of protection.

Mr. Marshall said yes, but the reason why that protection applies is because you're using a bonus unit. In exchange for the bonus you would have to deed restrict to residential uses. It doesn't get at the broader question of should ADUs in general be utilized for vacation rentals. They anticipate, because of the cost of the development right that there is going to be a number of bonus units used for ADUs, so that those that will use bonus units will be restricted to residential uses, non-vacation rental. But that doesn't mean that someone could construct an ADU in Douglas County when they lift the one acre rule and rent it out as a vacation rental.

Ms. Aldean said the focus of the conversation here concerning accessory dwelling units is to provide affordable housing. The focus is not on dealing with the perpetual concern about vacation rentals, they've allowed the local jurisdictions to take the lead for the most part in addressing these issues. The question is within the context of what we're considering here, is it appropriate? They're trying to create more workforce housing for people living in the basin and understand that not all of that may involve the use of a bonus unit. Is it appropriate to do this now, or to refer it to the working group for further consideration at a future meeting. They need to act on what's before them today, even though it's legitimate concern, and it's been expressed by many. She feels we need to punt to the next phase of these issues.

Mr. Marshall said he would agree with that. Also remember that ADUs to some extent are affordable by design so you're not gaining housing that's lower cost, just because they're using a

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bonus unit, it has to be deed restricted. You're also gaining housing that might be appropriate because it's smaller and it's not going to demand as much rent. It was expressed during the development of the ADU policy, and that's one of the reason why California's is pushing ADUs because it can potentially provide lower cost housing, not necessarily deed restricted affordable but lower cost housing because of the smaller unit size or the fact that it's attached to another unit. There's good reasons to hope that the basic housing stock will increase for lower cost housing through the removal of the one acre rule that allows the potential for more ADUs to be built. It incentivizes more of the allowable development potential through allocations or otherwise to be used on smaller sized units.

Mr. Friedrich said he's sympathetic to the idea of limiting ADUs to be more than 30 days throughout the Basin but is open to the will of the committee on whether to do that now, or in the next phase. He appreciated the points and the concern.

Public Comments & Questions

Carole Black, Incline Village resident said she also sent in a written comment. She appreciated the thoughtful discussion that's just occurred. She's diverging from her written comment to speak to the topic being discussed today which is among her priority concern. This effort clearly has well thought through and appropriate overarching goals. It has been carefully addressed in many arenas; however, she questions with all due respect to all of the comments that have been made, the sense that the one acre restriction, at least in Washoe County was which she's most familiar. In watching the area of plan development, most recently, it was clear to her that a major concern and interaction had to do with aligning with TRPA. There are amendments already being considered appropriately. She has to believe that this one acre restriction, which you are now viewing, as what will contain ADU development, to some degree in this area, will be changed in the fullness of time and probably relatively soon. Once that's done there is no restriction to not developing ADUs without the bonus units and turning them immediately into short term rentals.

She heard the comments about small and will point out that if you spend any time on Airbnb or any of the other websites, lots of short-term rentals occur in small, cute, and mobile units. This is a significant concern and hopes the committee will figure out some way to address it in the very near future. She also think there's a need for a very high level, and comprehensive data driven assessment of the impact of short-term rentals and the area occupancy increases they drive across the region. She hopes that there'll be some detailed assessment of the impact of these changes should they occur. She's advocating for putting in the 30 day restriction across the Lake and appreciated the comments to that effect and doesn't see why it can't be done now.

Judith Miller, Incline Village resident said she appreciated all the work that's been done on these amendments. One thing that she found noticeably absent is lack of data for Washoe County. She understands that the Tahoe Prosperity Centers working with Washoe County to do a housing needs assessment for the Incline Village area. She also shares Ms. Black's concerns about having that 30 day rental requirement. She's seen how short-term rentals have changed this community. We used to have a very large supply of workforce housing here. Almost half of the units in Incline Village are condominiums and smaller units that were the bulk of their workforce housing have evaporated. Many of those have been converted to short-term rentals and a lot of those are located not just in the town center but throughout the community. Because with half of them they're not all in the in the center of town.

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Unless we do something with the short-term rentals, and get a better understanding of Washoe County, she thinks there are other avenues we could pursue, that would help to increase the amount of workforce housing without, necessarily creating more occupancy, parking, and traffic. Unfortunately, that's what could be the outcome here. She knows there's limitations on residential allocations, so that would do something to at least limit the amount of ADUs. They have another solution and doesn't think that's been looked into enough. There was something that went before the Placer County Board recommending that short-term rentals have a moratorium, that hasn't happened and not likely to happen in Washoe County. More and more of these smaller units are being converted to short-term rentals and hopes that situation can be addressed.

Pamela Tsigdinos said she appreciated the work and the good intentions of trying to create more affordable housing across the Tahoe Basin. Today's comments will deviate slightly from her written comment. This is a significant problem that in very large part was due to a 2004 decision by TRPA to approve short-term rentals as a permitted residential use. This unfortunate action has led to a significant number of housing units being taken off the market from those who would like long term renting options. It is very important to underscore that commercial interests are watching this very closely, and any opportunity to buy up properties and use them as short-term rentals is a reality. For the committee to believe that there are only a handful of bad actors that has not proven to be the case. There's been lots of discussion this morning about what the implications are.

One scenario that has not been discussed is what you are presuming that anyone who owns a residential property is using it that way. There are a number of people who are buying up houses and converting them to 100 percent short-term rentals. This can also be the case; somebody could create an ADU and then rent the house. She underscored that there has not been a thorough analysis or deep dive into the environmental impacts of the existing short-term rentals since 2004. Potentially adding more is going to create all kinds of problems associated with wildfire impacts. Incline Village only has one way in and out of the Basin. Imagine the density issues of everybody trying to leave in the midst of a wildfire. These are life and death issues and does believe that the materials that were submitted to a committee this morning, that say there will not be any kind of environmental impact, no change to water and air quality. Frankly, is a bit disingenuous. In order for you to make a really good decision, the committee needs to go back and do more analysis to understand what the situation is today with short-term rentals and residential use, and what would potentially be the impact of adding more ADUs that could potentially be commercialized. Please think through these issues seriously. Once these code changes are made, they have to live with them, Some of these are life and death issues.

Tara Zuardo, Director, Mountain Housing Council thanked everyone for considering the proposed changes. As a member of the working group, they're excited to see the Regional Plan Implementation Committee make a recommendation of approval on some of these proposed changes. They represent an important first step towards accelerating housing solutions for our region. It's important to note just how much work has been put into these proposed changes by TRPA and the Tahoe Living working group. Also, the research that they've put into the current status of all of the ADUs throughout the region and what is needed for the local workforce housing. The Mountain Housing Council did conduct a study on accessory dwelling units and published a white paper that's available on their website. It provides information on what's out there, how ADUs work, and how they're regulated to be used for local workforce housing. Their

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recommendations are aligned with the proposed changes to Section 21 which clarifies that up to two ADUs can be built per parcel within a multi-family structure as opposed to per unit.

There's been some concerns that it could be used for vacation rentals and it has been noted that California's already bars this. Nevada does have some restrictions in place. It's important, that there is research that has been put out there that TRPA does expect the significant number of these units would be used for workforce housing and why. They also support the proposed changes to Sections 31 and 52 in terms of changing the maximum densities established for projects as well as eligibility for bonus units, within one half mile of existing transit. It's important that tourist accommodation uses are converted to residential use, because it allows us to open up housing opportunities. In particular, it allows aging motel properties which are currently kind of disincentivized from converting to residential to actually do it and that they don't lose a significant number of units. In doing so it would allow us to kind of approach more of these entities and request and purchase more housing for locals. In addition, modifying the bonus unit boundary in order to provide for more local workforce housing and priority areas for higher density residential development is also important. These changes are a really good first step.

Gavin Feiger, League to Save Lake Tahoe said these are the same comments they provided to the Advisory Planning Commission earlier this month. The League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Tahoe Basin. In connection with that mission, they advocate for the implementation of sound environmentally friendly policies contained within the Regional Land Use Planning Documents. They've been the only environmental group actively and continuously participating in the Housing Working Group and the efforts leading up to its formation over the last few years. It's been great working with the Working group and TRPA staff, their feedback and input has been heard. Their concerns have been the same since the start. Coverage, density, and transportation impacts. All of which directly and indirectly impact Lake Tahoe's natural environment.

Addressing housing issues the Lake Tahoe is a top priority, but any effort to improve housing must also ensure that we're protecting the environment. They applauded the process and support the ADU incentive packages presented today. They see the potential for ADUs to help achieve housing and transportation goals, but we need to see the data showing that they are an effective tool here in Tahoe. The effectiveness of ADUs and reaching the housing and transportation goals needs to be assessed before considering more incentives especially those involving coverage and development rights which are coming up more and more.

Coverage requirements and development rights are critical to addressing Lake clarity decline. Development rights are one of the fundamental tools to ensure the pace of development and environmental capacity that's done by capping the total amount of development potential. They believe that there are opportunities within the existing development rights system to address some of the concerns they've been hearing through the working group and here today. For coverage they'd prefer that TRPA look at using its authority to reduce or eliminate parking minimums to reduce the coverage needed and transportation impacts instead of allowing more coverage. They're looking forward to discussing both development rights and coverage opportunities in the future but they're not currently in favor of any big changes to those. They would like the Regional Plan Implementation Committee to recommend approval of the ADU package included in the staff report today with the clarification that further actions, especially those affecting coverage and development rights, are longer term actions that may have significant environmental impacts and need to be carefully considered.

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They'd also like to see some monitoring and surveying of the ADUs built taking advantage of these new incentives to gage their effectiveness. It's a good start with the modeling that was presented today and trying to actually ground truth that over the next year or so is going to be important to the future.

John Falk, Legislative Advocate, Tahoe Sierra Board of Realtors said he wanted to comment on the proposed package of amendments related to ADUs and how they will be, frankly, made all the better by getting some of the older code provisions that were maybe important at the time they were written but are now outdated and are proving to be a significant impediment, to the creation of additional affordable/workforce housing in the region. They strongly support the approval of the amendments as presented in the staff report. While it's only three sets of issues coming out of the committee and then another one coming from staff, the end result is that this is the first step, short-term step which will bring us closer to actually seeing real housing on the ground as quickly as possible.

He can't speak to the urgency of this, in terms of us getting, not just paper tigers as to, we support housing but real-world on the ground opportunities to build ADUs and then make them available to our workforce in the most expeditious fashion possible. They've been participating in these meetings and Ms. Fink and company have done an outstanding job of both herding cats and bringing us together into a way that they think will ultimately be to everyone's benefit. In keeping with the Regional Plan, the Code of Ordinances, and the environmental objectives, and it seems more than legally defensible. When you look at how the state of California has treated ADUs this will be of great assistance to the California counties in helping them come closer. They still won't be actually in line, but they'll at least be closer to what the State of California is demanding.

Committee Comments & Questions

Mr. Lawrence said there was a lot of discussion at the Governing Board retreat yesterday about how everything is hard and this is one of those things that's difficult. It's time to make some movement regarding affordable, achievable housing, and that's at the forefront of his mind but he doesn't lose sight of some of the challenges that communities are having regarding short-term rentals and other challenges that come along with that. His perspective is trying to get grounded in where we are now and where we're moving to. He looks at ADUs as; one, there is going to be this bucket of ADUs that are going to be using bonus units. There's a tremendous incentive for using bonus units because you don't need a residential allocation and don't need to buy it on the open market, a development right, and those are not easy to find. They get calls at their Nevada land bank a lot for development rights and when they do sell them, they go to auction. So if somebody's doing an ADU with the bonus unit, there's going to be deed restrictions attached to it that gets to the short-term rental issue. When it comes to short-term rentals, they're talking about ADUs that aren't going the bonus unit routes that have received an allocation from the county and have somehow found a development right on the open market and now can go ahead and do an ADU and then potentially without that 30 day limit. Yes, on the Nevada side those could potentially be used for short-term rental. But then there's other factors, right now, you can have an ADU in most cases in residential areas, if you have one acre or more. That's already sort of an existing situation. What we're talking about is lifting the cap that you have to have one acre or more in order to have an ADU. Because many of our parcels in the basin are less than one acre and we want to have smaller units so that they're more affordable and achievable. The topography on the Nevada side have much more steeper slopes compared to California. Nevada has less of the flat Class 5, 6, or 7 land areas. He's largely

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thinking of Incline Village and recognizes that he's generalizing to some extent. If we lift that restriction to less than one acre and someone is not using a bonus unit and they've been successful again to get an allocation and find a development right on the market they still would need to fit within the land coverage limitations.

His recollection is most of the parcels and the residential development on the steeper side on the Nevada side are maxed out when it comes to land coverage. A proliferation of ADUs that got development rights and allocations that are on less than one acre but have enough land coverage in order to build a separate unit. To him balancing out the need to make movement towards affordable housing versus covering every single situation that may or may not come up. Also, the risks attached to it, having to get allocations, development right then find the land coverage if it's less than one acre, and in areas that are probably kind of already maxed out the land coverage. He as a committee member, felt comfortable with this recommendation.

Ms. Gustafson thanked both the staff and the incredible work of all the partners and the expertise that went into thinking about these amendments. They're not going to solve the workforce housing situation in one fell swoop. It's going to take incremental changes in many areas and is what's being worked on throughout the basin. She could go either way with the 30 day limitation because California's already under that limitation. She'll defer to her Nevada colleagues on that issue. The coverage is going to be an issue. She doesn't think there will be a mad rush on ADUs because of those coverage restrictions. They'll have work on that issue next.

Mr. Friedrich also thanked the staff, all the members of the public that participated in the dialog over many months. He feels there's been general consensus about this being part of a very much needed solution to this affordable housing crisis. Let's take this first step and then continue to look at improving other aspects of it. Whether it be incentives to actually get people to build these. He's more concerned about in the end, are there too many barriers? Whether it's the development rights, people hesitant to deed restrict, or coverage. He'll also defer to his Nevada colleagues on the 30 day issue since it's covered in California. He's very comfortable and eager to move this first package forward and then review and continue to improve it to provide a solution to a growing crisis of affordable housing.

Mr. Yeates added that there was an errata sheet distributed making some changes on page 91, Section 52.3.4.F, page 93, Section 31.4.5, 0, and page 95, Section 21.3.2.A.

When this 30 day limit started to become an issue, then chair, he asked the Local Government Committee to include housing. Also, for Mr. Lawrence and Ms. Faustinos to be ex officio members of that committee because he wanted to expand beyond just being a local government issue. He didn't feel comfortable that some of these tough issues that local governments were dealing with split us members on this tough issue. They had extensive hearings on how to address short-term rentals. In many ways he wanted more but accepted what we did on short-term rentals because it seemed appropriate, especially on enforcement issues and other things. This is truly something that locals can deal with from an enforcement standpoint. As Ms. Novasel said, what does the data really show and how we deal with these particular issues. However, because California has made it clear that they don't want ADUs turned into short-term rentals and want them to have at least a 30 day minimum. To say this should apply basin wide and take this issue off the table for right now with all those upset people primarily in Washoe County and throughout. To him it isn't doing any harm to what we basically did before. It's just carrying on a policy that makes sense for the development of these ADUs, that we'd want them exactly for the purpose of cheaper and low-income housing. We

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don't want some commercial entity taking advantage of the fact that there may be another opportunity for a short-term rental. Just take it off, get rid of the issue. He wants to say basin wide that we just have 30 day rental limitations.

Mr. Bruce asked for the rationale as to why these additional units should be able to be rented for less than 30 days.

Ms. Aldean said we amended the language of affordable housing to state that it could be used for seasonal workers. A seasonal job may not be for more than 30 days. She's concerned about the usurpation of the right of Nevada communities to make that decision for themselves. She's not sure that is appropriate and doesn't want the authority of Nevada to be usurped by California, just as California doesn't want the reverse to occur. She suggested that in the motion this issue of prohibiting the use of ADUs as short-term rentals in the state of Nevada be addressed by the working group. We have a well-established process that we need to follow so that all of these concerns and considerations can be discussed publicly.

Mr. Marshall said concerns about dealing with this issue as a restriction on vacation rentals, the type of use you could use an ADU for. They're not particularly noticed well for that. He suggested that if the committee wanted to preserve that issue, they're better and more defensively doing it as not extending the less than one acre exemption to Nevada. It would limit the effect of what you're doing here, that critical issue is where can you put ADUs to less than one acre just on the California side. You would keep with the existing rule on the Nevada side until either additional work or other changes that you would want to make to have that be lifted. Rather than to impose a condition on all ADUs in the basin that they not be rented for less than 30 days. If that's the way the committee would like to go, he would do it in the terms of the set of amendments that are before you now as the safer route.

Mr. Bruce said he's not looking at it as one states usurping another states' rights or laws. He thought that the purpose of what they're doing here was trying to create affordable housing for the basin. It's hard to imagine that someone's going to be an employee for less than 30 days. He's looking at the purpose and the intent and the thoughtfulness of what it is that they're trying to accomplish here as opposed to whether or not that's a California issue or a Nevada issue. To him, that has nothing to do with it. That's the intention of what we're trying to achieve here by allowing this to happen. We're not trying to do something care to create short term activity. We're trying to encourage employment.

Mr. Yeates agreed with Mr. Bruce on this matter. He views things that we're trying to accomplish here from a basin wide perspective. He doesn't want to get us into a bi state issue. Whatever they're doing here on ADUs is basin wide. California's already bound by this, it made sense and it's an easy one for us as the Governing Board.

Ms. Aldean asked if the only reference to ordinance changes for maximum density is on page 97, Section 31.3.2, Table of Maximum densities. It states one unit per parcel, excluding ADUs. Is it correct pursuant to Mr. Marshall's suggestion it would be except in the state of Nevada.

Mr. Marshall said the focus is not so much on the density. Section 21.3.2.A also has two units. Ms. Aldean's correct on page 97, Table 21.4.A is where they're deleting the one acre requirement. Section 31.4.7, is carry over from page 93.

Ms. Aldean asked if it could state "wherever applicable" instead of calling out specific revisions.

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Mr. Marshall said yes, that's where he would make those changes on page 97, Table. He would also include direction to staff to if there's other areas.

Ms. Aldean made a motion to recommend approval of the Required Findings as contained in Attachment A including a finding of no significant effect for the adoption of amendments to the TRPA Code of Ordinances related to 1) bonus unit boundary, including amendments to Chapter 52; 2) non-conforming density including amendments to Chapter 31; 3) accessory dwelling units, including amendments to Chapters 21, 31, 39, 50, 51, 52, and 90 Meyers, Tahoe Valley, and Tourist Core Area Plans, and Rules of Procedure, Section 12, and 4) Development Rights, Strategic, Initiative, Code Cleanup, potential residential units of use and bonus unit pools, including amendments to Chapters, 51 and 52, as shown in Attachment B.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Bruce (Subject to his comments earlier. He wants the Nevada folks to consider from a local jurisdiction perspective that it is important that the purpose of what we're doing here is for affordable housing and employment), Mr. Friedrich, Mr. Lawrence, Mr. Yeates

Motion carried.

Ms. Aldean made a motion to recommend approval and adoption of Ordinance 2021-___, as contained in Attachment C amending Ordinance 87-9 as amended, for the adoption of amendments to the TRPA Code of Ordinances, Chapters 21, 31, 39, 50, 51, 52, and 90 subject to the changes contained in the Errata sheet dated 7/29/21 and subject to the understanding that the wording of the ordinance, Paragraph 21.3.2.B will be referred back to the working group to be addressed in Phase Two of the Housing Code amendment process. In addition, the issue of prohibiting the use of ADUs as short-term rentals will also be considered. Part of this motion will also contain an amendment to Paragraph 31.3.2, the Table of Maximum Densities which will allow for one unit per parcel excluding ADUs except in the state of Nevada. In addition, if there are other references to the Amendment concerning the excluding of ADUs from the one unit per parcel limit elsewhere on the Code that staff is directed to make those changes as well.

Mr. Lawrence asked for one clarification on the motion. Would the motion take off the table in Nevada, removing the one acre limit and return it to the working group.

Ms. Aldean said yes, that's her understanding and it would be referred back to the working group for further consideration.

Mr. Lawrence said he'll vote no on that motion. One, he thinks we're kind of chasing ghosts a little bit. He's also uncomfortable that we don't have on the Regional Plan Implementation Committee representation from Washoe County and Douglas County. Because of that, he would prefer to have it move forward to the full board so that they can participate and have this discussion with the full board.

Mr. Marshall wanted to get some language that construes that. He feels that the language in the motion made is accepting the one unit per acre. For purposes of RPIC, make that recommendation, and then he'll come back with language when we address this at the Governing Board. He wanted to be certain that the language does what Ms. Aldean stated. To clarify, it is to limit the allowance for up to two ADUs on parcels of less than one acre to California.

Ms. Aldean said that's fine.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

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Ayes: Ms. Aldean, Ms. Gustafson, Mr. Bruce, Mr. Friedrich, Mr. Yeates

Nays: Mr. Lawrence for the reasons he stated earlier. They don't have representation from Washoe and Douglas Counties and isn't comfortable making that change as an RPIC recommendation. He reserves the right to change his vote when it gets to the Governing Board.

Motion carried.

Ms. Aldean made a motion to recommend Adoption of Resolution 2021-__ to amend the Rules and Procedures that are set forth in Attachment D.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Friedrich, Mr. Lawrence, Mr. Yeates

Absent: Ms. Gustafson

Motion carried.

Mr. Yeates thanked his colleagues for the attention and patience to go through this very good and important changes to our housing policies.

V. COMMITTEE MEMBER REPORTS

None.

VI. PUBLIC INTEREST COMMENTS

Kathy Julian said in reviewing the list for the Tahoe Living and Housing Community Revitalization Working Group she doesn't see a lot of input from Incline Village residents. There's a representative from the chair of the Incline Village General Improvement District Board of Trustees, Tim Callicrate and Washoe County management staff, Eric Young. She doesn't see the grass roots feedback from people who live here in Incline Village and have strong feelings about the need for affordable housing for workers. Also, that this doesn't backfire on us turn into short-term rentals because the state of Nevada or Washoe County is reluctant to put restrictions on rentals. She thanked Mr. Bruce for his comments and his efforts. She agreed that we need to have from TRPA a strong statement that this code change should not encourage the use of new ADUs as short-term rentals. She has little faith in Washoe County that they will take a strong stand on this because frankly it's in their financial interest to have short-term rentals and the tourism revenue. She urged more representation from residents of Incline Village on any working committee that is addressing code changes.

Pamela Tsigdinos, Incline Village resident said they are the people who day-to-day have to suffer the consequences of bad actors.

Mr. Yeates said this public comment period for items that were not before the committee. The issue of short-term rentals and the changes to the ADUs was a part of matters before the committee today. We must adhere to the fundamental purposes for this public interest comment that would be on items that were not agenzized for this hearing.

VII. ADJOURNMENT

Ms. Aldean moved to adjourn.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

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Chair Mr. Yeates adjourned the meeting at 10:39 am.

Respectfully Submitted,

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

Marja Ambler
Clerk to the Board

TAHOE REGIONAL PLANNING AGENCY
LEGAL COMMITTEE

GoToWebinar

September 22, 2021

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Bruce called the meeting to order at 8:30 a.m. on September 22, 2021.

Members present: Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates, Mr. Bruce.

Members absent: None.

II. APPROVAL OF AGENDA

Mr. Marshall stated no changes to the agenda.

Mr. Bruce deemed the agenda approved as posted.

III. APPEAL OF EXECUTIVE DIRECTOR APPROVAL OF WESTERMEYER SINGLE-FAMILY ADDITION AND REMODEL, 1015 SKYLAND DRIVE, DOUGLAS COUNTY, NEVADA, ASSESSOR'S PARCEL NUMBER (APN) 1318-03-210-030, TRPA FILE NUMBER ERSP2021-0347, APPEAL FILE NO. ADMIN2021-0022

Mr. Bruce asks for disclosure of any conflicts of interest or ex parte communications with the parties from the committee members. No committee members have any conflicts of interest or have had ex parte communications with either party.

Presentations

Mr. Marshall provided an introduction to the appeal of this Executive Director approval of a single-family addition and remodel in the Skyland neighborhood of Douglas county. The appeal is coming from the permittee's direct neighbor to the north; Mr. Herwig. The issue here is the final height of the residence to be constructed under the permit. The sites here have been built on for years so one of the issues in question is determining the "low point of natural grade" on a site that has been significantly disturbed. The two issues that determine overall building height in this case are 1) low point of natural grade from which the allowable height is measured and 2) the cross-slope of the building site which is one of the axis on the TRPA height chart that informs total allowable height. Mr. Marshall explains that he will focus in on how staff along with the consultant Wells Barnett determined both the low point of natural grade and the cross slope.

The consultants Wells Barnett determined that, based on the foundation of the current structure, the low point of natural grade was at 103' [demonstrated on a slide with a highlighted dashed line across the site plan]. The foundation in this case is not the solid wall of the house but rather pillars that support an overhanging structure. This pillar is the closest point of surveyed elevation which was used to calculate the low point of natural grade ("LPNG"). Mr. Herwig contends that the correct LPNG is 102.6'. This point is substantially further away from

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any foundational element of the house which is why it was not determined to be the actual LPNG.

The second issue is the cross-slope of the building [slide showing a the cross-slope through the building]. There was a cross-slope drawn when the original site assessment was done for the remodel which was not used for the final plans. The cross-slope that was used runs through the middle of the building which is oriented in an attempt to be perpendicular to the 108 line running through the structure. Because this is a disturbed site; we have to connect existing slope lines. The cross-slope is then calculated as 8 ft of drop over 80 feet of run which yields 10% which isn't surprising since this is a relatively small site and it's adjacent to the 10% slope previously calculated. The appellants contend that it should be an 8% cross-slope because their slope lines run, not perpendicular to the cross-slope, but parallel to the building walls which, under TRPA Code, is not the appropriate way to calculate cross-slope.

Using those 2 elements, the 10% cross-slope and the 103.7' LPNG was calculated and provided to the applicant who then designed their house to an allowable height based on those limitations.

Mr. Midkiff presented for the appellant. Mr. Midkiff asserts that "a number of items" mentioned by Mr. Marshall are not in the file and was not the information provided by Wells Barnett when Mr. Midkiff asked about where they took the measurement for the cross slope. Mr. Midkiff states that Wells Barnett indicated that they were using a cross-slope of 10% that was taken "well off" to the South of the house by TRPA when they did the site assessment. The cross-slope displayed this morning by Mr. Marshall, however, doesn't project through the addition that is at issue. It doesn't go all the way down to the living room which is that second floor above the driveway. Mr. Marshall is indicating a footing that Mr. Midkiff states is not on the plans he's seen.

Mr. Midkiff agrees that the measurement line for the cross-slope should be perpendicular to the cross-slope but in this case, because of the addition of the garage that projects over the driveway is extended a great deal down the slope, Mr. Midkiff measured all the way to the far corner of the living room addition above the driveway. Because of the length of the building, it's not practical to project entirely through the building site topo. If you look at the 102' and 104' contours, you can see that those go more or less across the site. They also extended their measurement line through the entire building and not only the existing structure footprint which was 7.65 [drop] over 107 [feet of run] which yields 7.5% slope which the TRPA Code requires to be round up to 8%.

Looking at the spot elevations, TRPA uses the 103.2 but that is about 13 feet away from either corner of the living room footprint which is much closer to the 102.6 spot elevation. Mr. Midkiff says they used what they had from the provided site plans to be as correct as possible to apply TRPA Code. With that, using the 102.6 elevations, closer to the corner of the living room, and the 8% cross-slope, you see that the allowable height is 35.7, not 36.1 or anything higher. Therefore, based on the information that was in the file that the proposed building is about a foot over height.

Mr. Midkiff states that even though there is only 1 foot difference here, the board shouldn't make any exception because that's what's in the TRPA Code. Staff and Wells Barnett started out, looking at the building footprint, showing the low point of the house at the left middle of the bow-line at about 103' not taking into account that the living room had to be supported by the columns at the far end. Wells Barnett caught that error and had a discussion with staff and the

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architect and selected 103.2 [as the LPNG] which is further away from the corner than the 102.6'. With that information in hand, Mr. Midkiff believes that perhaps they were gaming the system to look at more height. He believes he has correctly interpreted TRPA Code and urges the Committee to approve the appeal at the very least to have a surveyor find the actual low point at the footings of the building to correct the plans before construction proceeds.

Mr. Exline presented for the permittee. He states that his own presentation started of as a replica of Mr. Marshall's presentation, and he doesn't want to simply repeat what has already been presented. Mr. Exline states that these projects "don't happen in a vacuum" meaning that when questions arise, they work with staff and the 3-rd party reviewer to address questions. As Mr. Midkiff highlighted, as questions arose regarding height, there were detailed discussions with staff, the consultant, and the designer to address those concerns. That's important because the process is set up to ensure no "gray areas" and a successful project. Furthermore, it's set up to avoid these kinds of appeals so that by the time the project is approved, everyone agrees in terms of the Code interpretations, the precedent, the legality from the applicants' and TRPA's perspective.

There are real-world costs associated with these kinds of appeals and actions; Mr. Exline is never supportive of spending good money to purchase sour grapes. Mr. Exline fully supports the staff report and Mr. Marshall's presentation.

Mr. Marshall states that Lyn Barnett and Theresa Avance are both available if there are any specific questions from the committee for them.

Mr. Marshall clarifies that one of the major differences in opinion between TRPA and Mr. Midkiff understanding of where to look for the spot elevation in determining LPNG is that it needs to be foundation. Mr. Midkiff chose a spot that is close, not to a foundational element of the structure, but to a bedroom that's above the ground. There's nothing on the ground at that point. TRPA requires the spot elevation selection to be at a foundational point which is why the post at 103.2 was selected to base the LPNG calculation on.

Committee Comments & Questions.

Ms. Novasel asks if "this diagram" [a slide showing a highlighted contour line at the LPNG as determined by TRPA staff and Wells Barnett consultants] was made available to Mr. Midkiff as it's not in the packet and it's very clarifying.

Mr. Marshall answers that the slide in question was an image provided by Wells Barnett when they were doing the review. Mr. Marshall asks if Mr. Lyn Barnett can address the image.

Mr. Barnett states that it is typical in project review to mark up plans to assist in determining the certain contour line here. Mr. Barnett points out that the architect will overlay their plans on top of a surveyor's plans so it would be unusual to have a surveyor go back out to make any adjustments to their survey based on architectural plans. At some point the architect takes over and there are interpretations made.

The survey was done with 2-foot contoured elevations which is required by TRPA and is very detailed. Mr. Barnett drew in a mid-elevation, a 1-foot "extra" contour to try to understand the site a bit better. As Mr. Marshall pointed out, that property has been grade and disturbed over the years so it's not in its pristine, natural condition, therefore, they had to estimate where the contour line is. The surveyors provide contour elevations which are their interpretations of

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where an area of equal elevation lies on the property. It's nice when they're able to provide a specific spot elevation with their equipment and the LPNG that was used to plan the structure is within a foot of a surveyed, precise spot elevation. When a surveyor works on a property like this, they start at corners with spot elevations and then come in later to draw the contour elevations and topographic lines in an artistic attempt to find where that is. In this case, Wells Barnett relied on their best judgement of where the elevations fell and were lucky to have spot elevations done where they were needed.

Mr. Marshall states, and Mr. Barnett confirms, that the only difference between the image in question and the site plan within TRPA files and in the packet is the dotted orange line drawn in by Mr. Barnett as one of his notes. There's no difference in the LPNG calculation without that line because it's based on the spot elevation provided by the surveyor.

Public Comments & Questions

None.

Mr. Midkiff comments that the drawings he has do not include the orange line but the deck addition outside the footprint of the house is also drawn so faintly he can hardly see it. So the plans he reviewed made it look like there was no column indicated but that the corner was the lowest part of the upper structure. Mr. Midkiff couldn't see the deck which is why he didn't indicate the additional footing. This was a major factor in his review.

Final Committee Comments

None.

Ms. Novasel made a motion to recommend denial of the appeal.

Ayes: Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates, Mr. Bruce.

Motion carried.

Presentation can be found at: <https://www.trpa.gov/wp-content/uploads/Appeal-VII-A-Herwig-Appeal.pdf>

Mr. Rice made a motion to move to closed session.

Motion carried by voice vote.

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

Committee members held a closed session with TRPA General Counsel John Marshall and acting Executive Director Julie Regan.

Mr. Rice moved to return to the public session.

Motion carried by voice vote.

V. POTENTIAL DIRECTION REGARDING AGENDA ITEM. 3

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Mr. Marshall stated that there's no direction from the committee needed.

VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Mr. Rice moved to adjourn.

9:31 a.m.

Respectfully Submitted,



Katherine Hangeland
Senior Management Assistant
Legal Department

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



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STAFF REPORT

Date: October 20, 2021
To: TRPA Governing Board
From: TRPA Staff
Subject: September Financial Statements, Fiscal Year 2021/22

Summary and Staff Recommendation:

We are now three months, or 25% of the way into the 2022 fiscal year. Permitting activity in Current Planning remains strong, well ahead of prior years. Expenditures appear low but reflect the timing of invoice payments.

Staff recommends acceptance of the September Financial Statements for Fiscal Year 2022.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion:

- 1) A motion to accept the September 2021 Financial Statements

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

We have now completed three months (25%) of the fiscal year. Revenues are at 46% of the annual budget, and expenditures at 15% of budget. Revenues are high because we invoice the State contributions at the beginning of the year. Expenditures normally lag during the early months of the fiscal year due to the timing of contract expenses.

Significant fiscal events during the month included receiving the State of California’s annual contribution to the Agency. This money, along with Nevada’s contribution received in July will fund the Agency’s general operations for the fiscal year. Caldor fire impacts to the Agency ran over \$60K but can be handled within our budgets. Finally, we concluded an MOU with the Tahoe Keys Property Owners Association that covers mooring registrations under the Shoreline program.

YTD Revenues and Expenses

Revenues are at 46% of budget. We have billed the states for their full contributions. Those funds will be spent down over the balance of the fiscal year. Fees for services are at 30% of budget. Current Planning Fees are 9% above the average of the last three years. Fines and Forfeitures are running ahead of budget, as are reimbursed planning fees. Grants revenues are billed in arrears, at the end of the quarter.

Expenditures are at 15% of budget. Compensation expenses are at 21% of the annual budget, consistent with the timing of payrolls. Contract expenses were only 11% of budget year to date. A significant portion of our disbursements this quarter were for work performed in the prior fiscal year.

Tahoe Regional Planning Agency

Fiscal YTD September 2021

Revenue	State & Local	Fees	Grants	Total
Fees for Service		1,093,037		1,093,037
Grants		1,520	618,051	619,571
State Revenue	7,106,422			7,106,422
Local Revenue				
Rent Revenue		79,723		79,723
Other Revenue				
TRPA Rent Revenue		172,245		172,245
Revenue Total	7,106,422	1,346,525	618,051	9,070,998
Expenses				
Compensation	982,823	392,225	196,095	1,571,143
Contracts	121,132	149,652	795,427	1,066,212
Financing	(245)	26,594		26,349
Other	126,614	37,265	5,905	169,784
Rent	177,745	7,693		185,438
A&O/Transfers	(351,156)	238,695	108,875	(3,586)
Expenses Total	1,056,914	852,122	1,106,303	3,015,339
Net	6,049,508	494,403	(488,253)	6,055,659

CONSENT CALENDAR ITEM NO. 1

TRPA Balance Sheet

Our balance sheet is very strong right now, with net assets of \$14.7M, down \$0.1M from last month. This is normal at this time of year since we have billed the states for their contributions. That money will be spent down over the balance of the fiscal year, and the balance will drop. Net assets dropped by the differential between receipts and expenditures offset by a \$0.3M increase in mitigation fees and project securities.

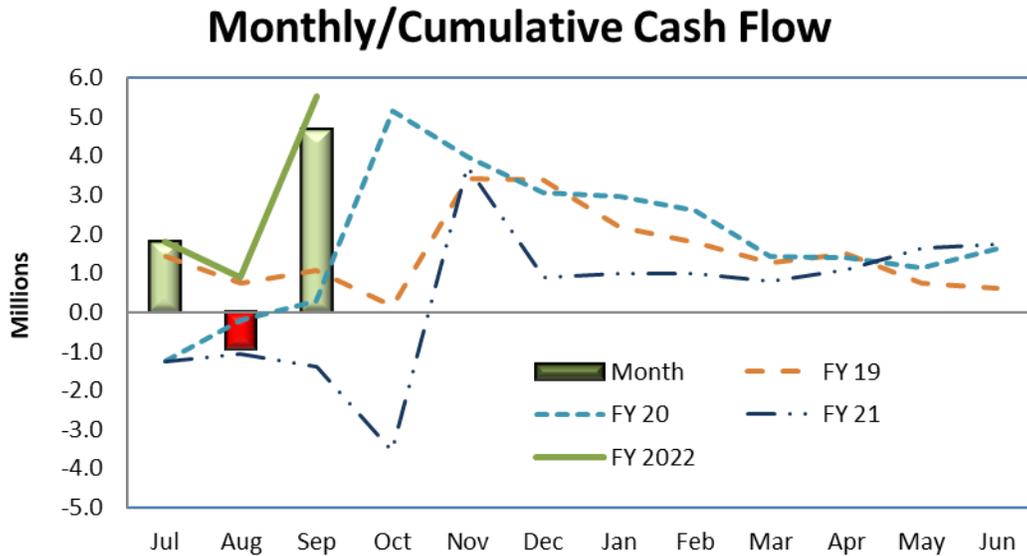
Tahoe Regional Planning Agency

Balance Sheet @9-30-21

	TRPA	Grants	Trust	Total
Cash & Invest	11,430,344	1,360,779	21,659,386	34,450,509
A/R	87,159	1,689,059		1,776,217
Current Assets	102,466			102,466
LT Assets	8,972,869			8,972,869
Total Assets	20,592,838	3,049,837	21,659,386	45,302,061
A/P	12,890	4,320		17,210
Benefits	745,857			745,857
Deferred Rev	45,103	40,765		85,868
Deposits	150,752	7,190		157,943
LT Debt	8,298,000			8,298,000
Mitigation			15,164,526	15,164,526
Securities			6,136,151	6,136,151
Total Liabilities	9,252,602	52,276	21,300,677	30,605,555
Net Position	11,340,236	2,997,562	358,709	14,696,506

Cash Flow

Cash flow was \$4.7M positive for the month. Cash receipts were \$6.3M. We received the State of California’s annual contribution of \$5.1M. Grant receipts were over \$0.5M. Planning fees made up the difference. Disbursements were \$1.6M, consistent with prior years.



When reading the detailed reports (attached), be aware that fund balances may not be intuitive. Negative balances mean revenues exceeded expenses. Positive fund balance occurs when expenses exceed revenue. This reflects the formatting in our accounting system.

Contact Information:

For questions regarding this agenda item, please contact Chris Keillor at (775) 589-5222 or ckeillor@trpa.org.

Attachment:

- A. September Financial Statements

Attachment A

September Financial Statements

Tahoe Regional Planning Agency
Actuals vs. Budget by Program
Fiscal YTD September 2021

TRPA Totals	Ann Budget	YTD	Remaining Budg.
Revenue			
State Revenue	7,106,422	7,106,422	
Grants	7,882,539	619,571	7,262,968
Fees for Service	3,618,699	1,093,037	2,525,662
Local Revenue	150,000		150,000
Rent Revenue	249,191	79,723	169,469
TRPA Rent Revenue	688,980	172,245	516,735
Other Revenue			
Revenue Total	19,695,832	9,070,998	10,624,834
Expenses			
Compensation	7,487,235	1,571,143	5,916,092
Contracts	10,132,038	1,066,212	9,065,826
Financing	465,017	26,349	438,669
Rent	742,178	185,438	556,740
Other	1,285,663	169,784	1,115,879
A&O/Transfers	14,772	3,586	11,187
Expenses Total	20,097,358	3,015,339	17,082,019
TRPA Net	(401,527)	6,055,659	

Agency Mgmt

Revenue			
Fees for Service			
Grants		620	620
State Revenue	6,232,422	6,232,422	
Other Revenue			
Local Revenue	150,000		150,000
Revenue Total	6,382,422	6,233,042	149,380
Expenses			
Compensation	1,842,566	408,148	1,434,419
Contracts	264,395	19,258	245,136
Financing		215	215
Rent	5,024	1,500	3,524
Other	223,727	11,465	212,262
Expenses Total	2,335,711	440,156	1,895,556
Agency Mgmt Net	4,046,711	5,792,886	

	Ann Budget	YTD	Remaining
Current Planning			
Revenue			
Fees for Service	2,893,007	758,677	2,134,330
Grants	3,600	900	2,700
State Revenue	124,000	124,000	
Other Revenue			
Revenue Total	3,020,607	883,577	2,137,030
Expenses			
Compensation	1,741,980	419,945	1,322,035
Contracts	650,055	149,168	500,887
Financing	22,079	14,878	7,201
Other	97,869	15,704	82,165
A&O/Transfers	1,282,443	229,955	1,052,489
Expenses Total	3,794,426	829,650	2,964,777

Curr Plan Net	(773,819)	53,927	
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Envir. Imp.

Revenue			
Fees for Service	725,692	334,360	391,332
Grants	4,394,943	558,051	3,836,892
State Revenue	750,000	750,000	
Revenue Total	5,870,635	1,642,411	4,228,224
Expenses			
Compensation	1,036,405	228,436	807,969
Contracts	4,937,405	693,528	4,243,877
Financing	16,000	11,685	4,315
Rent	42,771	11,693	31,078
Other	81,125	12,226	68,899
A&O/Transfers	256,914	42,475	214,439
Expenses Total	6,370,620	1,000,043	5,370,577

Env Imp Net	(499,985)	642,367	
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	Ann Budget	YTD	Remaining
L RTP			
Revenue			
Grants	2,808,765	60,000	2,748,765
Fees for Service			
Other Revenue			
Revenue Total	<u>2,808,765</u>	<u>60,000</u>	<u>2,748,765</u>
Expenses			
Compensation	1,266,321	255,946	1,010,376
Contracts	1,832,191	110,368	1,721,823
Rent	803		803
Other	47,143	9,457	37,686
A&O/Transfers	512,046	73,471	438,576
Expenses Total	<u>3,658,505</u>	<u>449,241</u>	<u>3,209,264</u>

L RTP Net	(849,740)	(389,241)
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R & A

Revenue			
Grants	675,231		675,231
State Revenue			
Revenue Total	<u>675,231</u>		<u>675,231</u>
Expenses			
Compensation	1,083,084	238,326	844,758
Contracts	1,635,220	39,519	1,595,701
Other	27,380	1,011	26,369
A&O/Transfers		1,669	1,669
Expenses Total	<u>2,745,684</u>	<u>280,526</u>	<u>2,465,158</u>

R & A Net	(2,070,453)	(280,526)
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	Ann Budget	YTD	Remaining
Infrastructure			
Revenue			
Other Revenue			
Rent Revenue	249,191	79,723	169,469
TRPA Rent Revenue	688,980	172,245	516,735
Revenue Total	<u>938,171</u>	<u>251,968</u>	<u>686,204</u>
Expenses			
Compensation	91,750	20,342	71,407
Contracts	812,771	54,370	758,402
Financing	426,938		426,938
Rent	688,980	172,245	516,735
Other	487,881	119,922	367,959
Expenses Total	<u>2,508,320</u>	<u>366,880</u>	<u>2,141,441</u>
Infrastructure Net	(1,570,149)	(114,912)	

Other

Expenses			
A&O/Transfers	<u>2,066,176</u>	<u>351,156</u>	<u>1,715,020</u>
Expenses Total	<u>2,066,176</u>	<u>351,156</u>	<u>1,715,020</u>

TRPA Selected Current Planning Fees

Fiscal Year-to-Date October 2021

Fee Type	Year to Date Comparative data				2022 vs.
	2019	2020	2021	2022	Avg.
RESIDENTIAL	62,255	114,548	112,716	127,119	132%
OTHER_REV	5,468	42,559	70,220	50,527	128%
GENERAL	15,682	3,755	49,326	41,923	183%
TREE_RMVL	17,384	30,222	38,837	33,872	118%
LAND_CHALL	26,826	6,954	50,387	29,463	105%
ALLOCATION	18,500	20,950	27,520	27,526	123%
RECR_PUBLIC	14,710	12,175	14,935	25,772	185%
SECURITIES	718	16,579	21,616	23,396	180%
FULL_SITE	37,600	20,000	20,137	22,260	86%
ENFORCEMNT	17,128	9,794	2,820	21,470	217%
REVISIONS	14,575	14,203	33,209	20,093	97%
COMMERCL_TA	19,792	29,046	29,215	14,640	56%
SOILS_HYDRO	10,714	8,331	6,024	10,857	130%
MOORING			10,555	10,109	287%
IPES	43,548	73,979	3,699	5,949	15%
LLADJ_ROW	4,800	3,874	1,285	5,572	168%
TRANS_DEV	5,300	3,445	7,100	5,190	98%
GRADING	5,369	3,304	5,525	4,928	104%
LAND_CAP	10,680	2,136	4,400	3,969	69%
SHOREZONE	14,200	34,000	38,316	3,288	11%
VB_COVERAGE	1,514	2,793	4,460	2,818	96%
QUAL_EXEMPT	4,078	5,409	1,456	2,805	77%
PRE-APP	848	848		2,185	386%
PARTIAL_SITE	2,645	400	2,884	2,120	107%
NOTE_APPEAL	1,482		2,976	2,044	138%
SUBDIV_EXIST	1,251	1,002		1,962	261%
QE SHOREZONE			2,781	1,908	206%
TEMP_USE	1,550	1,120		1,902	214%
SIGNS	492		1,062	1,848	357%
CONSTR_EXT	628	1,086	1,318	1,476	146%
GRADE_EXCEPT	444	270		540	227%
UNDRGRD_TANK	912	2,880	1,628	419	23%
RES_DRIVE	298	388	400	206	57%
STD	1,770	2,643	(365)	0	
VB_USE	1,440	2,808	964		
HISTORIC	1,197				
LMTD_INCENT	252	1,041			
MONITORING	2,700	2,800			
Totals	366,050	472,542	567,406	510,155	109%

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Agency Mgmt				
GF Revenue				
Revenue				
State Revenue	(6,232,422)	(6,232,422)		100.0%
Local Revenue	(150,000)		(150,000)	
Revenue Total	(6,382,422)	(6,232,422)	(150,000)	97.6%
GF Revenue Total	(6,382,422)	(6,232,422)	(150,000)	97.6%
Gov Board				
Expenses				
Contracts	1,099		1,099	
Other	19,412	3,884	15,528	20.0%
Rent	2,243	1,500	743	66.9%
Expenses Total	22,754	5,384	17,369	23.7%
Gov Board Total	22,754	5,384	17,369	23.7%
Executive				
Expenses				
Compensation	721,611	158,193	563,418	21.9%
Other	16,106	915	15,191	5.7%
Expenses Total	737,717	159,108	578,609	21.6%
Executive Total	737,717	159,108	578,609	21.6%
Legal				
Expenses				
Compensation	265,659	58,392	207,267	22.0%
Contracts	111,800	6,456	105,345	
Other	11,839	454	11,384	3.8%
Expenses Total	389,298	65,302	323,996	16.8%
Legal Total	389,298	65,302	323,996	16.8%
Communications				
Expenses				
Compensation	220,296	51,141	169,155	23.2%
Contracts	20,000	1,306	18,694	6.5%
Other	65,471	4,656	60,816	7.1%
Rent	2,781		2,781	
Expenses Total	308,549	57,103	251,446	18.5%
Communications Total	308,549	57,103	251,446	18.5%

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Finance				
Revenue				
Financing		(245)	245	
Revenue Total		(245)	245	
Expenses				
Compensation	431,496	98,137	333,359	22.7%
Contracts	58,900		58,900	
Other	2,450		2,450	
Expenses Total	492,846	98,137	394,709	19.9%
Finance Total	492,846	97,892	394,954	19.9%
HR				
Expenses				
Compensation	203,505	42,286	161,219	20.8%
Contracts	72,596	11,497	61,099	15.8%
Other	65,490	1,555	63,934	2.4%
Expenses Total	341,590	55,338	286,252	16.2%
HR Total	341,590	55,338	286,252	16.2%
Agency Mgmt Total	(4,089,669)	(5,792,296)	1,702,627	141.6%
Current Planning				
Current Planning				
Revenue				
Fees for Service	(2,152,966)	(555,576)	(1,597,390)	25.8%
Revenue Total	(2,152,966)	(555,576)	(1,597,390)	25.8%
Expenses				
Compensation	1,183,778	270,272	913,506	22.8%
Contracts	252,283	77,189	175,094	30.6%
Financing	22,079	13,174	8,905	59.7%
A&O/Transfers	893,989	168,812	725,177	18.9%
Other	9,104		9,104	
Expenses Total	2,361,233	529,446	1,831,787	22.4%
Current Planning Total	208,267	(26,130)	234,397	-12.5%
Code Enforcement				
Expenses				
Compensation	371,302	83,801	287,501	22.6%
A&O/Transfers	280,408	52,342	228,065	18.7%
Other	2,207	2,527	(319)	114.5%

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Expenses Total	653,917	138,670	515,247	21.2%
Code Enforcement Total	653,917	138,670	515,247	21.2%
Boat Crew				
Revenue				
State Revenue	(124,000)	(124,000)		100.0%
Revenue Total	(124,000)	(124,000)		100.0%
Expenses				
Compensation	45,547	51,782	(6,235)	113.7%
Contracts	5,000		5,000	
Other	54,058	10,260	43,799	19.0%
Expenses Total	104,605	62,041	42,564	59.3%
Boat Crew Total	(19,395)	(61,959)	42,564	319.5%
Shorezone Moorings and Concessions				
Revenue				
Fees for Service	(440,041)	(56,846)	(383,195)	12.9%
Revenue Total	(440,041)	(56,846)	(383,195)	12.9%
Shorezone Moorings and Concessions Total	(440,041)	(56,846)	(383,195)	12.9%
Shorezone - Planning				
Expenses				
Compensation	112,706	9,767	102,939	8.7%
A&O/Transfers	85,115	6,100	79,015	7.2%
Expenses Total	197,821	15,867	181,954	8.0%
Shorezone - Planning Total	197,821	15,867	181,954	8.0%
Shorezone Boat Crew				
Expenses				
Compensation	28,647	4,234	24,414	14.8%
Contracts	20,600		20,600	
Financing		1,705	(1,705)	
A&O/Transfers	22,931	2,644	20,287	11.5%
Other	11,868	2,873	8,995	24.2%
Rent	4,600		4,600	
Expenses Total	88,647	11,456	77,191	12.9%
Shorezone Boat Crew Total	88,647	11,456	77,191	12.9%
Shorezone - Implementation				

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Expenses				
Compensation		50	(50)	
A&O/Transfers		31	(31)	
Other		44	(44)	
Expenses Total		125	(125)	
Shorezone - Implementa		125	(125)	
Shorezone - Communications				
Expenses				
Compensation		40	(40)	
Contracts	45,000		45,000	
A&O/Transfers		25	(25)	
Other	32		32	
Expenses Total	45,032	66	44,966	0.1%
Shorezone - Communica	45,032	66	44,966	0.1%
Settlements				
Revenue				
Fees for Service	(150,000)	(55,000)	(95,000)	36.7%
Grants	(3,600)	(900)	(2,700)	25.0%
Revenue Total	(153,600)	(55,900)	(97,700)	36.4%
Expenses				
Contracts	172,733	30,500	142,233	17.7%
Other	20,600		20,600	
Expenses Total	193,333	30,500	162,833	15.8%
Settlements Total	39,733	(25,400)	65,133	-63.9%
Legal - Direct or Disallowed				
Revenue				
Fees for Service		(383)	383	
Revenue Total		(383)	383	
Expenses				
Contracts	4,439		4,439	
Expenses Total	4,439		4,439	
Legal - Direct or Disallo	4,439	(383)	4,821	
Current Planning Reimbursed				
Revenue				
Fees for Service	(150,000)	(90,872)	(59,128)	60.6%

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Revenue Total	(150,000)	(90,872)	(59,128)	60.6%
Expenses				
Contracts	150,000	41,479	108,521	27.7%
Expenses Total	150,000	41,479	108,521	27.7%
Current Planning Reimb		(49,393)	49,393	
Current Planning Total	778,419	(53,927)	832,347	-6.9%
Envir. Imp.				
Env. Improv.				
Expenses				
Compensation	524,816	118,418	406,398	22.6%
Contracts	20,600		20,600	
Other	14,825	141	14,683	1.0%
Expenses Total	560,241	118,560	441,681	21.2%
Env. Improv. Total	560,241	118,560	441,681	21.2%
Watercraft Inspection Fees				
Revenue				
Fees for Service	(665,437)	(286,105)	(379,332)	43.0%
Revenue Total	(665,437)	(286,105)	(379,332)	43.0%
Expenses				
Compensation	50,339	10,068	40,271	20.0%
Contracts	556,480		556,480	
Financing	16,000	11,685	4,315	73.0%
A&O/Transfers				
Other	11,847	10,494	1,353	88.6%
Rent	30,771	7,693	23,078	25.0%
Expenses Total	665,437	39,941	625,496	6.0%
Watercraft Inspection Fees	0	(246,164)	246,164	
CA Gen Fund AIS Prevention				
Revenue				
State Revenue	(375,000)	(375,000)		100.0%
Revenue Total	(375,000)	(375,000)		100.0%
Expenses				
Contracts	375,000		375,000	
Expenses Total	375,000		375,000	

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
CA Gen Fund AIS Preven		(375,000)	375,000	
NV Gen Fund AIS Prevention & Control				
Revenue				
State Revenue	(375,000)	(375,000)		100.0%
Revenue Total	(375,000)	(375,000)		100.0%
Expenses				
Compensation	58,279	19,279	39,000	33.1%
Contracts	250,269	5,600	244,669	2.2%
A&O/Transfers				
Other	54,453	121	54,332	0.2%
Rent	12,000	4,000	8,000	
Expenses Total	375,001	29,000	346,001	7.7%
NV Gen Fund AIS Prever	1	(346,000)	346,001	
Tahoe Keys & Lakewide AIS Control (LTRA)				
Revenue				
Grants	(50,000)		(50,000)	
Revenue Total	(50,000)		(50,000)	
Expenses				
Contracts	50,000		50,000	
Expenses Total	50,000		50,000	
Tahoe Keys & Lakewide				
Lakewide AIS Control (USACE)				
Revenue				
Grants	(202,032)	438	(202,470)	-0.2%
Revenue Total	(202,032)	438	(202,470)	-0.2%
Expenses				
Contracts	202,032		202,032	
Expenses Total	202,032		202,032	
Lakewide AIS Control (U		438	(438)	
BMP Enforcement in NV (NV 319)				
Revenue				
Grants	(159,493)	(23,561)	(135,932)	14.8%
Revenue Total	(159,493)	(23,561)	(135,932)	14.8%
Expenses				

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Compensation	73,699	17,447	56,251	23.7%
Contracts	60,000		60,000	
A&O/Transfers	25,795	6,107	19,688	23.7%
Expenses Total	159,493	23,554	135,939	14.8%
BMP Enforcement in NV	0	(8)	8	
Stormwater Planning Support				
Revenue				
Fees for Service	(60,255)	(15,186)	(45,069)	25.2%
Revenue Total	(60,255)	(15,186)	(45,069)	25.2%
Expenses				
Compensation		11,320	(11,320)	
A&O/Transfers		7,071	(7,071)	
Other		61	(61)	
Expenses Total		18,452	(18,452)	
Stormwater Planning Su	(60,255)	3,266	(63,521)	-5.4%
USFWS AIS Control Lake Tahoe 2				
Revenue				
Grants	(1,594,378)		(1,594,378)	
Revenue Total	(1,594,378)		(1,594,378)	
Expenses				
Compensation	169,829	28,622	141,207	16.9%
Contracts	1,296,294	71,447	1,224,847	5.5%
A&O/Transfers	128,255	17,877	110,378	13.9%
Other		1,408	(1,408)	
Expenses Total	1,594,378	119,354	1,475,024	7.5%
USFWS AIS Control Lake	(0)	119,354	(119,354)	
USFS Lake Tahoe West - P3				
Revenue				
Grants	(59,376)		(59,376)	
Revenue Total	(59,376)		(59,376)	
Expenses				
Compensation	33,828	6,127	27,701	18.1%
A&O/Transfers	25,547	3,827	21,720	15.0%
Expenses Total	59,376	9,954	49,421	16.8%
USFS Lake Tahoe West -	(0)	9,954	(9,955)	

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
USFS LTRA Ski Run Marina				
Revenue				
Grants	(140,576)	(5,952)	(134,624)	4.2%
Revenue Total	(140,576)	(5,952)	(134,624)	4.2%
Expenses				
Compensation	54,453	3,664	50,789	6.7%
Contracts	45,000		45,000	
A&O/Transfers	41,123	2,288	38,834	5.6%
Expenses Total	140,576	5,952	134,624	4.2%
USFS LTRA Ski Run Mari	(1)		(0)	
Shorezone Mitigation Funds				
Revenue				
Fees for Service		(33,070)	33,070	
Revenue Total		(33,070)	33,070	
Shorezone Mitigation Fu		(33,070)	33,070	
AIS Prevention (SNPLMA Rnd 12 Final)				
Revenue				
Grants	(1,329,420)		(1,329,420)	
Revenue Total	(1,329,420)		(1,329,420)	
Expenses				
Compensation	47,651	8,495	39,156	17.8%
Contracts	1,245,574	156,629	1,088,945	12.6%
A&O/Transfers	36,195	5,306	30,889	
Expenses Total	1,329,420	170,430	1,158,990	12.8%
AIS Prevention (SNPLM/	(0)	170,430	(170,430)	
ANS Mgmt Plan - Meeks Bay Control				
Revenue				
Grants	(92,000)	12	(92,012)	0.0%
Revenue Total	(92,000)	12	(92,012)	0.0%
Expenses				
Contracts	92,000		92,000	
Expenses Total	92,000		92,000	
ANS Mgmt Plan - Meeks		12	(12)	

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
AIS Decon Unit Purchase (DBW)				
Revenue				
Grants	(50,000)		(50,000)	
Revenue Total	(50,000)		(50,000)	
Expenses				
Contracts	50,000		50,000	
Expenses Total	50,000		50,000	
AIS Decon Unit Purchase				
DBW Meyers Station Grant				
Revenue				
Grants	(217,668)	(59,814)	(157,854)	27.5%
Revenue Total	(217,668)	(59,814)	(157,854)	27.5%
Expenses				
Compensation	23,512	4,996	18,516	21.2%
Contracts	194,156		194,156	
A&O/Transfers				
Expenses Total	217,668	4,996	212,672	2.3%
DBW Meyers Station Gr	(0)	(54,818)	54,818	
Taylor Tallac Restoration Project				
Revenue				
Grants	(500,000)	(469,174)	(30,826)	93.8%
Revenue Total	(500,000)	(469,174)	(30,826)	93.8%
Expenses				
Contracts	500,000	459,852	40,148	92.0%
Expenses Total	500,000	459,852	40,148	92.0%
Taylor Tallac Restoratio		(9,321)	9,321	
Envir. Imp. Total	499,985	(642,367)	1,142,352	-128.5%
L RTP				
Long Range & Transp. Planning				
Expenses				
Compensation	552,673	128,539	424,135	23.3%
Contracts	175,450	5,000	170,450	2.8%
Other	9,454		9,454	
Expenses Total	737,578	133,539	604,039	18.1%

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Long Range & Transp. Pl	737,578	133,539	604,039	18.1%
TMPO				
Expenses				
Compensation		1,711	(1,711)	
Contracts	73,670	1,324	72,346	1.8%
Other	37,689	4,960	32,730	13.2%
Rent	803		803	
Expenses Total	112,163	7,994	104,169	7.1%
TMPO Total	112,163	7,994	104,169	7.1%
Transportation				
Revenue				
Grants	(1,543,117)		(1,543,117)	
Revenue Total	(1,543,117)		(1,543,117)	
Expenses				
Compensation	372,409	66,764	305,646	17.9%
Contracts	242,016		242,016	
A&O/Transfers	512,046	73,471	438,576	14.3%
Other		4,497	(4,497)	
Expenses Total	1,126,471	144,731	981,740	12.8%
Transportation Total	(416,646)	144,731	(561,377)	-34.7%
CA Prop 1B Transit Capital Improvement Program South Shore				
Revenue				
Grants	(40,267)		(40,267)	
Revenue Total	(40,267)		(40,267)	
Expenses				
Contracts	40,267		40,267	
Expenses Total	40,267		40,267	
CA Prop 1B Transit Capit	0		0	
Transportation SB1 Formula & Competitive				
Revenue				
Grants	(445,207)		(445,207)	
Revenue Total	(445,207)		(445,207)	
Transportation SB1 Forn	(445,207)		(445,207)	
USFS Emerald Bay Corridor Plan				

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Revenue				
Grants	(399,792)		(399,792)	
Revenue Total	(399,792)		(399,792)	
Expenses				
Compensation	8,632	805	7,827	9.3%
Contracts	391,160	18,004	373,156	4.6%
A&O/Transfers				
Expenses Total	399,792	18,809	380,983	4.7%
USFS Emerald Bay Corri	0	18,809	(18,809)	
USFS Meeks Bay Restoration				
Revenue				
Grants	(380,382)		(380,382)	
Revenue Total	(380,382)		(380,382)	
Expenses				
Compensation	26,989	7,263	19,725	26.9%
Contracts	353,393	75,821	277,572	21.5%
A&O/Transfers				
Expenses Total	380,382	83,085	297,297	21.8%
USFS Meeks Bay Restora	0	83,085	(83,085)	
CTC Shoreline Plan				
Revenue				
Grants		(60,000)	60,000	
Revenue Total		(60,000)	60,000	
CTC Shoreline Plan Total		(60,000)	60,000	
L RTP Total	(12,112)	328,158	(340,270)	
R & A				
Research & Analysis				
Expenses				
Compensation	1,063,155	230,924	832,231	21.7%
Contracts	979,919	30,703	949,215	3.1%
Other	27,380	(115)	27,495	-0.4%
Expenses Total	2,070,453	261,512	1,808,941	12.6%
Research & Analysis Tot	2,070,453	261,512	1,808,941	12.6%
Shorezone - Research & Analysis				

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Expenses				
Compensation		2,672	(2,672)	
Contracts		484	(484)	
A&O/Transfers		1,669	(1,669)	
Expenses Total		4,826	(4,826)	
Shorezone - Research &				
4,826 (4,826)				
Nearshore Trib Monitoring (Lahontan)				
Revenue				
Grants	(216,000)		(216,000)	
Revenue Total	(216,000)		(216,000)	
Expenses				
Compensation		1,049	(1,049)	
Contracts	216,000	3,455	212,545	1.6%
A&O/Transfers				
Expenses Total	216,000	4,504	211,496	
Nearshore Trib Monitori				
4,504 (4,504)				
Wetland Monitoring (EPA)				
Revenue				
Grants	(60,000)		(60,000)	
Revenue Total	(60,000)		(60,000)	
Expenses				
Contracts	60,000		60,000	
Expenses Total	60,000		60,000	
Wetland Monitoring (EP				
R & A Total				
2,070,453 270,842 1,799,611 13.1%				
Infrastructure				
General Services				
Expenses				
Compensation	91,750	20,342	71,407	22.2%
Contracts	25,767	110	25,657	0.4%
Other	160,531	18,539	141,993	11.5%
Rent	688,980	172,245	516,735	25.0%
Expenses Total	967,028	211,236	755,792	21.8%
General Services Total				
967,028 211,236 755,792 21.8%				

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
IT				
Expenses				
Contracts	245,005	54,260	190,745	22.1%
Other	206,833	80,118	126,715	38.7%
Expenses Total	451,838	134,378	317,460	29.7%
IT Total	451,838	134,378	317,460	29.7%
Building				
Revenue				
Rent Revenue	(245,833)	(79,723)	(166,110)	32.4%
TRPA Rent Reven	(688,980)	(172,245)	(516,735)	25.0%
Revenue Total	(934,813)	(251,968)	(682,845)	27.0%
Expenses				
Contracts	542,000		542,000	
Financing	426,938		426,938	
Other	57,077	5,100	51,976	8.9%
Expenses Total	1,026,015	5,100	1,020,914	0.5%
Building Total	91,202	(246,867)	338,069	-270.7%
CAM				
Revenue				
Rent Revenue	(3,358)		(3,358)	
Revenue Total	(3,358)		(3,358)	
Expenses				
Other	63,440	16,165	47,275	25.5%
Expenses Total	63,440	16,165	47,275	25.5%
CAM Total	60,081	16,165	43,916	26.9%
Infrastructure Total	1,570,149	114,912	1,455,237	7.3%
Other				
Expenses				
Compensation	425,129		425,129	
A&O/Transfers	(2,066,176)	(351,156)	(1,715,020)	17.0%
Other	320,538		320,538	
Expenses Total	(1,320,509)	(351,156)	(969,353)	26.6%
Other Total	(1,320,509)	(351,156)	(969,353)	26.6%

TRPA Detailed Financials
Fiscal YTD September 2021

Row Labels	Ann Budget	YTD	Remaining	Sum of % Spent
Other Total	(1,320,509)	(351,156)	(969,353)	26.6%

STAFF REPORT

Date: October 20, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: California Tahoe Conservancy Land Bank Administrative Fee and Memorandum of Understanding Update

Summary and Staff Recommendation:

Staff recommends that the Governing Board approve the proposed resolution to amend the TRPA-California Tahoe Conservancy's (CTC) Memorandum of Understanding (MOU) to increase the administrative fee from 12 to 18 percent (MOU Page 7). The amended MOU, if adopted, would replace the existing MOU between TRPA and the CTC by the Governing Board in 2018.

Required Motion:

To approve the proposed amendment, the Board must make the following motion:

- 1) A motion to amend the MOU between TRPA and Conservancy as shown in Attachment A (MOU Page 7)

In order for the motion to pass, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required.

Background:

The Conservancy Land Bank Program supports implementation of the Regional Plan through the acquisition and restoration of sensitive land and participation in the banking, selling, and retirement of land coverage. Through a cooperative relationship, Conservancy administers the Land Bank program pursuant to the MOU and funded in part by Excess Coverage Mitigation (ECM) fees.

TRPA receives ECM fees from project applicants to offset the impact of development. The ECM fee is required to be paid by a project proponent(s) to mitigate a project(s) with existing land coverage in excess of base allowable land coverage and which fee is calculated according to a formula set forth in Chapter 30 of the TRPA Code of Ordinances. When TRPA receives excess coverage mitigation fees from projects located in California, it deposits and holds the fees in an interest-bearing account under its control, until funding is requested by Conservancy.

Conservancy and TRPA staff have agreed to the proposed amendment to increase the administrative fee from 12% to 18% (MOU Page 7) The proposed fee update will more accurately cover costs to administer the land bank, and mirrors the update to the administrative fee for the Nevada Division of State Lands MOU in April 2020.

Regional Plan Compliance:

The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

Contact Information:

If you have any questions regarding this item please contact Kimberly Caringer, Division Manager, Environmental Improvement Program at kcaringer@trpa.gov or by phone at (775) 589-5263.

Attachments:

A. Amended MOU

Attachment A

Amended TRPA/California Tahoe Conservancy MOU

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TAHOE REGIONAL PLANNING AGENCY
AND THE CALIFORNIA TAHOE CONSERVANCY**

This Memorandum of Understanding (Memorandum) is entered into this 24th day of October, 2018, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), a bi-state agency created under the Tahoe Regional Planning Compact, and the CALIFORNIA TAHOE CONSERVANCY, an agency of the State of California (CONSERVANCY).

This Memorandum replaces entirely the Memorandum dated March 17th, 2016, between the parties and the former shall control all collection and expenditure of excess coverage mitigation fees and outline objectives for the acquisition and sale of all types of development rights by the CONSERVANCY.

I. AUTHORITY

This Memorandum is based on the following laws, regulations, procedures, and policies:

- The Tahoe Regional Planning Compact, P.L. 91-143, 83 Stat. 360, (1969); amended, P.L. 96-551, 94 Stat. 3233, (1980) (hereafter "Compact");
- The Tahoe Regional Plan as adopted by TRPA in Ordinance No. 87-9 on June 25, 1987, effective July 1, 1987, and updated December 12, 2012 (hereafter "Regional Plan");
- The TRPA Code of Ordinances, Area Plans, Community Plans, Plan Area Statements, and Maps adopted pursuant thereto (all Chapter references herein below are to the Code of Ordinances);
- The enabling legislation of the California Tahoe Conservancy (Title 7.42; Section 66905 et seq.) as amended (Chapter 153, Statutes of 2015);
- Resolution No. 10-87-1 of the California Tahoe Conservancy, adopted October 23, 1987 and Resolution No. 16-03-05, adopted March 17, 2016;
- Resolution No. 87-25 of the Tahoe Regional Planning Agency, adopted October 29, 1987; and Resolution No. 87-30 of the Tahoe Regional Planning Agency, adopted December 16, 1987; and
- Resolution No. 2018-28 of the Tahoe Regional Planning Agency, adopted October 24th, 2018.

II. DEFINITIONS

The following terms shall have the definitions set forth below for purposes of this Memorandum.

In the event of any conflict between the following definitions and the definitions in the TRPA Code of Ordinances, the definitions contained herein shall govern this Memorandum to the extent

of any inconsistency.

A. Development Rights.

The term “development rights” shall include commercial floor area, tourist accommodation units, and existing and potential residential units of use as defined in the TRPA Code of Ordinances.

B. Disturbed Areas.

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

C. Excess Coverage Mitigation Project.

The term "excess coverage mitigation project" shall mean any action or activity undertaken by the CONSERVANCY for the purpose of generating excess land coverage mitigation credit through the Land Bank.

D. Excess Coverage Mitigation Fee.

The term "excess coverage mitigation fee" shall mean the fee which is required to be paid by a project proponent(s) in order to mitigate a project(s) with existing land coverage in excess of base allowable land coverage and which fee is calculated according to a formula set forth in Chapter 30 of the TRPA Code of Ordinances.

E. Hydrologically Related Area.

The term "hydrologically related area" shall refer to any one of the six areas designated on those certain maps adopted by TRPA on September 26, 1986, as they may be amended from time to time, which are located in whole or in part on the California side of the Lake Tahoe Region. The term "hydrologically related areas" shall refer to these six areas collectively.

F. Lake Tahoe Region, Lake Tahoe Basin.

The terms "Lake Tahoe Region" and "Lake Tahoe Basin" shall mean all that area described in Article II of the Tahoe Regional Planning Compact.

G. Land Bank.

The term "Land Bank" shall mean a Land Bank as provided for in the Goals and Policies of the Regional Plan, and Chapters 30 and 6 of the TRPA Code of Ordinances, to be

established by the CONSERVANCY for that portion of the Lake Tahoe Region lying within the State of California.

H. Land Coverage.

The term “land coverage” shall include potential, soft, or hard coverage as defined in the TRPA Code of Ordinances.

I. Restoration Credit.

The term “restoration credit” shall include Stream Environment Zone (Bailey Land Capability Class 1b) restoration credit and Bailey Land Capability Class 1a, 1c, 2, or 3 restoration credit. Restoration credit is derived from verified soft or hard coverage located in Bailey Land Capability Class 1a, 1b, 1c, 2, or 3 that has been restored pursuant to Chapter 2 of the TRPA Code of Ordinances.

J. Stream Environment Zone.

The term “Stream Environment Zone” shall generally mean an area that owes its biological and physical characteristics to the presence of surface or groundwater or area further described in Chapter 53 of the TRPA Code of Ordinances.

K. Town Center.

The term “Town Center” shall refer to areas designated by TRPA as a Town Center. These areas generally refer to concentrations of the Region’s non-residential services that have been targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the Region.

III. PURPOSE

The purpose of this Memorandum is to establish the respective duties and authorities of the CONSERVANCY and TRPA with respect to a Land Bank to be operated by the CONSERVANCY for the California side of the Lake Tahoe Region and to set forth the procedures to be followed by TRPA and the CONSERVANCY with respect to the Land Bank.

IV. JURISDICTION AND POWERS

Subject to all applicable laws of the State of California and the Bi-State Compact, TRPA Regional Plan, and TRPA Code of Ordinances, the CONSERVANCY is designated as a Land Bank to meet

the following objectives:

- A. providing mitigation for excess coverage on behalf of any permit applicant on the California side of the Lake Tahoe Region, by carrying out an excess coverage mitigation project on any parcel or parcels eligible to provide such mitigation under Chapter 30;
- B. providing mitigation for any public service or public outdoor recreation project located on sensitive lands by retiring and restoring hard and/or soft coverage and disturbed lands as provided in Chapter 30;
- C. acquire, sell, and bank development rights from any parcel(s) owned by the Land Bank pursuant to TRPA Code of Ordinances;
- D. increasing the supply of development rights, land coverage, and restoration credits in the Land Bank through acquisition of developed properties that no longer provide significant environmental, community, or economic benefit;
- E. promoting movement of development rights, land coverage, and restoration credits, from outside of Town Centers and sensitive lands into Town Centers;
- F. utilizing TRPA Regional Plan development right multiplier and bonus unit programs;
- G. transferring development rights, land coverage, and restoration credits when in-lieu public benefits are provided that promote statewide, regional, and area plan goals above and beyond required mitigation measures; and
- H. coordinating annually with the TRPA to realign joint priorities.

The objectives of this Memorandum relate directly to the Lake Tahoe Regional Plan goals and policies, which incentivize compact environmental redevelopment in pursuit of threshold attainment.

V. **DUTIES**

A. **Establishment of Land Bank; Site Selection.**

The CONSERVANCY shall take all necessary and appropriate action to maintain and manage the Land Bank and shall proceed with a systematic identification of lands that

would be appropriate for inclusion in the Land Bank.

B. Priority Setting.

TRPA and the CONSERVANCY shall confer annually to set priorities for banking, transfer, or retirement of development rights, land coverage, and restoration credits and land or acquisitions consistent with section IV. Priorities shall be established that align with TRPA environmental threshold attainment, the Lake Tahoe Regional Plan, Conservancy enabling legislation, and statewide land use planning goals and policies.

C. Maintaining Inventory; Advance of Assets; Use of Inventory.

1. The CONSERVANCY shall use best efforts to acquire and maintain within the Land Bank an inventory of development rights, land coverage, and restoration credits for disturbed areas, sufficient to meet the projected needs of the Land Bank.
2. In order to maintain an inventory of development rights, land coverage, and restoration credits for the Land Bank, the CONSERVANCY may utilize assets other than excess coverage mitigation fees for the purpose of acquiring and/or restoring land for the Land Bank.
3. The CONSERVANCY may use acquired inventory to satisfy eligible project needs, provided CONSERVANCY jurisdiction and power under Section IV and priorities jointly established under V.B are not thereby impaired.
4. Restoration credits from restored parcels that are subsequently sold and transferred shall not be counted in the Environmental Improvement Program (EIP) threshold reporting.

D. Assignment of Excess Coverage Mitigation Fees.

TRPA hereby agrees to assign to the CONSERVANCY, for the Land Bank, all excess coverage mitigation fees paid to TRPA for projects located in California through the term of this Memorandum.

E. Deposit of Excess Coverage Mitigation Fees.

When TRPA receives excess coverage mitigation fees from projects located in California, it shall deposit and hold the fees in an interest-bearing account under its control, until such

time as it causes the excess coverage mitigation fees to be disbursed to the CONSERVANCY pursuant to Section V.G below.

F. TRPA Reporting of Excess Coverage Mitigation Fees.

TRPA shall deliver to the CONSERVANCY a report bi-annually containing the following information pertaining to each permit for which an excess coverage mitigation fee was received by TRPA during the preceding reporting period:

1. location of project by state, county, hydrologically related area, and assessor's parcel number(s);
2. amount of fee paid by applicant;
3. amount and type of coverage in terms of square feet as determined under the coverage reduction formula in Chapter 30; and
4. total balance of excess coverage mitigation funds for the requested specified time period.

G. Disbursements by TRPA.

TRPA shall disburse all accumulated excess coverage mitigation fees payable to the CONSERVANCY under Section V.D above, and any interest accrued thereon, less TRPA's investment administrative fees not to exceed 15% of the interest income, to the CONSERVANCY upon its request, which shall occur not more often than quarterly unless a project or purchase would require a more timely distribution. Requests for disbursements shall be accompanied with reporting on the intended usage of the excess coverage mitigation fees consistent with V.H below. Such disbursements shall require approval by the TRPA Governing Board and be made by electronic transfer payable to the "California Tahoe Conservancy," and shall bear the notation "Land Bank."

H. Use of Excess Coverage Mitigation Fees.

1. The CONSERVANCY shall use excess coverage mitigation fees received from TRPA solely for the purposes of:
 - a) for no less than 50% of the fees received, paying for assets advanced to the Land Bank by the CONSERVANCY, acquiring land for the use of the

Land Bank, and restoring hard and soft coverage and disturbed lands and retiring potential coverage through the Land Bank. When using the fees for these purposes, the CONSERVANCY shall:

- i) prioritize the retirement of hard and soft coverage on Stream Environment Zones and other sensitive lands; and
 - ii) only retire potential coverage through acquisition of fee title or retirement of development potential on land located in Bailey Land Capabilities 1a, 1b, or 1c.
- b) the CONSERVANCY may use no more than 50% of the fees received for EIP projects or other projects deemed appropriate in advance by the TRPA Executive Director. The projects funded by the CONSERVANCY with excess coverage mitigation fees under this provision:
- i) must benefit water quality and/or soil conservation thresholds;
 - ii) cannot replace Total Maximum Daily Load ("TMDL") credit or other mitigation obligations of other entities; and
 - iii) can be used for administrative expenses and overhead, subject to the limitations in (2) below.
2. The CONSERVANCY may apply the excess coverage mitigation fees toward payment or reimbursement of its direct costs of acquisition, and/or restoration, and/or materials incurred for or through the Land Bank, by the CONSERVANCY or billed to the CONSERVANCY by contractors or other providers of services. These costs include, but are not limited to, all steps necessary to successfully restore land to meet various laws, regulations, permit requirements, and TRPA Code of Ordinances. Overhead and other incidental costs of administration, operation, and monitoring of the Land Bank may be charged by the CONSERVANCY against the excess coverage mitigation fees to cover actual costs to the CONSERVANCY, up to 128% of the aggregate of such fees (including interest) received from TRPA. The CONSERVANCY shall submit documentation of its overhead and other incidental costs prior to making any charges against the

excess coverage mitigation fees.

I. Transfer of Land Coverage.

Where the CONSERVANCY agrees to transfer land coverage on behalf of a permit applicant through the Land Bank, pursuant to Chapter 30 and Chapter 51 of the TRPA Code of Ordinance, TRPA and/or applicable permitting Memorandum partner shall, upon the CONSERVANCY'S request:

1. Certify to the CONSERVANCY the amount and type of land coverage mitigation needed by the permit applicant;
2. Determine the eligibility of the sending and receiving parcels; and
3. Approve or deny the transfer through a Documentation Letter.

J. Acquisition and Sale of Development Rights, Land Coverage, and Restoration Credits.

Where the CONSERVANCY agrees to acquire and sell whole or portions of development rights, land coverage, and restoration credits with private or public parties consistent with IV and V of this Memorandum, transfers of development rights, land coverage, and restoration credits shall be reviewed and approved by TRPA.

The price paid for development rights, land coverage, and restoration credits shall be agreed upon by the permit applicant and the CONSERVANCY. The purchase price shall be paid directly to the CONSERVANCY or endorsed to the designated title company when a transaction involves an escrow. Said funds shall be deposited by the CONSERVANCY or designated title company. Upon receipt of funds and transaction or escrow closure, transaction data shall be tracked by the CONSERVANCY, and reported to TRPA as required.

K. Severing Development Rights, Land Coverage, and Restoration Credits from Parcels.

The CONSERVANCY may sever all or portion of development rights, land coverage, and restoration credits from a parcel. If this option is exercised, TRPA and the CONSERVANCY will establish controls and procedures for the tracking and monitoring of such land use units no longer associated with a parcel.

L. Public Service Projects and Public Outdoor Recreation Project.

The CONSERVANCY may enter into agreements to provide and/or reserve development rights, land coverage, and restoration credits for public service projects and public outdoor recreation projects meeting the Lake Tahoe Regional Plan goals and policies by restoring and removing hard or soft coverage and banking associated development rights as provided under Chapter 30 and Chapter 51. The terms and procedures set forth in Section V.C and V.I above shall apply to the mitigation of such public projects through the Land Bank.

M. CONSERVANCY Projects.

The CONSERVANCY may reserve and/or use development rights, land coverage, and restoration credits from the Land Bank for future and/or current CONSERVANCY projects meeting Lake Tahoe Regional Plan Goals pursuant to this Memorandum and TRPA Code of Ordinances.

N. Methods of Retiring Coverage.

1. Areas containing soft, hard, and/or potential coverage shall be retired by filing with TRPA document(s), in form acceptable to TRPA and suitable for recordation, by which the CONSERVANCY consents to the permanent retirement of said coverage on the areas described therein, unless and until TRPA approves the transfer of said right from the sending parcel.
2. Soft coverage and disturbed lands shall be restored so as to cause the area to function in a natural state, with provision for permanent protection from further disturbance. Appropriate methods of restoration include, but need not be limited to, decompaction of soils, revegetation, restoration of land and/or natural watercourses and gradients, and removal of refuse.
3. Hard coverage shall be restored by destruction and removal, to the extent feasible, of all structures, pavement, and other impervious land covering on the area to be restored, together with the methods specified in (2) above for restoration of soft coverage.
4. All coverage retirement carried out through the Land Bank shall be subject to

TRPA and/or Memorandum permitting partners inspection and review.

5. CONSERVANCY shall give priority to removal of coverage in sensitive areas.

O. Annual Reports: Excess Coverage Mitigation Program.

There shall be an annual reporting period, at the end of which the CONSERVANCY shall prepare and deliver to TRPA an annual report summarizing all excess coverage mitigation projects performed during said reporting period and identifying the excess coverage mitigation fees which were applied toward each such project. The annual report shall, in addition, list:

1. the current inventory of parcels credited or available to the Land Bank for restoration and/or retirement of hard, soft, and potential coverage; and
2. all mitigation already performed or in progress, but not yet credited towards a permit applicant's project, including but not limited to:
 - a) square feet and land capability of coverage or disturbed land restored,
 - b) acres of land acquired by land capability,
 - c) estimated pollutant and stormwater load reductions, and
 - d) Soil conservation and water quality threshold gains using EIP Performance Measures.

P. Annual Reports: Development Rights, Land Coverage, and Restoration Credits.

There shall be an annual reporting period, at the end of which the CONSERVANCY shall prepare and deliver to TRPA an annual report summarizing all Land Bank transactions and holdings of development rights, restoration credits, and land coverage during said reporting period. The annual report shall include the following information for sending and receiving parcels:

1. assessor's parcel number or project number;
2. amount and type of development rights acquired, held, sold, and transferred;
3. land capability (Bailey/IPES scores) from which the development right was

transferred;

4. date of acquisition, sale, or transfer; and
5. distance of each sending site from a Town Center.

Q. CONSERVANCY Accounts.

The CONSERVANCY shall maintain accounts in keeping with State of California approved records retention schedules, which shall be made available to TRPA upon request, of:

1. all monies expended and received by the CONSERVANCY on behalf of the Land Bank;
2. all properties within the inventory of the Land Bank;
3. all areas on which coverage or disturbed land has been restored or retired since the last annual reporting period made available to TRPA, including:
 - a) the date as of which coverage or disturbed land has been restored or retired;
 - b) the type of coverage or area restored or retired;
 - c) the cost per square foot restored or retired;
 - d) the area or amount of coverage that has been restored or retired, in square feet of each type retired; and
 - e) the mechanism by which restoration or retirement has been accomplished.

In computing the cost per square foot of coverage retired, the CONSERVANCY may use an average based upon the cost of retiring a given type of coverage in more than one coverage mitigation project.

VI. Termination/Amendment

This Memorandum may be terminated by either party upon ninety (90)-days advance notice in writing. This Memorandum may be amended by written agreement of the CONSERVANCY and the TRPA Governing Board. In the event this Memorandum is terminated for any reason and there is a balance of excess coverage mitigation funds available, the CONSERVANCY shall continue to carry out the duties of Section V, as well as related reporting obligations and TRPA shall continue to carry out the duties of Section V.F, as well as related reporting obligations, for all projects for which mitigation fees were received by TRPA prior the effective date of termination. Unexpended mitigation fees received by the Conservancy, if any, shall be returned to TRPA upon fulfillment of any outstanding obligations.

IN WITNESS WHEREOF, the parties have entered into this Memorandum on the date first hereinabove written.



JOANNE MARCHETTA
EXECUTIVE DIRECTOR
TAHOE REGIONAL PLANNING AGENCY



PATRICK WRIGHT
EXECUTIVE DIRECTOR
CALIFORNIA TAHOE CONSERVANCY

As modified on October 27, 2021

JULIE REGAN
ACTING EXECUTIVE DIRECTOR
TAHOE REGIONAL PLANNING AGENCY

JANE FREEMAN
EXECUTIVE DIRECTOR
CALIFORNIA TAHOE CONSERVANCY

STAFF REPORT

Date: October 20, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of Excess Coverage Mitigation Funds (\$35,000) to the California Tahoe Conservancy for the acquisition of an environmentally sensitive parcel, at 1450 Boca Raton Drive in El Dorado County

Summary and Staff Recommendation:

Staff recommends that the Governing Board approve California Tahoe Conservancy's request, subject to the conditions cited below. The request is consistent with the Environmental Improvement Program, Chapter 30 of the TRPA Code of Ordinances, and the Governing Board's policy guidelines for the release of mitigation funds.

Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release subject to the conditions contained in the TRPA/CTC Memorandum of Understanding

In order for the motion to pass, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required.

Background:

California Tahoe Conservancy is requesting \$35,000 for the acquisition of a 3.3 acre, environmentally sensitive parcel, at 1450 Boca Raton Drive in El Dorado County.

The parcel is located in the Upper Truckee River floodplain, contains mountain meadow and wetland habitat, and is completely surrounded by other Conservancy-owned land. This acquisition will allow Conservancy staff to preserve this parcel in its natural and open space condition, and protect its scenic and watershed resources.

The CTC Land Bank Program supports implementation of the Regional Plan through the acquisition and restoration of sensitive land and participation in the banking, selling, and retirement of land coverage. Through a cooperative relationship, CTC serves as TRPA's agent and administers the Land Bank program pursuant to the MOU and funded by Excess Coverage Mitigation (ECM) fees.

Regional Plan Compliance: The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

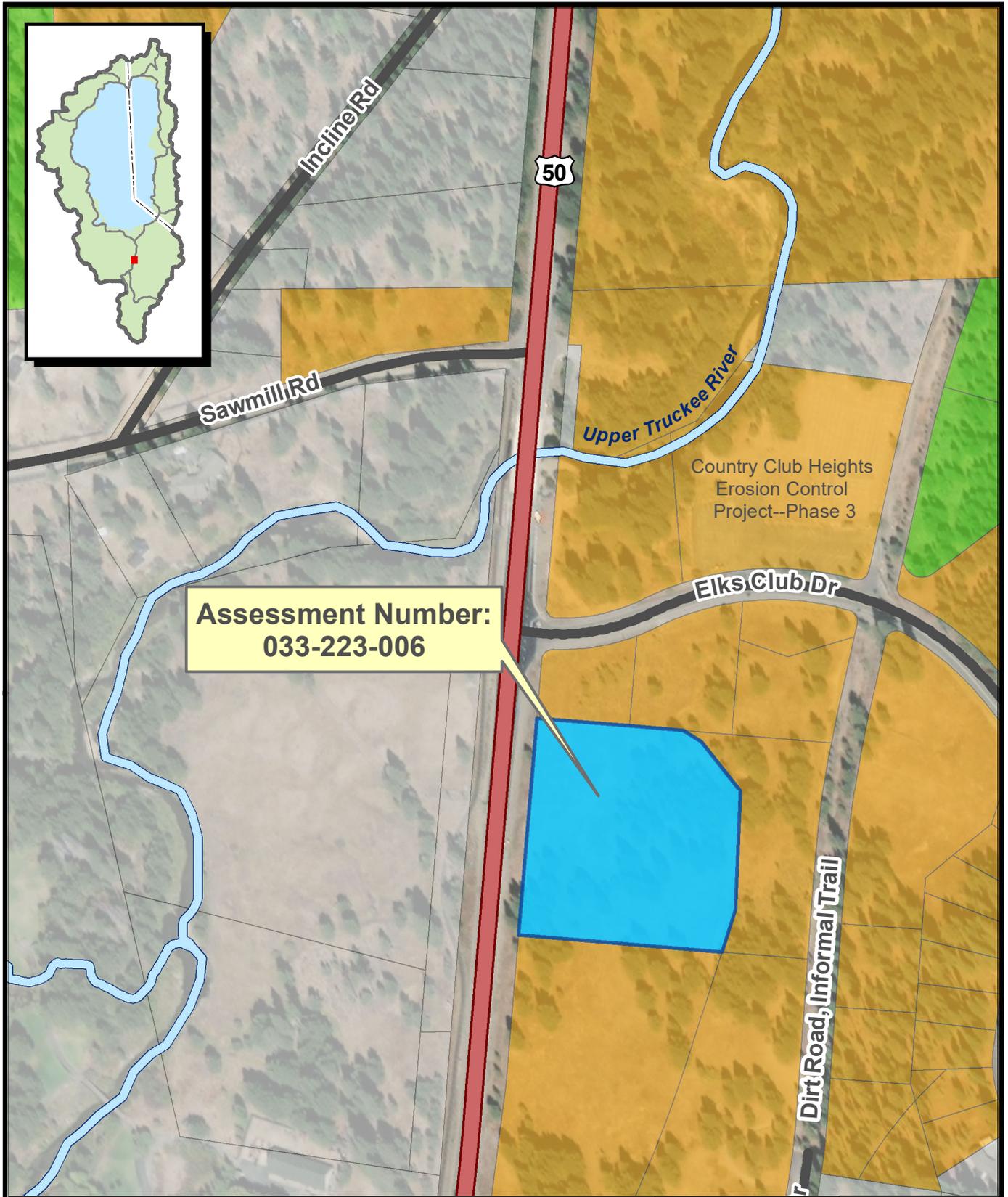
Contact Information:

If you have any questions regarding this item please contact Kimberly Caringer, Division Manager, Environmental Improvement Program at kcaringer@trpa.gov or by phone at (775) 589-5263.

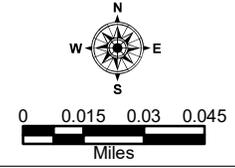
Attachments:

A. Project Map

ATTACHMENT 2
Environmentally Sensitive Land Acquisition



- Acquisition
- Conservancy
- USDA Forest Service
- Other



Sources:
TRPA, CTC

June 2021

*Map for reference purposes only.

STAFF REPORT

Date: October 20, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: “Natural Grocers” Commercial Redevelopment Project, 869 & 873 Tahoe Boulevard, Washoe County, Nevada, Assessor’s Parcel Numbers 132-240-20 (formerly 132-240-02) and 132-240-21 (formerly 132-240-03), TRPA File Number ERSP2021-0546

Summary and Staff Recommendation:

Staff recommends that the Governing Board make the required mitigated finding of no significant effect and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on this staff report:

- 1) A motion to approve the required findings including a mitigated finding of no significant effect (as shown in attachment A); and
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit (as shown in Attachment B).

In order for motions to pass, an affirmative 5-9 (5 Nevada and 9 total) vote of the Board is required.

Governing Board Review:

The Code of Ordinances requires Governing Board review of the project because it involves the addition of more than 3,000 square feet of Commercial Floor Area for a commercial project, per TRPA Code Section 2.2.2.C.

Project Description:

The proposed project includes demolition of existing commercial and market-rate residential buildings on the subject parcels, and construction of a new 10,800 square foot specialty natural foods and vitamin store. One freestanding sign and two building signs are included as part of the project, as well as landscaping and a stormwater infiltration system.

Site Description:

The project area includes two adjacent parcels, 132-240-20 (formerly 132-240-02) and 132-240-21 (formerly 132-240-03), with a total area of 28,358 square feet (.65 acres). The parcels are being formally consolidated with Washoe County and a new Assessor’s Parcel Number will be provided to TRPA once the lot consolidation is completed.

The parcels are located within the Washoe County Tahoe Area Plan, Incline Village Commercial Town Center. The existing site has three commercial buildings (one and two story) fronting Highway 28, as well as two market-rate residential units, and an accessory laundry building on the south side of the property. The site is accessed by Highway 28 to the North and North Enterprise Road to the south. Surrounding land uses consist of commercial, public service, and multi-family residential. The proposed project is in walking distance to a number of compact residential developments (i.e. condominiums and townhomes) along Southwood Boulevard, Oriole Way, Tanager Street, Village Boulevard, and Northwood Boulevard.

Zoning:

The project area is in the Washoe County Area Plan, Incline Village Commercial Town Center where Food and Beverage Retail sales is an allowed use.

Development Rights:

A total of 4,532 square feet of Commercial Floor Area (CFA), associated with the existing commercial uses, is verified as legally existing in the project area. An additional 9,700 square feet of CFA was transferred to the parcels through separate TRPA permits, and therefore a total of 14,532 square feet of CFA is banked and available for use within the project area (TRPA File Numbers: TRAN2019-0837 and TRAN2020-0280). The proposed project uses 13,232 square feet of CFA. The project area also has two verified market rate multi-family residential units of use, which will be demolished and banked on-site as part of this project.

Land Capability and Coverage:

The project area is verified as land capability Class 4 and Class 6. The total verified existing coverage is 15,219 square feet. Per the Washoe County Area Plan, maximum allowed coverage is 70% within the town center. The total proposed coverage is 19,486 square feet, so the additional coverage will be transferred to the project area in accordance with Chapter 30 of the TRPA Code of Ordinances and the TRPA Rules of Procedure.

Height:

The Washoe County Area Plan allows for a maximum height of 56 feet within the town center. The proposed height of 49'10" complies with the height ordinance. Visible height along the Highway 28 corridor is 35'10". The project meets the required findings for additional height found in TRPA Code Chapter 37 and The Washoe County Area Plan (Attachment A).

Scenic:

The project is located on State Route 28, which is a TRPA designated scenic corridor. The project is visible from Scenic Roadway Unit 22, which is not currently in attainment with scenic thresholds. Use of TRPA-approved colors and non-glare building materials for the building, retaining wall, roof, and vents will help achieve improvements to scenic quality. In addition, retention of mature trees and planting of eight new trees, 36 shrubs, and swaths of perennials will partially screen the building and parking lot. The project also incorporates undergrounding of all utility and communication lines. The building itself is designed with varying surface planes, texture, and geometric breaks in glass planes to make the building more visually interesting.

Traffic and Circulation:

The proposed project is subject to the new TRPA Project Assessment Tool for mitigation of new vehicle miles travelled (VMT). The new mitigation requirement replaces the daily vehicle trip ends (DVTE) mitigation method formerly contained in the TRPA Code of Ordinances. Applying the Project Impact Analysis Tool, this project is forecast to generate a net increase of 231 VMT. Per TRPA Code Section 65.2.3.D.2, projects in the town center that generate low VMT (less than 1,300 VMT) do not require additional transportation analysis. This project is subject to the Mobility Mitigation Fee to offset traffic impacts (231 VMT x \$49.90 = \$11,526.90).

The project reduces the amount of ingress and egress points to this property, which enhances safety to vehicle, pedestrian, and bicycle traffic along the congested Highway 28 corridor. Vehicles will be able to enter and exit from a single driveway along Highway 28 and a single point on the south side of the property, on north Enterprise. There is an additional point of access to the loading dock on North Enterprise way. Currently the property is access by two driveways on each side of the parcel.

Parking:

Per Washoe County Code, the use “Retail Sales- Specialty Stores” requires 32 total parking spaces. The parking calculation for a supermarket land use from the Institute of Traffic Engineers also recommends 32 parking spaces. The project proposes a total of 43 parking spaces, meeting the required demand. Two bike racks are included in the project.

Public Noticing:

TRPA provided property owners within 300 feet of the project area notice that the Governing Board would be reviewing and considering approval of this project.

Environmental Review:

The Applicant has prepared an Initial Environmental Checklist (IEC) to analyze potential environmental impacts caused by the project. Based on this IEC and conditions in the draft permit, staff recommends that a Mitigated Finding of No Significant Effects be made for the proposed project.

Regional Plan Compliance:

The proposed project, as conditioned in the draft permit, complies with all requirements of the TRPA Goals and Policies, Washoe County Area Plan (including town center redevelopment), TRPA Design Review Guidelines, TRPA Code of Ordinances, including all required findings in Chapters 3, 4, 30, 33, and 37, and the Regional Transportation Plan and Active Transportation Plan.

Contact Information:

For questions regarding this project, please contact Julie Roll, Senior Planner, at (775) 589-5247 or jroll@trpa.gov.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Site Plans
- D. Initial Environmental Checklist

Attachment A

Required Findings/Rationale

REQUIRED FINDINGS AND RATIONALE FOR APPROVAL OF THE
NATURAL GROCERS COMMERCIAL PROJECT

The following findings in Chapter 3: *Environmental Documentation*, Chapter 4: *Required Findings*, Chapter 30: *Land Coverage*, Chapter 33: *Grading and Construction*, and Chapter 37: *Height* of the TRPA Code of Ordinances must be made in order to approve the project:

CHAPTER 3 ENVIRONMENTAL DOCUMENTATION

Finding 3.3.2.A The project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated findings of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7

Rationale: Based on the information submitted in the Initial Environmental Checklist (IEC), the proposed project, as conditioned in the draft permit, will not have a significant effect on the environment. TRPA has prepared a finding of mitigated no significant effect as required by the Rules of Procedure, Section 6.7.

CHAPTER 4- REQUIRED FINDINGS

Finding 4.4.1.A: The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs.

Rationale: The proposed project complies with the Regional Plan and is consistent with the uses and goals and policies of the Washoe County Area Plan. The commercial use is compatible with surrounding commercial uses in Incline Town Center, and the project is consistent with the Area Plan design standards and guidelines. Therefore, the project, as conditioned in the draft permit (Attachment B) is compliant with all provisions of the Regional Plan and will not adversely affect its implementation.

Finding 4.4.1.B: The project will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: Based on completion of the TRPA Initial Environmental Checklist (IEC), the proposed project as conditioned in the draft permit will not cause any environmental threshold carrying capacity to be exceeded.

Finding 4.4.1.C: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V (d) of the Tahoe Regional Planning Compact.

Rationale: The proposed project will not alter federal, state, or local air or water quality standards currently in place. Therefore, the strictest standards will continue to be attained,

CHAPTER 30- LAND COVERAGE

30.4.4 Relocation of TRPA-Verified Existing Land Coverage

Finding 30.4.4.A The relocation is to an equal or superior portion of the parcel or project area, as determined by references to the following factors:

1. Whether the area of relocation already has been disturbed
2. The slope of and natural vegetation on the area of relocation
3. The fragility of the soil on the area of relocation
4. Whether the area of relocation appropriately fits the scheme of use of the property
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore
6. The project otherwise complies with the land coverage mitigation program set forth in section 30.6

Rationale: The property has verified coverage in both Class 4 and Class 6. Coverage is being relocated within the project area, with all relocation from a lower land capability class (Class 4) to a higher land capability class (Class 6). with both land capability classes exceeding the base allowed coverage. The project is eligible to transfer in additional coverage up to 70%, per the Washoe County Area Plan, so additional coverage is being transferred into Class 4 and Class 6.

Finding 30.4.4.B The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.

Rationale: All existing disturbed areas that will not have coverage as part of the final project will be restored in accordance with the proposed landscape plan.

Finding 30.4.4.C. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3 from any higher numbered land capability district.

Rationale: The project area does not contain and low capability land.

Finding 30.4.4.D.1 If the relocation from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

Rationale: The project area does not contain any Stream Environment Zone area, so this finding does not apply.

Finding 30.4.4.D.2 Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or

Rationale: The project area does not contain any Stream Environment Zone area, so this finding does not apply.

Finding 30.4.4.D.3 For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats.

Rationale: The project area does not contain any Stream Environment Zone area, so this finding does not apply.

CHAPTER 33- GRADING AND CONSTRUCTION

Finding 33.3.6.B Excavations in excess of five feet in depth or where there exists a reasonable possibility of interference or interception of a water table shall be prohibited unless TRPA finds that:

1. A Soils/Hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation

Rationale: Excavation for the project will be approximately ten feet below ground surface, as approved in TRPA Soil Hydrologic application LCAP2021-0042. The site was analyzed by TRPA staff and no evidence of ground water was found within this depth.

CHAPTER 37- HEIGHT (WASHOE COUNTY AREA PLAN SUBSTITUTE STANDARDS)

Washoe County Area Plan- Appendix A- Height: Development within a designated Town Center is permitted to be 4 stories (56 feet) maximum, when the following conditions are met:

Finding a. The project is designed to meet the greenhouse gas reduction standard described in Section 110.220.415, *Greenhouse Gas Reduction*.

Rationale: The Greenhouse Gas Reduction strategies for this project will be reviewed and approved by Washoe County.

Finding b. The project meets all other applicable design standards for the Town Center.

Rationale: This redevelopment project has been designed to meet applicable design standards found in the Washoe County Area Plan. By replacing aging commercial buildings, many design and scenic improvements will be implemented, including undergrounding of electrical lines, screening parking areas with native landscaping, increased building setback, use of building colors and materials that are compatible with the natural surroundings, and architectural articulation to create an interesting aesthetic and avoid a “box-like” structure.

Finding c. The project does not degrade any applicable established scenic threshold as described in the Tahoe Area Plan Conservation Element.

Rationale: The project is in Roadway Unit #22- Crystal Bay, which is a stretch of Highway 28 currently out of attainment with scenic thresholds and targeted for improvement in the Tahoe Scenic Quality Improvement Program. Many of the design elements contained in the proposed project specifically address issues found during the last analysis of the roadway unit, including added landscape screening, improved architectural design features of man-made structures, increased building setbacks, undergrounding of electrical lines, and use of dark earth tone colors.

Finding d. The following findings in Section 37.7 of the TRPA Code of Ordinances are made as part of project approval:

Finding 37.7.1 When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

Rationale: The proposed project is not visible from the waters of Lake Tahoe, but is visible from Scenic Roadway Unit #22, Crystal Bay. The average tree canopy height is 100-feet tall. The proposed building height of 49-feet 10-inches will not exceed the tree canopy.

Finding 37.7.3 With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practical.

Rationale: The proposed project uses additional height allowances for buildings in the town center. Even with the additional height, the proposed building will not disrupt any view of Lake Tahoe or mountain backdrops. When looking at the project site from the roadway, the existing view is lightly forested with scattered commercial and residential development.

Finding 37.7.5 The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

A. The horizontal distance from which the building is viewed;

B. The extent of screening; and

C. Proposed exterior colors and building materials.

Rationale:

A landscape plan has been designed to provide screening of the built environment. Landscape strips will run along the sidewalk fronting Highway 28, on both sides of the building, and along the property lines. Landscape screening along the sides of the building will help minimize the scenic impact of the structure from traffic travelling both eastbound and westbound.

Finding 37.7.9

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

Rationale:

Per the 1982 Lake Tahoe Basin Scenic Resource Inventory, the existing view in this area is described as having extensive commercial development on both sides of the road with obtrusive utilities, eroding banks, and little vegetative screening. There are no established views of Lake Tahoe or uninterrupted mountain backdrops in this location, which is taken into consideration when determining potential for view loss. Although the size of the building will increase as part of the proposed project, undergrounding of utility lines, increased vegetative screening, and use of approved earth tone colors will lessen the impact of the new development. The structure will be setback approximately 80-feet from the edge of the road, which also helps preserve views for eastbound or westbound travelers. Although no existing eroding slopes in the project area, increased landscaping and a retaining wall will prevent future erosion.

Attachment B

Draft Permit



October 27, 2021

Nicole Zaborsky
JTC Consulting, LLC
584 Kiowa Dr.
South Lake Tahoe, CA 96150

COMMERCIAL REDEVELOPMENT PROJECT, "NATURAL GROCERS" SPECIALTY GROCERY STORE, 869 & 873 TAHOE BOULEVARD, WASHOE COUNTY, NEVADA, ASSESSOR'S PARCEL NUMBERS (APNS) 132-240-02 (NOW 132-240-20) & 132-240-03 (NOW 132-240-21), TRPA FILE NUMBER ERSP2021-0546

Dear Ms. Zaborsky:

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 or submit all final document electronically.

Acceptable ways to post a security are listed in the enclosed "Attachment J."

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.

Thank you very much for your attention to this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Julie Roll
Senior Planner
Current Planning Department

cc. Kevin Beck/EVC Incline Village, LLC, kevinb@evcdev.com

DRAFT PERMIT

PROJECT DESCRIPTION: “Natural Grocers” Commercial Redevelopment

PERMITTEE: EVC Incline Village, LLC

APNS: 132-240-02 (now 132-240-20) & 132-240-03 (now 132-240-21) **FILE:** ERSP2021-0546

COUNTY/LOCATION: Washoe County/869 & 873 Tahoe Boulevard

Having made the findings required by Agency ordinances and rules, Governing Board approved the project on October 27, 2021 subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on October 27, 2024 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO GRADING or CONSTRUCTION OR SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEES HAVE 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 MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

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

Date

APNS 132-240-02 (Now 132-240-20) & 132-240-03 (Now 132-240-21)
FILE NO. ERSP2021-0546

Security Posted (1): Amount \$ _____ Posted _____ Type ____ Receipt No. _____

Security Administrative Fee (2): Amount \$212 Paid _____ Receipt No. _____

Mobility Mitigation Fee (3): Amount \$1,279.74 Paid _____ Receipt No. _____

Excess Coverage Mitigation Fee (4): Amount \$162,680 Paid _____ Receipt No. _____

Notes:

- (1) Amount to be determined, see Special Condition 3.B.
- (2) Fee subject to change. See TRPA filing fee schedule for current administrative fee.
- (3) See Special Condition 3.C.
- (4) See Special Condition 3.D., below

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes a commercial redevelopment project on a two-parcel project area. The existing commercial and residential buildings will be demolished, and a new 10,800 square foot commercial building constructed. One freestanding sign and two building signs are included as part of the project, as well as parking, landscaping, and a stormwater infiltration system.

A total of 4,532 square feet of Commercial Floor Area (CFA), associated with the existing commercial uses, is verified as legally existing in the project area. An additional 9,700 square feet of CFA was transferred to the parcels through separate TRPA permits, and therefore a total of 14,532 square feet of CFA is banked and available for use within the project area. The proposed project uses 13,232 square feet of CFA, so the remaining 1,300 square feet of CFA (Class 7) will be banked upon completion of this project. The project area also has two verified Multi-Family Residential Units of Use (Class 4), which will be demolished and banked to the project area.

The project area is verified as land capability Class 4 and Class 6. The total verified existing coverage is 15,219 square feet. Per the Washoe County Area Plan, maximum allowed coverage is 70% within the town center. The total proposed coverage is 19,486 square feet, so the additional coverage will be transferred to the project area in accordance with Chapter 30 of the TRPA Code of Ordinances and the TRPA Rules of Procedure.

The project is visible from Scenic Roadway Unit 22 on State Route 28, which is not currently in attainment with scenic thresholds. Proposed scenic mitigation includes use of TRPA-approved colors and non-glare building materials, screening the perimeter of the building and parking lot with landscaping, and undergrounding of electrical lines.

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. Revise the Site Plans as follows:
 - (1) Revise the coverage transfer notes on Sheet C2.1 to indicate that 8,534 square feet of coverage will be transferred to the project area (2:1 ratio)
 - B. The security required under Standard Condition I.B. of Attachment Q shall be equal to 110% of the estimated BMP cost and shall be determined upon the permittee's submittal of a cost estimate to implement the proposed BMP plan. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. The security shall not be less than \$10,000.
 - C. The permittee shall submit a \$1,279.74 mobility mitigation fee. This fee is based on the addition of 231 Vehicle Miles Travelled (VMT) at \$5.54 per VMT.
 - D. The affected property has 8,134 square feet of excess land coverage. To take advantage of pervious paver coverage exemptions, the permittee shall mitigate all of the excess land coverage on this property by removing and retiring 8,134 square feet of coverage within Hydrologic Transfer Area 1 (Incline), or by submitting an excess coverage mitigation fee of \$162,680 (\$20 per square foot of excess coverage).
 - E. The permittee shall provide evidence that parcels 132-240-02 (now 132-240-20) and 132-240-03 (now 132-240-21) have been permanently consolidated with Washoe County.
 - F. The permittee shall transfer in coverage to this parcel in accordance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure. Non-sensitive coverage may be transferred at a ratio of 2:1, or sensitive coverage at a ratio of 1:1 (TRPA Code Section 30.4.3). All transferred coverage shall be located within Hydrologic Area 1/Incline.
 - G. Proposed murals shall incorporate colors per Appendix G: "Approved TRPA Range of Earth Tone Colors" and shall not include any signage or advertising. Final design (including colors) for murals must be submitted to TRPA for review and approval or be submitted under a separate permit application.

- H. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA for review and approval or submit the final plans electronically.
4. The permittee shall submit a construction schedule prior to commencement of construction.
 5. Maximum excavation depth shall not exceed 11 feet, in accordance with the approved Soils/Hydrologic report (TRPA file LCAP2021-0042). If groundwater is encountered during excavation, immediately stop work and contact TRPA to discuss options for possible redesign of the structure and/or stormwater infiltration system.
 6. Temporary BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
 7. Prior to security release, photos shall be provided to the TRPA Compliance Inspector taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
 8. The Stormwater BMPs shall be maintained in perpetuity, per the maintenance log submitted with the application. The log shall be filled out twice annually, in the spring and fall. This plan shall be retained on-site and made available to TRPA per request.
 9. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
 10. The project must comply with all approved scenic mitigation, including landscaping and the use of approved color and materials. At time of final inspection, TRPA staff will confirm that all scenic mitigation measures have been implemented.
 11. If a potential archaeological, cultural, or historic resource is discovered during construction, all operations shall stop until TRPA is notified, and a qualified archeologist has evaluated the potential for significance of the resource.
 12. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
 13. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.
 14. It is the permittee's responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations, at all times.
 15. 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.

16. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
17. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season.

END OF PERMIT

MITIGATED STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Natural Grocers Specialty Grocery Store

APN: 132-240-02 (now 132-240-20) & 132-240-03 (now 132-240-21)

PERMITTEE(S): EVC Incline Village, LLC **FILE #** ERSP2021-0546

COUNTY/LOCATION: Washoe County/ 869 & 873 Tahoe Blvd.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.7 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project and the IEC prepared for the project. On the basis of this environmental evaluation and the conditions required in the permit, Agency staff has found that any significant adverse effects can be mitigated, and the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, preparation of an Environmental Impact Statement is not required. Mitigation for the demolition of a historic resource is a condition of approval.

TRPA Chairman or Executive Director

Date

Attachment C

Site Plans

GENERAL INFORMATION

DEVELOPER:
EQUITY VENTURES COMMERCIAL, INC.
3501 SOUTH WEST FAIRLAWN RD
TOPEKA, KA 66614
785-422-7220
785-670-8223

CIVIL ENGINEER:
ADRIAN TIESLAU, P.E.
TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96148
530-546-4805

ARCHITECT:
ROGUE ARCHITECTURE
4100 WADSWORTH BLVD STE 300
WHEATRIDGE, CO 80033
740 N. LAKE BLVD
P.O. BOX 7562
TAHOE CITY, CA 96145
720-599-3330

LAND USE PLANNER / LANDSCAPE ARCHITECT:
JTC CONSULTING, LLC
584 KIOWA DRIVE
SOUTH LAKE TAHOE, CA 96150
530-416-2779

LANDSCAPE ARCHITECT:
HIGH WEST LANDSCAPE ARCHITECTURE
584 KIOWA DRIVE
SOUTH LAKE TAHOE, CA 96150
530-416-2779

NORTH LAKE TAHOE FIRE PROTECTION DISTRICT:
866 ORIOLE WAY
INCLINE VILLAGE, NV 89451
775-831-0351

SOUTHWEST GAS:
PO BOX 1190
CARSON CITY, NV 89701-8401
775-887-2723

NV ENERGY:
701 NATIONAL AVENUE
PO BOX 10100
RENO, NV 89520
775-834-7436

INCLINE VILLAGE GENERAL UTILITY DISTRICT:
1220 SWEETWATER RD
INCLINE VILLAGE, NV 89451
775-832-1274

GENERAL NOTES

- ALL CONSTRUCTION MATERIALS AND METHODS SHALL CONFORM TO THE REQUIREMENTS OF STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 1996 (ORANGE BOOK).
- PUBLIC SAFETY AND TRAFFIC CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH COUNTY REQUIREMENTS AND AS DIRECTED BY THE ENGINEER. SAFE VEHICULAR AND PEDESTRIAN ACCESS SHALL BE PROVIDED AT ALL TIMES DURING CONSTRUCTION.
- THE CONTRACTOR IS HEREBY NOTIFIED THAT PRIOR TO COMMENCING CONSTRUCTION, HE IS RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES FOR VERIFICATION AT THE CONSTRUCTION SITE OF THE LOCATIONS OF ALL UNDERGROUND FACILITIES WHERE SUCH FACILITIES MAY POSSIBLY CONFLICT WITH THE PLACEMENT OF THE IMPROVEMENTS SHOWN ON THESE PLANS. CALL "UNDERGROUND SERVICE ALERT" AT 800-227-2600 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM BEFORE ANY EXCAVATION IS STARTED.
- CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING MONUMENTS AND OTHER SURVEY MARKERS. MONUMENTS AND SURVEY MARKERS DESTROYED DURING CONSTRUCTION SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
- ALL A. C. SURFACES SHALL BE SAW CUT ONE FOOT MINIMUM INSIDE THE EDGE OF PAVEMENT TO A NEAT, STRAIGHT LINE AND REMOVED. THE EXPOSED EDGE SHALL BE SEALED WITH EMULSION PRIOR TO PAVING. THE EXPOSED BASE MATERIAL SHALL BE GRADED, RECOMPACTED AND RESEALED PRIOR TO PAVING.
- EACH PARKING SPACE RESERVED FOR THE HANDICAPPED SHALL BE IDENTIFIED BY A PERMANENTLY AFFIXED REFLECTORIZED SIGN CONSTRUCTED OF PORCELAIN ON STEEL, BEADED TEXT, OR EQUAL, DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY. A SIGN SHALL ALSO BE POSTED WHICH CLEARLY AND CONSPICUOUSLY STATES THE FOLLOWING: "UNAUTHORIZED VEHICLES NOT DISPLAYING PLACARDS OR LICENSE PLATES ISSUED FOR PHYSICALLY HANDICAPPED PERSONS MAY BE TOWED AWAY AT THE OWNER'S EXPENSE".
- NO CONSTRUCTION SHALL BE DONE BETWEEN OCTOBER 15 AND MAY 1 WITHOUT A COUNTY APPROVED SEDIMENT AND EROSION CONTROL PLAN TO PREVENT SOIL EROSION. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND RECOMMENDATIONS CONTAINED IN THE "EROSION AND SEDIMENT CONTROL GUIDELINES FOR DEVELOPING AREAS OF THE SIERRAS", OCTOBER, 1991.
- INSTALLATION AND MAINTENANCE OF EROSION CONTROL MEASURES ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PREVENTION OF SIGNIFICANT EROSION AND SILTATION ENTERING THE STORM DRAIN SYSTEM, NATURAL DRAINAGE COURSES AND/OR INTRUDING UPON ADJACENT ROADWAYS AND PROPERTIES. WINTERIZATION AND EROSION CONTROL SHOWN ON THESE PLANS IS INTENDED AS A GUIDE. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED AS DETERMINED IN THE FIELD AND APPROVED BY THE ENGINEER. THIS RESPONSIBILITY SHALL APPLY THROUGHOUT THE COURSE OF CONSTRUCTION AND UNTIL ALL DISTURBED AREAS HAVE BECOME STABILIZED AND SHALL NOT BE LIMITED TO WET WEATHER PERIODS.
- AFTER STRIPPING THE DEBRIS, ANY EXISTING LOOSE FILL, UNSUITABLE SOIL, SILTY SAND DEPOSITS, OR DISTURBED NATURAL SOILS SHALL BE EXCAVATED AND PROPERLY DISPOSED OF TO THE SATISFACTION OF THE ENGINEER.
- THE CONTRACTOR SHALL REMOVE ALL ROAD MARKINGS, PAVEMENT MARKERS, AND OTHER DELINEATION THAT ARE IN CONFLICT WITH THE DELINEATION SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL LAYOUT ALL PAVEMENT MARKINGS FOR APPROVAL BY THE ENGINEER. THE COUNTY SHALL APPLY ALL PAINTED MARKINGS WITHIN COUNTY RIGHT-OF-WAY AT THE DEVELOPER'S EXPENSE. ALL THERMOPLASTIC PAVEMENT MARKINGS AND ON-SITE PAINTED MARKINGS SHALL BE INSTALLED BY THE CONTRACTOR.
- THE UPPER 6" OF AGGREGATE BASE SHALL BE CLASS 2, 3/4" MAXIMUM GRADING. WHERE THE BASE THICKNESS EXCEEDS 6", THE DEPTH BELOW 6" MAY BE CLASS 2, 1 1/2" MAXIMUM GRADING.
- CONTRACTOR MUST IMMEDIATELY REINSTALL ANY TRAFFIC SIGNS REMOVED IN THE COURSE OF CONSTRUCTION. ANY SIGNS LOST OR DAMAGED BY THE CONTRACTOR SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AS DIRECTED BY THE ENGINEER.
- TEMPORARY TRAFFIC STRIPING MUST BE PROVIDED BY THE CONTRACTOR IF EXISTING DELINEATION IS DESTROYED DURING TRENCHING OR OTHER WORK. PAINTED MARKINGS OR STRIPING TAPE MAY BE USED. THE TEMPORARY STRIPING MUST BE APPROVED FOR MATERIAL AND LAYOUT BY THE ENGINEER BEFORE TRENCHING OR OTHER WORK IS STARTED. ALL TEMPORARY PAINTED MARKINGS THAT ARE TO BE REMOVED SHALL BE SANDBLASTED BY THE CONTRACTOR AT THE EXPENSE OF THE CONTRACTOR.
- THE COUNTY MAY REQUIRE THE CONTRACTOR TO UNCOVER ANY IMPROVEMENTS THAT HAVE BEEN COMPLETED WITHOUT PROPER COUNTY INSPECTION AND/OR APPROVAL. IF THE INSTALLATION IS FOUND NOT TO MEET COUNTY STANDARDS OR PREVIOUSLY APPROVED ALTERNATIVES SHOWN ON THE PLANS, THE CONTRACTOR MAY BE REQUIRED TO REMOVE AND REPLACE SUCH IMPROVEMENTS AT HIS EXPENSE.
- EXACT THE APPROXIMATE LOCATION OF THE EXISTING SANITARY SEWER HAVE BEEN SHOWN. THE CONTRACTOR SHALL VERIFY EXACT LOCATION IN THE FIELD AND IMMEDIATELY NOTIFY THE PROJECT ENGINEER IF SAID LOCATION IS SIGNIFICANTLY DIFFERENT FROM THAT SHOWN ON THIS PLAN.
- ALL SANITARY SEWER AND WATER WORK SHALL CONFORM TO THE REQUIREMENTS OF INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT.

CIVIL IMPROVEMENT PLANS

FOR THE

869/873 TAHOE BOULEVARD

IMPROVEMENT PROJECT

APN: 132-240-20/21

2 working days
Call before you Dig.
1-800-642-2444
AVOID CUTTING UNDERGROUND UTILITIES

PROJECT DESCRIPTION

NEW COMMERCIAL BUILDING AND PARKING.

REVIEWED

NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

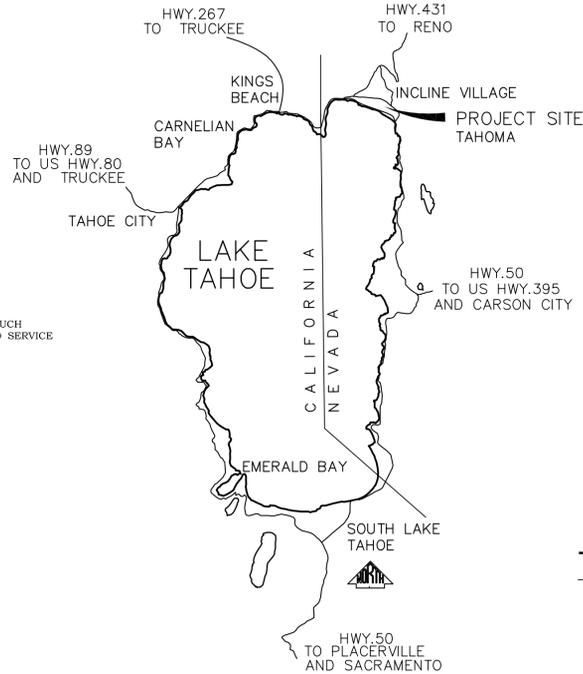
DATE

INCLINE VILLAGE GENERAL UTILITY DISTRICT

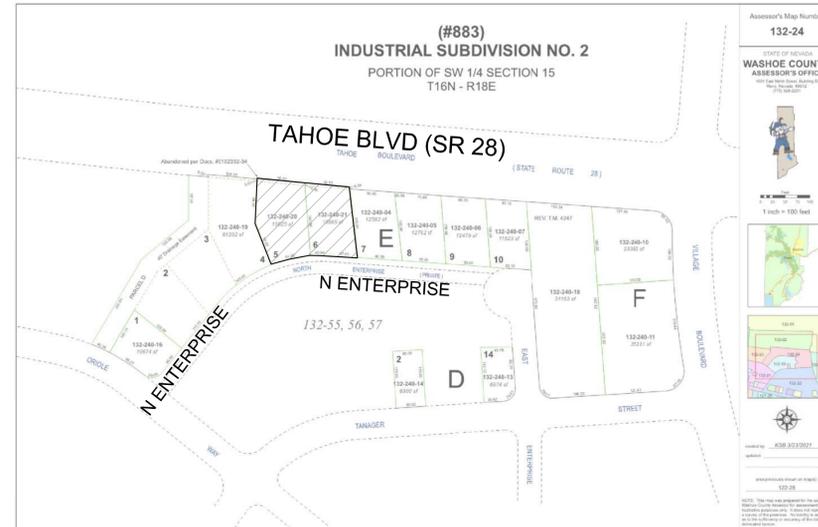
DATE

SHEET INDEX:

- C0.1 CIVIL TITLE SHEET
- 1 EXISTING CONDITIONS / ALTA
- C1.2 DEMO PLAN
- C1.3 DEFENSIBLE SPACE PLAN
- C2.1 COVERAGE EXHIBIT
- C3.1 CIVIL GRADING PLAN
- C4.1 CIVIL UTILITY PLAN
- C5.1 BMP PLAN
- C6.1 BMP CALCULATIONS / DETAILS
- C6.2 CIVIL DETAILS
- C6.3 CIVIL DETAILS
- C6.4 CIVIL DETAILS



VICINITY MAP



LOCATION MAP

TRPA CONSTRUCTION/GRADING CONDITIONS:

- ALL CONSTRUCTION SHALL BE ACCOMPLISHED IN STRICT COMPLIANCE WITH THE PLANS APPROVED BY TRPA.
- THE TRPA PERMIT AND THE FINAL CONSTRUCTION DRAWING 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 APPROVAL PLANS MAY RESULT IN THE ISSUANCE OF CEASE AND DESIST ORDER BY THE TRPA.
- WHENEVER POSSIBLE, UTILITIES SHALL OCCUPY COMMON TRENCHES TO MINIMIZE SITE DISTURBANCE.
- THERE SHALL BE NO GRADING OR LAND DISTURBANCE PERFORMED WITH RESPECT TO THE PROJECT BETWEEN OCTOBER 15 AND MAY 1, EXCEPT AS FOLLOWS:
 - THE GRADING OR LAND DISTURBANCE IS FOR EXCAVATION AND BACKFILLING FOR A VOLUME NOT IN EXCESS OF THREE CUBIC YARDS.
 - THE ACTIVITY IS COMPLETE WITHIN A 48-HOUR PERIOD.
 - THE EXCAVATION SITE IS STABILIZED TO PREVENT EROSION.
 - THE PREGRADE INSPECTION IS PERFORMED BY TRPA STAFF, AND THE ACTIVITY PASSES THE INSPECTION.
 - 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 4.2.A 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 SATURATED, MUDDY, OR INSTABLE CONDITION (PERSUANT TO SUBSECTION 64.2.C OF THE TRPA CODE OF ORDINANCES.)
- 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.
- REPLANTING OF ALL EXPOSED SURFACES, IN ACCORDANCE WITH THE REVEGETATION AND SLOPE STABILIZATION PLAN, SHALL BE ACCOMPLISHED WITHIN THE FIRST GROWING SEASON FOLLOWING DISTURBANCES, UNLESS AN APPROVED CONSTRUCTION/INSPECTION SCHEDULE ESTABLISHES OTHERWISE.
- 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.
- 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 SWEEP CLEAN WHEN NECESSARY.
- DURING GRADING AND CONSTRUCTION, ENVIRONMENTAL PROTECTION DEVICES SUCH AS EROSION CONTROL DEVICES, DUST CONTROL, AND VEGETATION PROTECTION BARRIERS SHALL BE MAINTAINED.
- LOOSE SOIL MOUNDS OR SURFACES SHALL BE PROTECTED FROM WIND OR WATER EROSION BY BEING APPROPRIATELY COVERED WHEN CONSTRUCTION IS NOT INACTIVE PROGRESS OR WHEN REQUIRED BY TRPA.
- EXCAVATION MATERIAL SHALL BE STORED UPGRADE FROM THE EXCAVATED AREAS TO THE EXTENT POSSIBLE. NO MATERIAL SHALL BE STORED IN ANY STREAM ZONE OR WET AREAS.
- 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.
- NO WASHING OF VEHICLES OR CONSTRUCTION EQUIPMENT, INCLUDING CEMENT MIXERS, SHALL BE PERMITTED ANYWHERE ON THE SUBJECT PROPERTY UNLESS AUTHORIZED BY TRPA IN WRITING.
- NO VEHICLES OR CONSTRUCTION EQUIPMENT SHALL BE ALLOWED IN ANY STREAM ENVIRONMENT ZONE OR WET AREAS, EXCEPT AS AUTHORIZED BY TRPA.
- ALL CONSTRUCTION SITES SHALL BE WINTERIZED BY OCTOBER 15 TO REDUCE THE WATER QUALITY IMPACTS ASSOCIATED WITH WINTER WEATHER AS FOLLOWS:
 - FOR THE SITES THAT WILL BE INACTIVE BETWEEN OCTOBER 15 AND MAY 1:
 - TEMPORARY EROSION CONTROLS SHALL BE INSTALLED;
 - TEMPORARY VEGETATION PROTECTION FENCING SHALL BE INSTALLED;
 - DISTURBED AREAS SHALL BE STABILIZED;
 - ONSITE CONSTRUCTION SLASH AND DEBRIS SHALL BE CLEANED UP AND REMOVED;
 - WHERE FEASIBLE, MECHANICAL STABILIZATION AND DRAINAGE IMPROVEMENTS SHALL BE INSTALLED; AND
 - SPOIL PILES SHALL BE REMOVED FROM THE SITE.
 - FOR SITES THAT WILL BE ACTIVE BETWEEN OCTOBER 15 AND MAY 1, IN ADDITION TO THE ABOVE REQUIREMENTS:
 - PERMANENT MECHANICAL EROSION CONTROL DEVICES SHALL BE INSTALLED, INCLUDING PAVING OF DRIVEWAY AND PARKING AREAS; AND
 - PARKING OF VEHICLES AND STORAGE OF BUILDING MATERIALS SHALL BE RESTRICTED TO PAVED AREAS.

ABBREVIATIONS

- AB..... AGGREGATE BASE
- AC..... ASPHALT CONCRETE
- @..... AT
- B.C..... BEGIN CURVE
- B.O.P..... BEGINNING POINT
- C/G..... CURB AND GUTTER
- CLR..... CLEAR
- C.M.P..... CORRUGATED METAL PIPE
- C.S.P..... CORRUGATED STEEL PIPE
- C.M.P.A..... CORRUGATED METAL PIPE ARCHED
- CL..... CENTERLINE
- CONC..... CONCRETE
- CONST..... CONSTRUCT
- C.R..... CURVE RETURN
- Ø OR DIA..... DIAMETER
- E..... EAST
- (E), EXIST..... EXISTING
- E.O.P..... END POINT
- E.C..... END CURVE
- E.P..... EDGE OF PAVEMENT
- F..... FIR
- F.G..... FINISH GRADE
- FL..... FLOW LINE
- FT..... FOOT OR FEET
- HORIZ..... HORIZONTAL
- I.E..... INVERT ELEVATION
- JP..... JOINT POLE
- L.F..... LINEAR FEET
- L.P..... LODGEPOLE PINE
- L.T..... LEFT
- MAX..... MAXIMUM
- MH..... MANHOLE
- MIN..... MINIMUM
- N..... NORTH
- N.T.S..... NOT TO SCALE
- O.C..... ON CENTER
- OFF..... OFFSET
- P.C.C..... PORTLAND CEMENT CONCRETE
- P.I..... POINT OF INTERSECTION
- PP..... POWER POLE
- P.T.D.F..... PRESSURE TREATED DOUGLAS FIR
- R..... RADIUS
- R.C..... RELATIVE COMPACTION
- RSP..... ROCK SLOPE PROTECTION
- RT..... RIGHT
- R/W..... RIGHT OF WAY
- STA..... STATION
- S..... SOUTH OR SLOPE
- STD..... STANDARD
- STL..... STEEL
- S.S..... SANITARY SEWER
- T.W..... TOP OF WALL
- TYP..... TYPICAL
- VERT..... VERTICAL
- V/G..... VALLEY GUTTER
- W..... WEST
- WL..... WATERLINE
- W.W.F..... WELDED WIRE FABRIC



TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCTAHOE.COM
(530) 546-4805



CIVIL TITLE SHEET

869/873 TAHOE BLVD
APN 132-240-20/21

WASHOE COUNTY

INCLINE VILLAGE

COMP: _____ DESIGN: _____
DRWN: _____ PRJ.ENG: AT

PROJECT #: 19.041
SCALE: HORIZONTAL: N/A
VERTICAL: N/A

DATE: 7/30/21

C0.1

SCHEDULE B - SECTION II:

TITLE REPORT NO. 510701161 EXCEPTION NO.	DOCUMENT NUMBER:	IN FAVOR OF:	COMMENTS:
(7)	TRACT MAP NO. 883, O.R.W.C.	THE SIERRA PACIFIC POWER COMPANY AND THE BELL TELEPHONE COMPANY OF NEVADA	EASEMENTS, DEDICATIONS AND OTHER MATTERS AS SHOWN ON RECORD MAP
(8)	BOOK 21, PAGES 147-150 O.R.W.C. BOOK 799, PAGES 661-666 O.R.W.C. BOOK 799, PAGES 667-670 O.R.W.C. BOOK 799, PAGES 671-676 O.R.W.C. BOOK 799, PAGES 677-681 O.R.W.C. BOOK 799, PAGES 682-687 O.R.W.C. BOOK 799, PAGES 688-693 O.R.W.C. BOOK 799, PAGES 694-699 O.R.W.C. BOOK 799, PAGES 700-712 O.R.W.C.	N/A	AMENDMENT OF DECLARATIONS TO COVENANTS, CONDITIONS, & RESTRICTIONS, AND AMENDMENT TO THE RESTRICTION OF NO EXPLORATION OF MINERALS, OR MINING OF ANY MINERALS OF ANY NATURE.
(9)	BOOK 259, PAGES 336-337 O.R.W.C.	N/A	AMENDMENT OF DECLARATIONS TO COVENANTS, CONDITIONS, & RESTRICTIONS, AND AMENDMENT TO THE RESTRICTION OF NO EXPLORATION OF MINERALS, OR MINING OF ANY MINERALS OF ANY NATURE.
(10)	BOOK 457, PAGES 492-498 O.R.W.C.	INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT	PUBLIC UTILITY EASEMENT
(11)	BOOK 1347, PAGES 239-253 O.R.W.C.	SIERRA INTERNATIONAL	PARKING AND ROAD MAINTENANCE AGREEMENT
(12)	BOOK 1376, PAGES 147-153 O.R.W.C.	NORTH ENTERPRISE STREET	25' PUBLIC ACCESS AND 12.5' UTILITY & PARKING EASEMENT

NOTES

1. THE INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY AND LOCATED IN THE FIELD 3/12/2020 PER USA UNDERGROUND SERVICE ALERT.
2. DATE OF FIELD WORK MARCH 12, 2020.
3. THE TOPOGRAPHY SHOWN HEREON MEETS THE STANDARDS OF THE AMERICAN CONGRESS OF SURVEYING & MAPPING WITH 90% OF THE CONTOURS TO BE WITHIN PLUS OR MINUS ONE HALF OF A CONTOUR INTERVAL.
4. VERTICAL DATUM IS ASSUMED.
5. T.B.M.=(MAGNAIL IN NORTH PARKING LOT), ELEV=100.0'
6. ZONING IS GENERAL COMMERCIAL PER WASHOE GIS ZONING MAP, 10' FRONT, REAR, AND SIDE BUILDING SETBACKS.
7. FLOOD ZONE X, PER FIRM PANEL 34256, MAP NUMBER 32031C34256 DATED MARCH 16, 2009.
8. THE CURRENT RECORD DESCRIPTION OF SURVEYED PROPERTY IS "LOT 5 AND 6, IN BLOCK E, AS SHOWN ON THE OFFICIAL PLAT OF INDUSTRIAL SUBDIVISION NO. 2, TRACT MAP NO. 883, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON FEBRUARY 28, 1964, AS DOCUMENT NO. 407989." PER DOC#4678229 O.R.W.C.
9. LOT 5, BLOCK "E", AREA = 15,137 ± SF. LOT 6, BLOCK "E" AREA = 13,218 ± SF.

TO EQUITY VENTURES COMMERCIAL DEVELOPMENT, EVC INCLINE VILLAGE, LLC, CAPITOL FEDERAL SAVINGS BANK, KANSAS SECURED TITLE, AND OLD REPUBLIC TITLE COMPANY OF NEVADA.

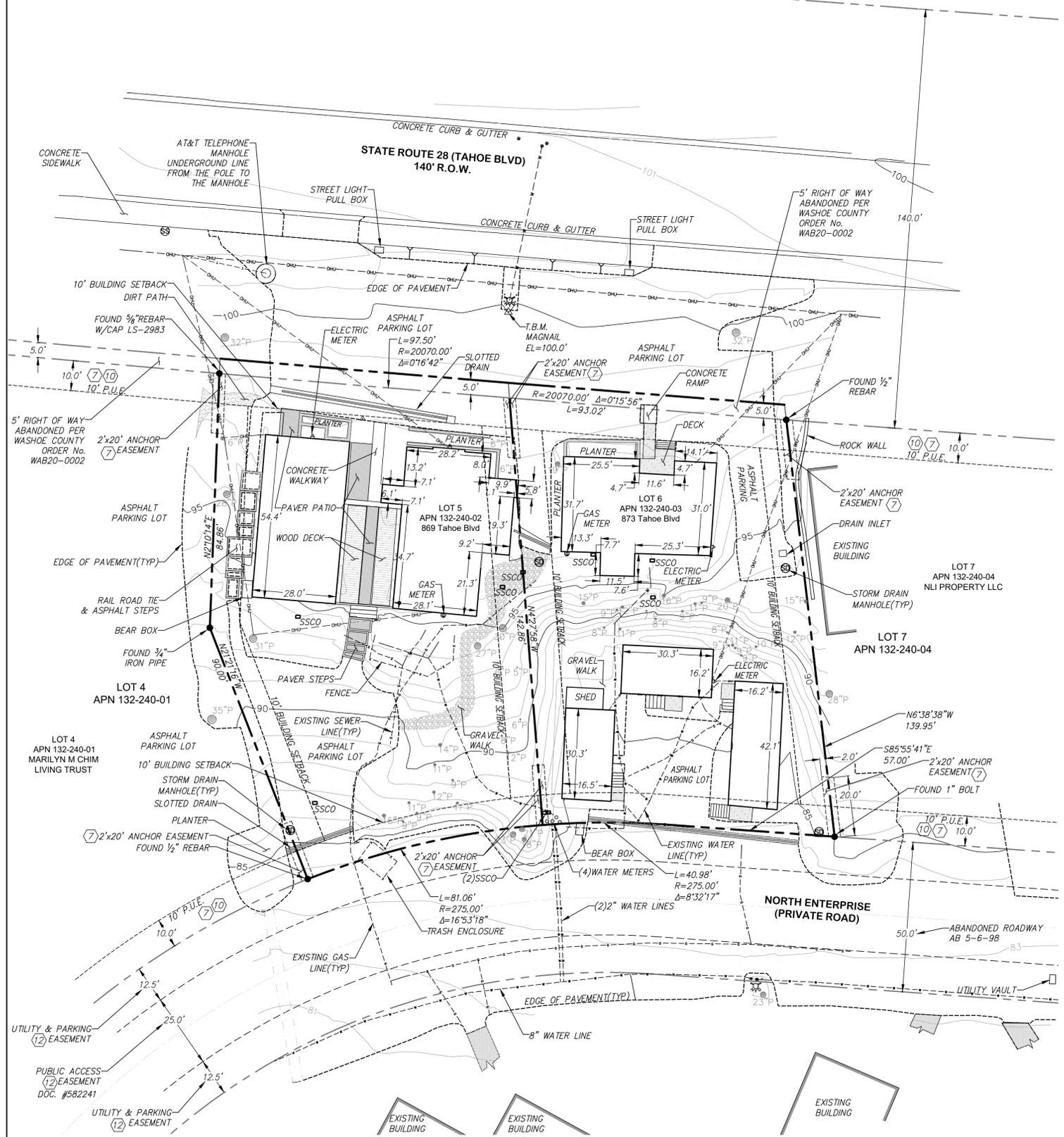
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,2,3,4,5,6(A),6(B),7(A),8,11 & 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 3/12/2020.

DATE 06/03/20 REGISTRATION NO. PLS 20710

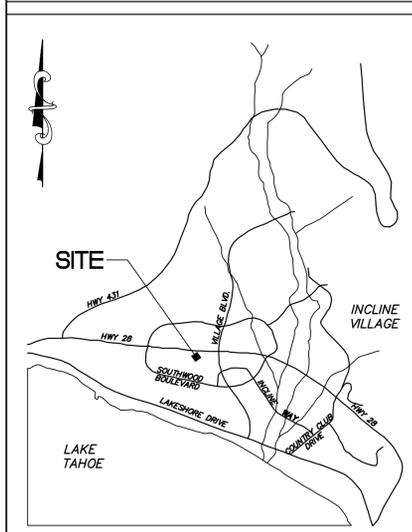


THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECTION PER ALTA/NSPS LAND TITLE SURVEYS FROM A TITLE REPORT, ORDER NO. 510701161, ISSUED BY OLD REPUBLIC TITLE COMPANY ON MAY 31, 2019.

DATE 06/03/20 EXPIRATION DATE: JUNE 30, 2020



VICINITY MAP



LEGEND

500	10' CONTOUR	●#P	TREE TRUNK, DIAM., PINE
---	2' CONTOUR	●#F	TREE TRUNK, DIAM., FIR
---	PROPERTY LINE	●#A	TREE TRUNK, DIAM., ASPEN
---	RETAINING WALL	●#C	TREE TRUNK, DIAM., CEDAR
---	FLOWLINE	●#N	TREE TRUNK, DIAM., SNAG
---	OVERHEAD UTILITIES	●#ST	TREE TRUNK, DIAM., STUMP
---	OHU	●#ORN	TREE TRUNK, DIAM., ORNAMENTAL
SS	SANITARY SEWER MANHOLE	⊕ELEV	SPOT ELEVATION
W	WATER VALVE	P.U.E.	PUBLIC UTILITY EASEMENT
□	SANITARY SEWER CLEANOUT	M.P.E.	MULTI-PURPOSE EASEMENT
○	MONUMENT		
△	100.00 ASSUMED		
●	CONTROL/TRAVERSE POINT		
●	TEMPORARY BENCH MARK		

PROJECT INFORMATION

OWNER:	MARILYN M. CHIM LIVING TRUST 1660 S LOOP ROAD ALAMEDA, CA 94502
PROJECT ADDRESS:	869 & 873 TAHOE BLVD. INCLINE VILLAGE, NV 89451
APN:	132-240-02 & 132-240-03
RECORD INFORMATION:	LOTS 5 & 6, BLOCK E, INDUSTRIAL SUBDIVISION NO.2 SUBDIVISION TRACT 883 O.R.W.C.

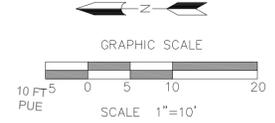
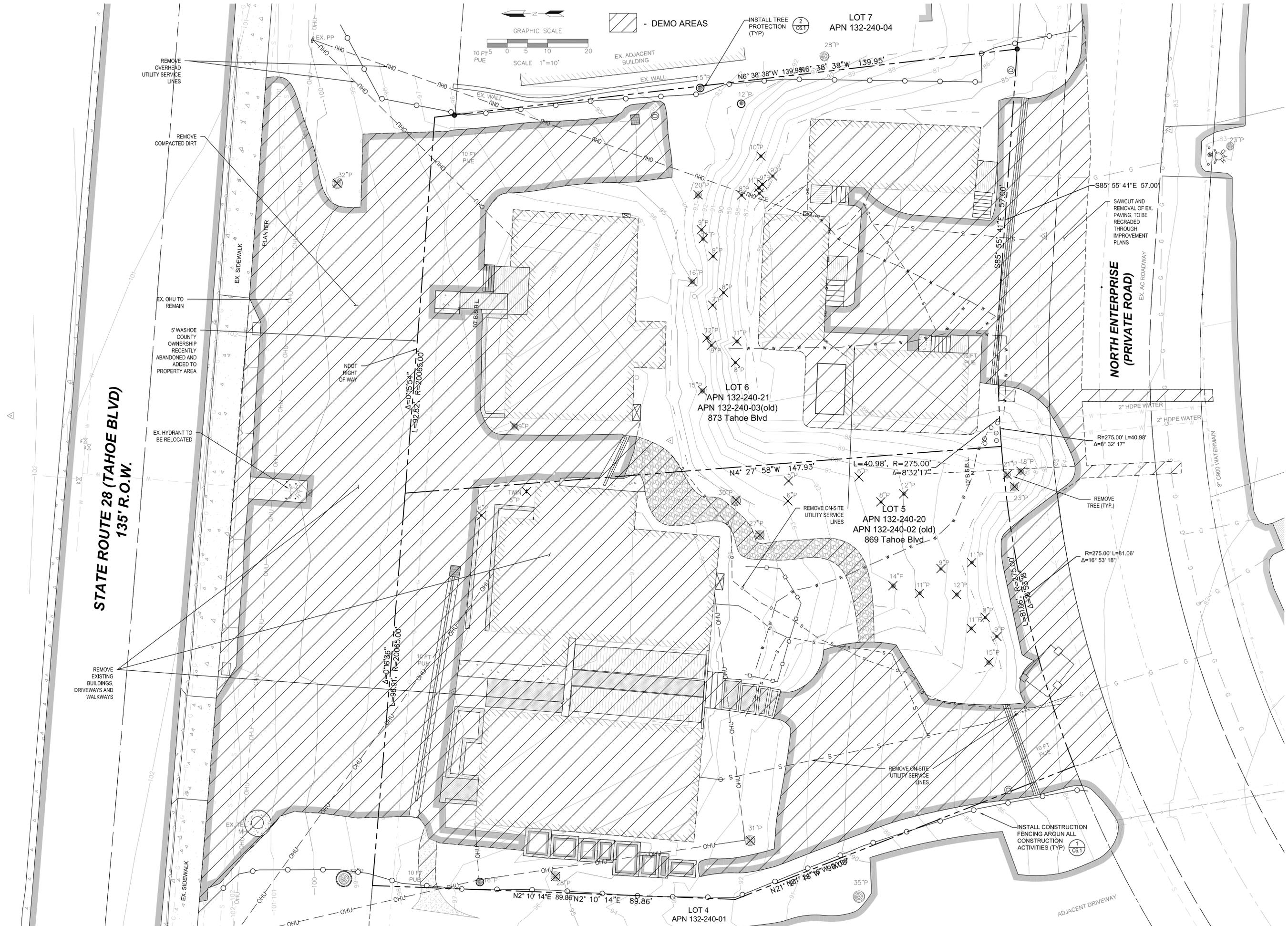
CHECKED BY	REVISION	DATE	DESCRIPTION	BY

MARILYN M. CHIM LIVING TRUST PROPERTY
869 & 873 TAHOE BLVD.
ALTA/NSPS LAND TITLE SURVEY
WASHOE COUNTY NEVADA

DATA DATE	3/12/2020
PLOT DATE	05/03/2020
SCALE	
HORIZONTAL	1"=20'
VERTICAL	1"=20' CONTOURS

WLS
WEBB LAND SURVEYING, INC.
 LAND SURVEYING SERVICES
 PLANNING
 3190 Fabian Way, Unit C
 Tahoe City, CA 96145
 P.O. Box 1222
 Carnelian Bay, CA 96140
 (530) 581-2599
 FAX (530) 581-3231
 matt@webblandsurveying.com

SHEET NUMBER
 1 of 1
FILE NUMBER 3177.00



- DEMO AREAS

INSTALL TREE PROTECTION (TYP)

LOT 7
APN 132-240-04

LOT 6
APN 132-240-21
APN 132-240-03(old)
873 Tahoe Blvd

LOT 5
APN 132-240-20
APN 132-240-02 (old)
869 Tahoe Blvd

LOT 4
APN 132-240-01

STATE ROUTE 28 (TAHOE BLVD)
135' R.O.W.

NORTH ENTERPRISE
(PRIVATE ROAD)

REV.	DATE	DESCRIPTION	APPROVED	DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

TIESLAU CIVIL ENGINEERING, INC.
 3080 NORTH LAKE BLVD
 TAHOE CITY, CA 96145
 P.O. BOX 412
 TAHOE VISTA, CA 96145
 TCE@TAHOE.COM
 (530) 546-4805

ADRIAN TIESLAU
 CIVIL ENGINEER
 7/30/21

DEMO PLAN
 869/873 TAHOE BLVD
 APN 132-240-20/21

COMP: _____ DESIGN: _____
 DRWN: _____ PRJ.ENG: AT

PROJECT #: 19.041
 SCALE: 1" = 10'
 HORIZONTAL: N/A
 VERTICAL: N/A

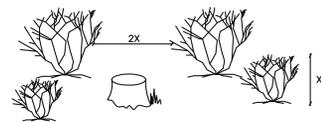
DATE: 7/30/21

C1.2

ZONE 1: 0-5' NONCOMBUSTABLE AREA

create a noncombustible area at least 5 feet wide around the base of the structure (including all decks). this area needs to have a very low potential for ignition from flying embers. use irrigated herbaceous plants such as lawn, ground cover, and flowers that are recommended for the lake tahoe basin; rock mulches; or hard surfaces, such as brick and pavers, in this area.

- the area within 0-5' of the foundation or support posts should contain no combustible materials, including combustible plant material. a 3" gravel moat is the preferred material of use. drip lines may be incorporated into this area.
- remove all pine needles and forest duff within this area.



3 SEPARATION BETWEEN TREE BRANCHES & LOWER GROWING PLANTS

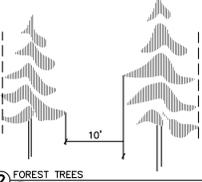
sagebrush, manzanita, huckleberry oak, and other shrubs: on flat to gently sloping terrain, individual shrubs or small clumps of shrubs within the defensible space zone should be separated from one another by at least twice the height of the average shrub. for homes located on steeper slopes, the separation distance should be greater.

for example, if the typical shrub height is 2 feet, then there should be a separation between shrub branches of at least 4 feet. remove shrubs or prune to reduce their height and/or diameter.

ZONE 2: 5-30' LEAN, CLEAN AND GREEN AREA

for a distance of 5 feet to 30 feet from the structure, there should be a lean, clean, and green area. "lean" indicates that only a small amount of flammable vegetation, if any, is present within 30 feet of the structure. "clean" means there is little or no accumulation of dead vegetation or flammable debris within the area during fire season. "green" implies that plants located within this area are kept healthy, green and irrigated during fire season.

- trim all trees over 20 feet a minimum of 10 feet above adjacent grade.
- remove any tree 14 inches diameter or less (as indicated on drawings) to create a 10 foot space between any adjacent tree canopy. refer to detail 2.
- remove accumulation of dead vegetation from trees (flammable debris, dead branches and limbs) 10 feet above adjacent grade.
- within 5-30' of the structure only single specimens of well maintained and well irrigated shrubs or trees should be present. such materials should not be capable of readily transmitting fire to the structure. combustible mulches or pine needles should not be used as ground cover within this zone.
- all brush, trees or flammable material will be removed from under the drip line of residential trees of the tree group.
- remove all pine needles and forest duff within this area.



4 GUIDELINES FOR TRIMMING TREES

on flat or gently sloping terrain, trees should be thinned to provide an average separation between the canopies of at least 10 feet (trpa). for homes located on steeper slopes, the separation distance should be greater. stumps should be cut flush to the ground for trees less than 6 inches in diameter at breast height, and to within 6 inches of the ground for larger trees. the stumps cut surface should be coated with powdered borax to retard the spread of root diseases. when selecting trees for removal, consider cutting unhealthy, damaged, or weak trees. retain less common species of trees, such as incense cedar, sugar pine, and western juniper if possible.

all residual trees will be limbed to a height of 10'-0" feet from ground, not to exceed 1/3 of the total tree height.

all residual trees will be limbed to achieve (10) feet of clearance from any part of the house to the branches of the tree. if this would require removal of the crown exceeding the lower 1/3 of the tree, then the entire sheet should be removed.

trim all low hanging limbs so that none are lower than 10'0" of the ground.

NOTE: PROJECT TO COMPLY WITH NORTH LAKE TAHOE FIRE PROTECTION DISTRICT AND INTERNATIONAL FIRE CODE REQUIREMENTS

ADDITIONAL FIRE NOTES:

- CONSTRUCTION SHALL COMPLY WITH THE 2018 IFC AND 2018 INTERNATIONAL WILDLAND URBAN INTERFACE CODE AS WELL AS THE NNV FIRE AMENDMENTS AS ADOPTED BY NLTFFPD RESOLUTIONS 18-1 AND 18-2.
- ESTABLISH AND MAINTAIN DEFENSIBLE SPACE SURROUNDING STRUCTURES IN ACCORDANCE WITH THE 2018 INTERNATIONAL WILDLAND URBAN INTERFACE CODE (IWUIC) WITH AMENDMENTS IN NLTFFPD RESOLUTIONS 18-1 AND 18-2. A DEFENSIBLE SPACE INSPECTION IS REQUIRED TO PROVIDE FOR SAFE SEPARATION BETWEEN STRUCTURES AND WILDLAND VEGETATION. ALL ITEMS NOTED DURING THE INSPECTION MUST BE CORRECTED PRIOR TO PERMIT CLOSEOUT. CONTACT A NLTFFPD INSPECTOR AT (775) 833-8107 TO SCHEDULE AN APPOINTMENT.
- WHEN APPLICABLE, HOT WORK OPERATIONS PERMIT IS REQUIRED WHEN HOT WORK IS CONDUCTED WITHIN A WILDFIRE RISK AREA IN ACCORDANCE WITH 2018 IFC, SECTION 105.6.23. HOT WORK OPERATIONS INCLUDE CUTTING, WELDING, THERMIT WELDING, BRAZING, SOLDERING, GRINDING, THERMAL SPRAYING, THAWING PIPE, INSTALLATION OF TORCH-APPLIED ROOF SYSTEMS OR ANY OTHER SIMILAR ACTIVITIES. PERMITS FOR HOT WORK OPERATIONS SHALL BE OBTAINED THROUGH THE NORTH LAKE TAHOE FIRE PROTECTION DISTRICT (NLTFFPD), 775 831-0351

if trees are present within the defensible space zone, there should be a separation between the lower growing vegetation and the lowest tree branches. vegetation that can carry fire burning in low growing plants to taller plants is called "ladder fuel." for large trees, the recommended separation for ladder fuels is three times the height of the lower vegetation layer. prune branches from lower third of the tree height, shorten the height of the shrubs, or remove plants. do not remove more than one-third of the total tree branches. when there is no understory vegetation present, remove lower tree branches to a height of at least five feet above ground. during fire, this will help prevent burning needles and twigs that are lying on the ground from igniting the tree. for shorter trees, where three times the height of the lower vegetation layer extends beyond the lower third of the tree height, shorten the height of the shrubs or remove plants below the tree.

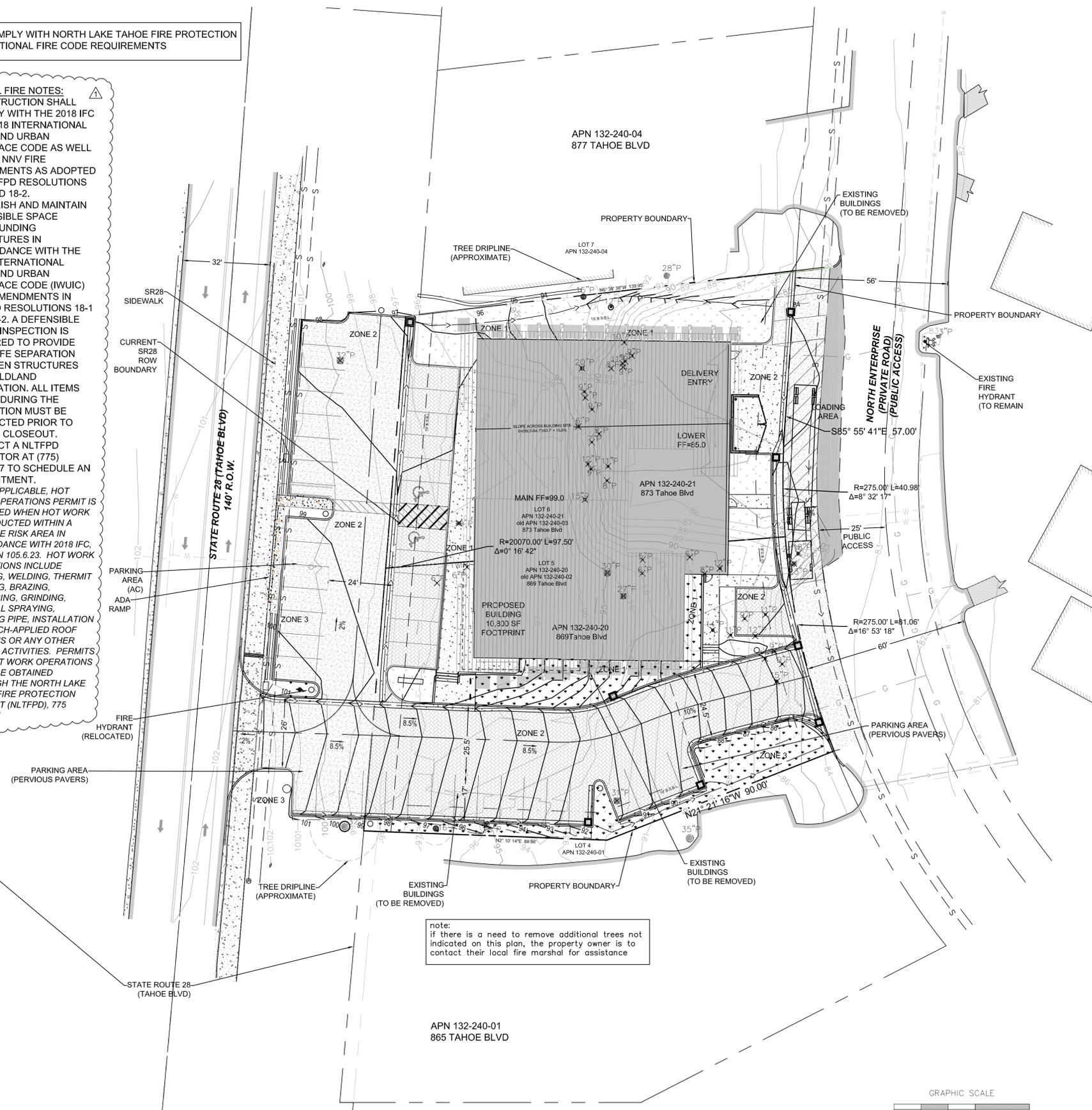
the wildland fuel reduction area lies beyond the lean, green area and often consists of naturally occurring plants (pine trees, manzanita, sagebrush, etc.) within this area. remove dead vegetation, including dead shrubs, dried grass, fallen branches, thick accumulation of needles and leaves etc. thin, dense stands of shrubs and trees to create a separation between them. removing trees more than 14" in diameter requires a permit from the tahoe regional planning agency (trpa) or your local fire professional.

- tree canopies will be spaced at least 10 feet apart. if trees are grouped close enough together as to act as one unit, then all other requirements must be met. refer to detail 2.
- beyond 30 feet from the structure, brush fields must be spaced to a distance equal or greater than two (2) times the height of the brush. individual brush plants will not exceed 100 square feet. refer to detail 1.
- pine needles are acceptable within zone 3 as long as they are no thicker than 2 or 3 inches.

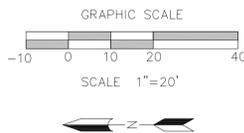
ZONE 3: 30-100' WILDLAND FUEL REDUCTION AREA

the wildland fuel reduction area lies beyond the lean, green area and often consists of naturally occurring plants (pine trees, manzanita, sagebrush, etc.) within this area. remove dead vegetation, including dead shrubs, dried grass, fallen branches, thick accumulation of needles and leaves etc. thin, dense stands of shrubs and trees to create a separation between them. removing trees more than 14" in diameter requires a permit from the tahoe regional planning agency (trpa) or your local fire professional.

- tree canopies will be spaced at least 10 feet apart. if trees are grouped close enough together as to act as one unit, then all other requirements must be met. refer to detail 2.
- beyond 30 feet from the structure, brush fields must be spaced to a distance equal or greater than two (2) times the height of the brush. individual brush plants will not exceed 100 square feet. refer to detail 1.
- pine needles are acceptable within zone 3 as long as they are no thicker than 2 or 3 inches.



note:
if there is a need to remove additional trees not indicated on this plan, the property owner is to contact their local fire marshal for assistance



REV.	DATE	DESCRIPTION
1	6/29/21	ADDRESS WASHOE COMMENTS

TIESLAU CIVIL ENGINEERING, INC.
 3080 NORTH LAKE BLVD
 TAHOE CITY, CA 96145
 P.O. BOX 412
 TAHOE VISTA, CA 96145
 TCEFAHOE.COM
 (530) 546-4805



DEFENSIBLE SPACE PLAN
 869/873 TAHOE BLVD
 APN 132-240-20/21

INCLINE VILLAGE
 WASHOE COUNTY
 NEVADA

COMP: _____ DESIGN: _____
 DRWN: _____ PRJ.ENG: AT

PROJECT #: 19.041
 SCALE: 1" = 20'
 HORIZONTAL: N/A
 VERTICAL: N/A

DATE: 7/30/21

C1.3

CONSENT CALENDAR ITEM NO. 4

COVERAGE CALCULATIONS 132-240-21(132-240-03-OLD)

APN: 132-240-03 = 13,220 S.F.

BASE ALLOWABLE COVERAGE				
LAND CAP	SOIL TYPE	ALLOWABLE	TOTAL AREA	BASE ALLOWABLE AREA
4	IsD	20%	7,448 S.F.	1,490 S.F.
6	IsE	30%	5,772 S.F.	1,732 S.F.
			13,220 S.F.	3,222 S.F.

VERIFIED EXISTING COVERAGE		PROPOSED COVERAGE	
Class (4)	3,107 SF	Class (4)	5,731 SF
AC Paving	1,269 S.F.	Concrete Drive	923 S.F.
Houses (rear)	1,673 S.F.	Paver/Concrete Walks	80 S.F.
Other Concrete	29 S.F.	Building	4,469 S.F.
Raised Wood Decks	68 S.F.	Concrete Curb and Gutter	259 S.F.
Wood Steps	68 S.F.		
Class (6)		Class (6)	
AC Paving	3,896 SF	Pervious Paver Drive (w/ 25% reduction)	4,277 SF
Buildings (front)	2,093 S.F.	Paver/Concrete Walks	888 S.F.
Wood ADA Ramp	1,628 S.F.	Building	601 S.F.
Concrete ADA Ramp	47 S.F.		2,788 S.F.
Other Concrete	20 S.F.		
Enclosed Woods Decks	26 S.F.		
	82 S.F.		

COVERAGE CALCULATIONS - APN 132-240-20(132-240-02-OLD)

APN: 132-240-02 = 15,138 S.F.

BASE ALLOWABLE COVERAGE				
LAND CAP	SOIL TYPE	ALLOWABLE	TOTAL AREA	BASE ALLOWABLE AREA
4	IsD	20%	6,784 S.F.	1,357 S.F.
6	IsE	30%	8,354 S.F.	2,506 S.F.
			15,138 S.F.	3,863 S.F.

VERIFIED EXISTING COVERAGE		PROPOSED COVERAGE	
Class (4)	2,590 SF	Class (4)	3,808 SF
AC Paving	2,538 S.F.	Pervious Paver Drive (w/ 25% reduction)	1,958 S.F.
AC Steps	7 S.F.	Paver/Concrete Walks	301 S.F.
Paver Steps	45 S.F.	Building	1,101 S.F.
		Concrete curb and gutter	448 S.F.
Class (6)		Class (6)	
AC Paving	5,626 SF	Pervious Paver Drive (w/ 25% reduction)	5,670 SF
AC Steps	909 S.F.	Paver/Concrete Walks	2,809 S.F.
Buildings	254 S.F.	Building	737 S.F.
Concrete Walk	3,337 S.F.		2,124 S.F.
Other Concrete	128 S.F.		
Paver Walks	191 S.F.		
Paver Patio	175 S.F.		
Paver Steps	133 S.F.		
Wood Steps	57 S.F.		
Wood Deck	45 S.F.		
	397 S.F.		

PROJECT AREA

COVERAGE CALCULATIONS

APN: 132-240-02/03 = 28,358 S.F.

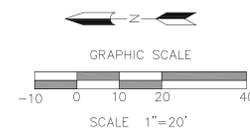
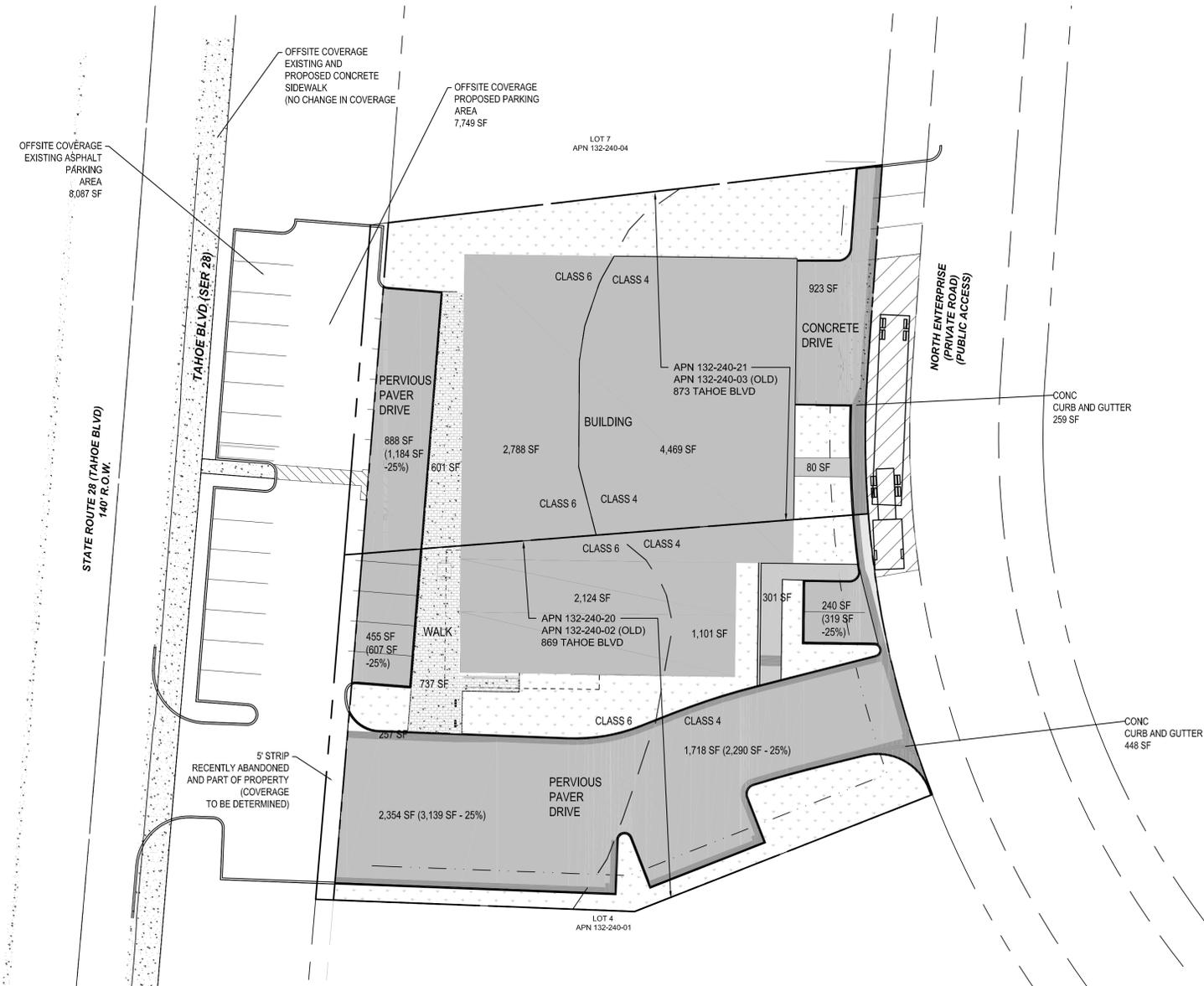
BASE ALLOWABLE COVERAGE				
LAND CAP	SOIL TYPE	ALLOWABLE	TOTAL AREA	BASE ALLOWABLE AREA
4	IsD	20%	14,232 S.F.	2,847 S.F.
6	IsE	30%	14,126 S.F.	4,238 S.F.
			28,358 S.F.	7,085 S.F.

VERIFIED EXISTING COVERAGE		PROPOSED COVERAGE	
Class (4)	15,219 S.F.	Class (4)	19,486 S.F. *
AC Paving	5,697 SF	Pervious Paver Drive (w/ 25% reduction)	9,539 SF
Houses (rear)	3,807 S.F.	Paver/Concrete Walks	1,958 S.F.
Other Concrete	1,673 S.F.	Building	381 S.F.
Raised Wood Decks	29 S.F.	Concrete Curb and Gutter	5,570 S.F.
Wood Steps	68 S.F.	Concrete drive	707 S.F.
AC Steps	68 S.F.		923 S.F.
Paver Steps	7 S.F.		
	45 S.F.		
Class (6)		Class (6)	
AC Paving / AC steps	9,522 SF	Pervious Paver Drive (w/ 25% reduction)	9,947 SF
Buildings (front) / Buildings	3,256 S.F.	Paver/Concrete Walks	3,697 S.F.
Wood ADA Ramp	4,965 S.F.	Building	1,338 S.F.
Concrete ADA Ramp / concrete walk	47 S.F.		4,912 S.F.
Other Concrete	148 S.F.		
Enclosed Woods Decks / wood deck	217 S.F.		
Paver Walks	479 S.F.		
Paver Patio	175 S.F.		
Paver Steps	133 S.F.		
Wood Steps	57 S.F.		
	45 S.F.		

(PER AREA PLAN MAX SITE COVERAGE IS 70% OF PROPERTY AREA = 28,358 X 70% = 19,850 SF)

* - LAND COVERAGE TO BE TRANSFERRED IN
=19,486 SF - 15,219 SF = 4,267 SF

OFFSITE COVERAGE			
Existing	8,087 SF	Proposed	7,749 SF
AC Paving	8,087 S.F.	Concrete Parking Area	7,749 S.F.



TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCE@TAHOE.COM
(530) 546-4805



COVERAGE EXHIBIT
869/873 TAHOE BLVD
APN 132-240-20/21

COMP: _____ DESIGN: _____
DRWN: _____ PRJ.ENG: AT
PROJECT #: 19.041
SCALE: 1" = 20'
HORIZONTAL: N/A
VERTICAL: N/A

DATE: 7/30/21

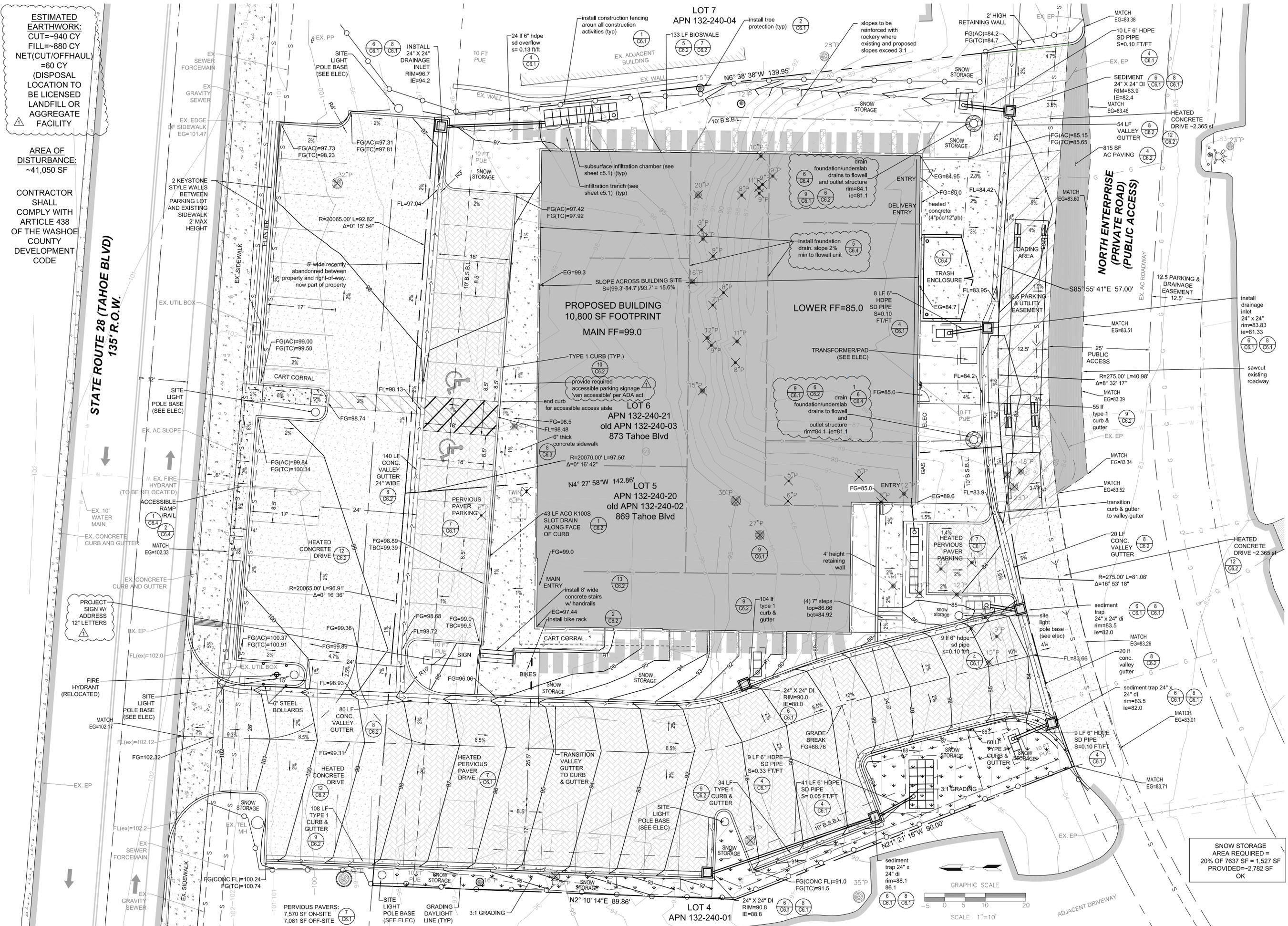
C2.1

ESTIMATED EARTHWORK:
 CUT=940 CY
 FILL=880 CY
 NET(CUT/OFFHAUL)=60 CY
 (DISPOSAL LOCATION TO BE LICENSED LANDFILL OR AGGREGATE FACILITY)

AREA OF DISTURBANCE:
 ~41,050 SF

CONTRACTOR SHALL COMPLY WITH ARTICLE 438 OF THE WASHOE COUNTY DEVELOPMENT CODE

STATE ROUTE 28 (TAHOE BLVD)
 135' R.O.W.



SNOW STORAGE AREA REQUIRED = 20% OF 7637 SF = 1,527 SF PROVIDED=2,782 SF OK

REV.	DATE	DESCRIPTION
A	6/29/21	ADDRESS WASHOE COMMENTS

TIESLAU CIVIL ENGINEERING, INC.
 3080 NORTH LAKE BLVD
 TAHOE CITY, CA 96145
 P.O. BOX 412
 TAHOE VISTA, CA 96145
 TCTAHOE.COM
 (530) 546-4805



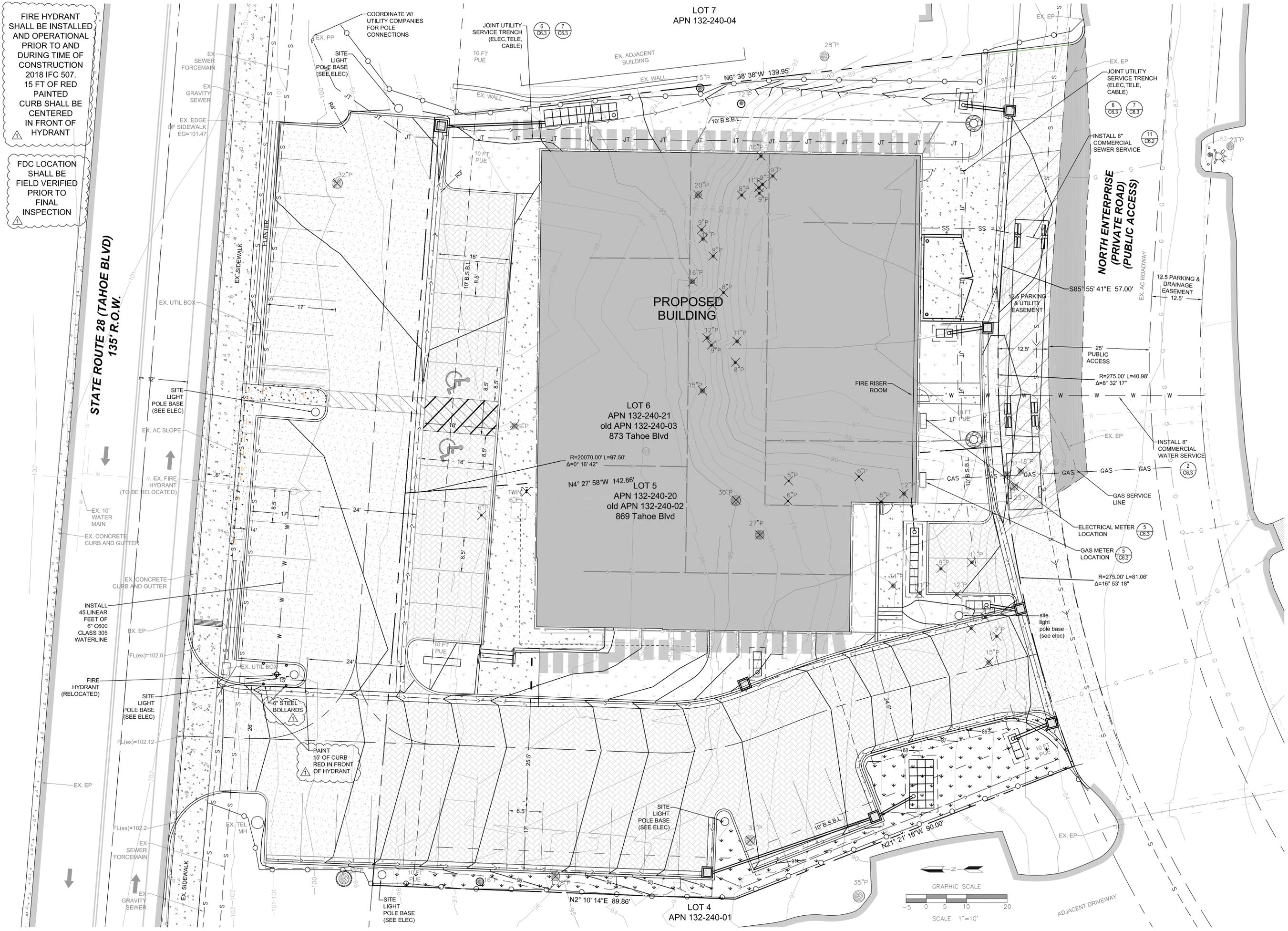
GRADING PLAN
 669/673 TAHOE BLVD
 APN 132-240-20/21

COMP: _____ DESIGN: _____
 DRWN: _____ PRJ.ENG: AT
 PROJECT #: 19.041
 SCALE: HORIZONTAL: 1" = 10'
 VERTICAL: N/A
 DATE: 7/30/21

C3.1

FIRE HYDRANT SHALL BE INSTALLED AND OPERATIONAL PRIOR TO AND DURING TIME OF CONSTRUCTION 2018 IFC 507. 15 FT OF RED PAINTED CURB SHALL BE CENTERED IN FRONT OF HYDRANT

FDC LOCATION SHALL BE FIELD VERIFIED PRIOR TO FINAL INSPECTION



STATE ROUTE 28 (TAHOE BLVD)
135' R.O.W.

NORTH ENTERPRISE
(PRIVATE ROAD)
(PUBLIC ACCESS)

REV.	DATE	DESCRIPTION
1	6/29/21	ADDRESS WASHOE COMMENTS

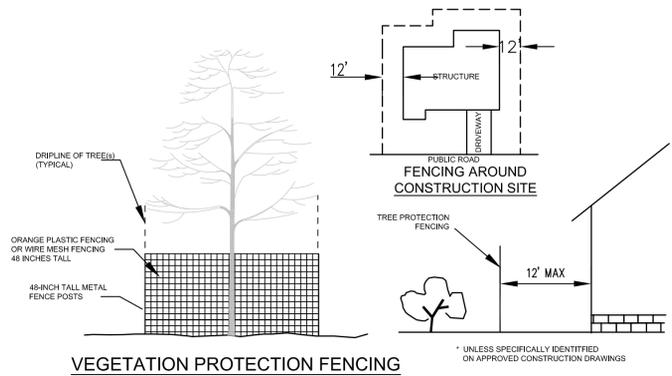
TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCTAHOE.COM
(530) 546-4805



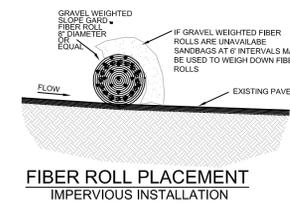
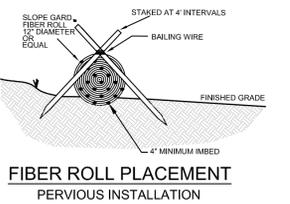
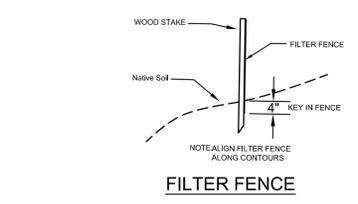
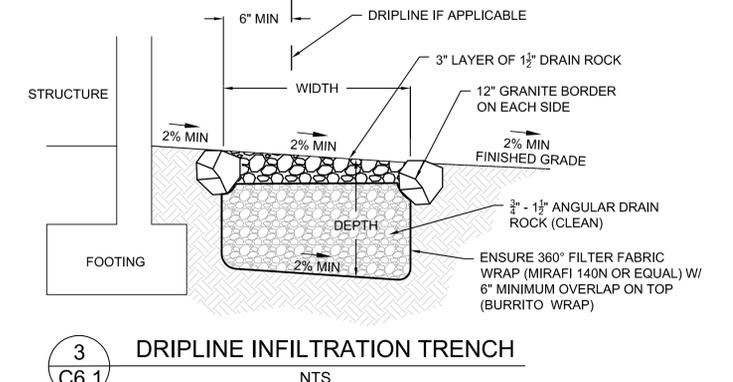
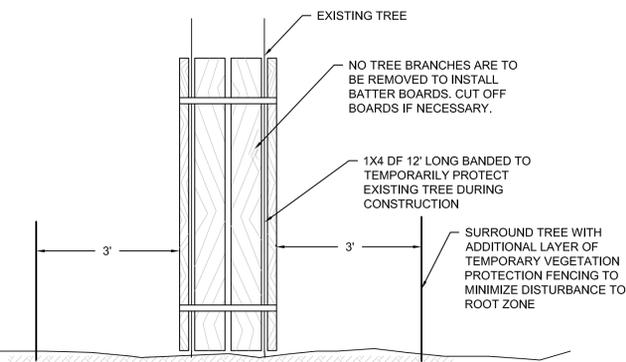
UTILITY PLAN
869/873 TAHOE BLVD
APN 132-240-20/21

NEVADA
WASHOE COUNTY
INCLINE VILLAGE

COMP: _____	DESIGN: _____
DRWN: _____	PRJ.ENG: AT
PROJECT #: 19.041	
SCALE: HORIZONTAL: 1" = 10'	
VERTICAL: N/A	
DATE: 7/30/21	
C4.1	

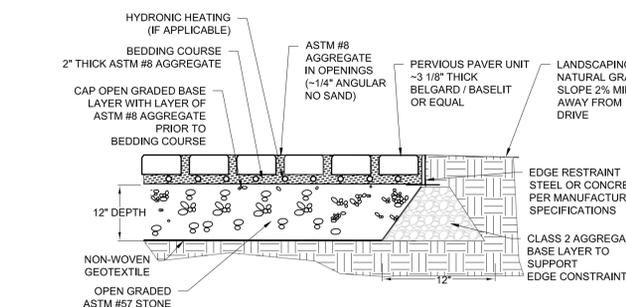


- DUST CONTROL PRACTICES ARE REQUIRED FOR ANY GRADING ACTIVITY AND ARE APPLICABLE TO MOST CONSTRUCTION SITES. ALL EXPOSED AREAS OF THE APPROVED CONSTRUCTION SITE SHALL BE MULCHED WITH A 2 TO 3 INCH LAYER OF PINE NEEDLES OR WOOD CHIPS. MULCHING TO A DEPTH, WHICH APPROACHES OR EXCEEDS 4 INCHES NEGATIVELY EFFECTS SOIL PROPERTIES AND CAN INHIBIT REVEGETATION. STRAW MULCH WILL NOT BE ACCEPTABLE. OTHER TECHNIQUES SUCH AS EROSION CONTROL BLANKETS CAN BE SUBSTITUTED FOR MULCH IF THEY ARE INSTALLED AND MAINTAINED ACCORDING TO MANUFACTURERS SPECIFICATIONS.
- FENCING OF "NON-APPROVED" CONSTRUCTION AREAS SHALL BE SPECIFIED TO 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.
- NO MATERIAL OR EQUIPMENT SHALL ENTER OR BE PLACED IN THE AREAS PROTECTED BY FENCING OR OUTSIDE THE APPROVED CONSTRUCTION AREA WITHOUT PRIOR APPROVAL.
- 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 AREA SHALL NOT EXCEED 12 FEET FROM THE FOOTPRINT OF THE STRUCTURE, PARKING AREA OR CUT/FILL SLOPE. THIS FENCING SHALL BE CLEARLY SHOWN ON THE APPROVED PLANS. ALL CHANGES OR EXCEPTIONS SHALL BE SHOWN ON A REVISED SET OF PLANS FOR APPROVAL. ANY "IN-THE-FIELD" CHANGES SHALL BE APPROVED BY THE ENGINEER.



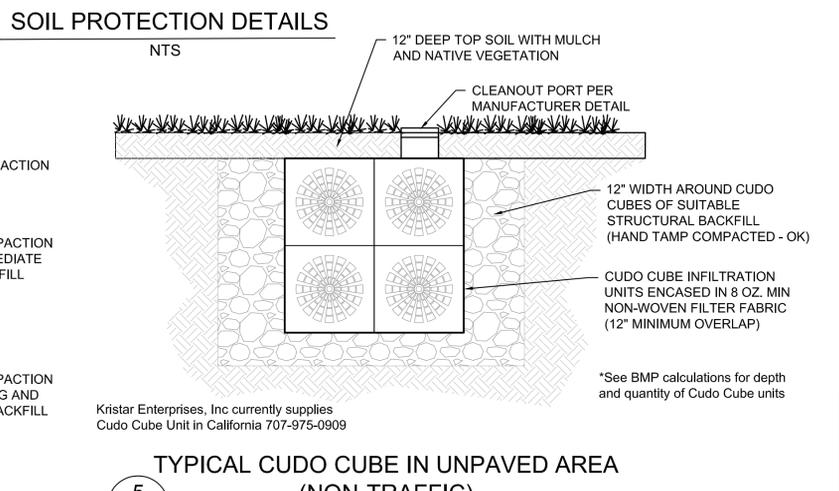
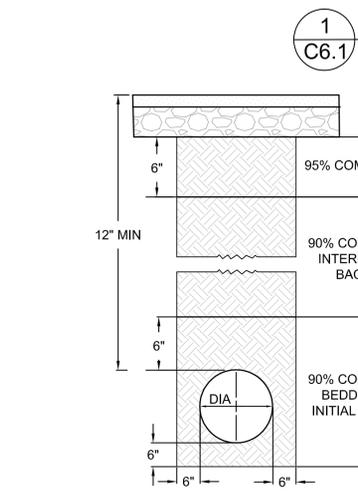
2 C6.1 TREE PROTECTION FOR CONSTRAINED CONSTRUCTION AREAS

NTS



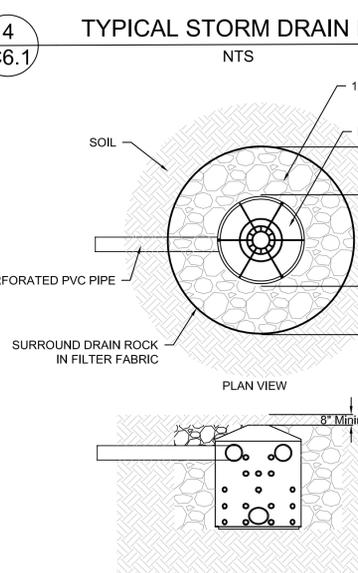
7 C6.1 PERVIOUS PAVERS DETAIL

NOT TO SCALE



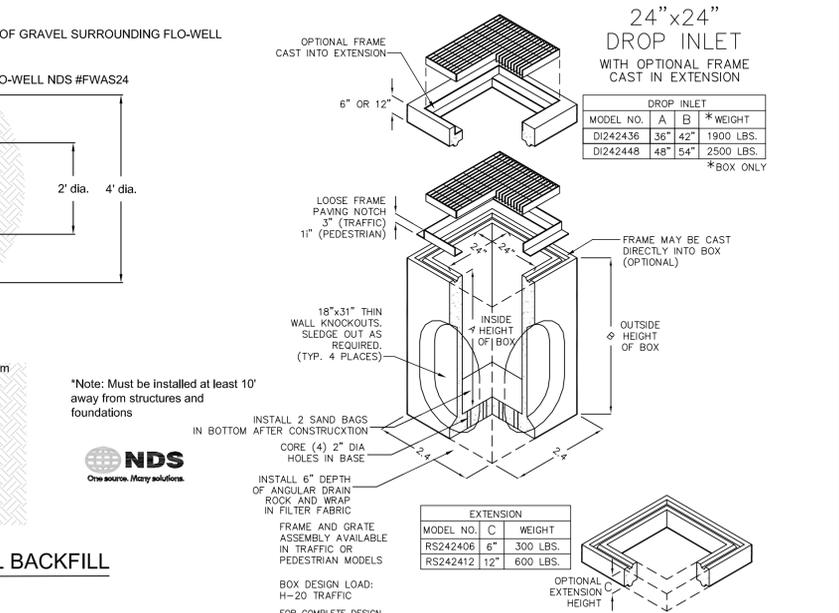
5 C6.1 TYPICAL CUDO CUBE IN UNPAVED AREA (NON-TRAFFIC)

NTS



4 C6.1 TYPICAL STORM DRAIN PIPE

NTS



9 C6.1 NDS FLO-WELL IN GRAVEL BACKFILL

NTS



6 C6.1 DRAINAGE INLET

N.T.S

MODEL	CATCH BASIN (ft)	SOLIDS CAPACITY (CUBIC FEET)	FILTERED FLOW CAPACITY (CUBIC FEET / SECOND)	TOTAL BYPASS CAPACITY (CUBIC FEET / SECOND)
FG-M12	12" X 12"	0.05	0.25	0.50
FG-M18	18" X 18"	0.10	0.50	1.00
FG-M24	24" X 24"	0.20	0.50	1.70
FG-M30	30" X 30"	0.40	0.50	2.30
FG-M36	36" X 36"	0.60	0.50	2.90
FG-M42	42" X 42"	0.80	0.50	4.10
FG-M48	48" X 48"	1.20	1.30	4.00
FG-M60	48" X 48"	1.80	1.80	6.50

8 C6.1 STORMWATER TREATMENT UNIT

N.T.S

BMP Calculation Spreadsheet

Estimated Soil Erosion Savings of 330.8 pounds per year by doing your BMPs. Soil erosion is estimated by the treatment volume multiplied by a 2.50 mg/l concentration plus contributions of source control and check treatments calculated with the USE.

Property Address: 873 TAHOE BLVD
 (Start here) APN: 132-240-03
 Date: 7/28/21
 Designed By: at

MAP DATA: ON SITE DEPTHS
 Water Table: >5ft
 Restriction: None noted
 Total Runoff (ft³): 2764.7
 Amount Treated: 2764.7
 Total Excavation (ft³): 212.2

Contributing Surface	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Length (ft)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Width (ft)	5249	2027	4987	3449	3188	422	496	466	77	948	1048	1093	0	0	0	0	0	0	0	0	0	0	0	0	0	
Area (ft ²)	5249	2027	4987	3449	3188	422	496	466	77	948	1048	1093	0	0	0	0	0	0	0	0	0	0	0	0	0	
Runoff (ft ³)	437.4	168.9	415.6	287.4	265.7	35.2	41.3	38.4	6.4	79.9	87.3	91.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Treatment Label	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	
Length (ft)	99.0	18.0	73.9	3449.0	3188.0	6.0	6.0	318.0	20.0	948.0	1048.0	1093.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Width (ft)	60	48	60	12	12	48	48	12	12	12	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	
Depth (ft)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
On Site Keel (%)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Integrated Keel (%)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Prefab Void Space (%)	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Average Void Space (%)	40%	52%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Effective Volume (ft ³)	22.9	10.7	24.9	42.9	39.8	3.0	3.0	3.0	0.0	11.7	13.2	13.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Treatment Capacity (ft ³)	434.4	189.4	412.9	1884.0	1713.2	49.3	57.6	54.6	9.4	609.4	683.1	714.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Drain Rock Quantity (ft ³)	22.9	8.3	24.9	42.9	39.8	3.0	3.0	3.0	0.0	11.7	13.2	13.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Excess Runoff (ft ³)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Excess Capacity (ft ³)	1.1	20.8	7.3	1565.5	1443.0	25.1	18.9	132.1	9.2	439.8	476.0	492.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

STORMWATER CALCULATIONS (20 YEAR-1 HOUR STORM)

Average Void % is Determined by: [(Overall Volume - Prefab Volume) x 40% + (Prefab Volume x Prefab Void Space)] / Overall Volume

Treatment Label	Prefab Dimensions	Overall Dimensions	Inches	to	Feet	Feet	to	Inches
B	Length (ft): 18.0 or Cubic Inches: 24 or Cross Sectional Area (ft ²): 24 Width (in.): 24 Depth (in.): 24 or # of Units: 1 or # of Units: 1 Prefab Void %: 95%	Length (ft): 18.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 48 or # of Units: 8 or # of Units: 8 Average Void %: 52%	18.0	to	1.5	1.5	to	18.0
F	Length (ft): 4.0 or Cubic Inches: 24 or Cross Sectional Area (ft ²): 24 Width (in.): 24 Depth (in.): 24 or # of Units: 1 or # of Units: 1 Prefab Void %: 95%	Length (ft): 6.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 48 or # of Units: 4 or # of Units: 4 Average Void %: 49%	6.0	to	0.5	0.5	to	6.0
G	Length (ft): 4.0 or Cubic Inches: 24 or Cross Sectional Area (ft ²): 24 Width (in.): 24 Depth (in.): 24 or # of Units: 1 or # of Units: 1 Prefab Void %: 95%	Length (ft): 6.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 48 or # of Units: 4 or # of Units: 4 Average Void %: 49%	6.0	to	0.5	0.5	to	6.0
D2	Length (ft): 12.0 or Cubic Inches: 72 or Cross Sectional Area (ft ²): 72 Width (in.): 72 Depth (in.): 24 or # of Units: 24 or # of Units: 24 Prefab Void %: 95%	Length (ft): 14.0 or Cubic Inches: 96 or Cross Sectional Area (ft ²): 96 Width (in.): 96 Depth (in.): 48 or # of Units: 48 or # of Units: 48 Average Void %: 58%	14.0	to	1.17	1.17	to	14.0
E2	Length (ft): 18.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 24 or # of Units: 24 or # of Units: 24 Prefab Void %: 95%	Length (ft): 20.0 or Cubic Inches: 60 or Cross Sectional Area (ft ²): 60 Width (in.): 60 Depth (in.): 48 or # of Units: 48 or # of Units: 48 Average Void %: 60%	20.0	to	1.67	1.67	to	20.0
J2	Length (ft): 8.0 or Cubic Inches: 24 or Cross Sectional Area (ft ²): 24 Width (in.): 24 Depth (in.): 24 or # of Units: 1 or # of Units: 1 Prefab Void %: 95%	Length (ft): 8.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 48 or # of Units: 4 or # of Units: 4 Average Void %: 50%	8.0	to	0.67	0.67	to	8.0
K2	Length (ft): 6.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 24 or # of Units: 24 or # of Units: 24 Prefab Void %: 95%	Length (ft): 8.0 or Cubic Inches: 48 or Cross Sectional Area (ft ²): 48 Width (in.): 48 Depth (in.): 48 or # of Units: 4 or # of Units: 4 Average Void %: 61%	8.0	to	0.67	0.67	to	8.0

VOID SPACE CALCULATIONS

DATE: _____
 APPROVED: _____
 DESCRIPTION: _____
 REV. DATE: _____

TIESLAU CIVIL ENGINEERING, INC.
 3080 NORTH LAKE BLVD
 TAHOE CITY, CA 96145
 P.O. BOX 412
 TAHOE VISTA, CA 96145
 TCTAHOE.COM
 (530) 546-4805

7/30/21

NEVADA
 WASHOE COUNTY
 INCLINE VILLAGE

BMP CALCULATIONS AND DETAILS

869/873 TAHOE BLVD
 APN 132-240-20/21

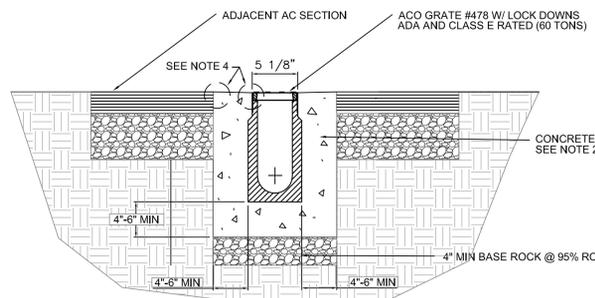
COMP: _____ DESIGN: _____
 DRWN: _____ PRJ.ENG: AT

PROJECT #: 19.041
 SCALE: HORIZONTAL: N/A
 VERTICAL: N/A

DATE: 7/30/21

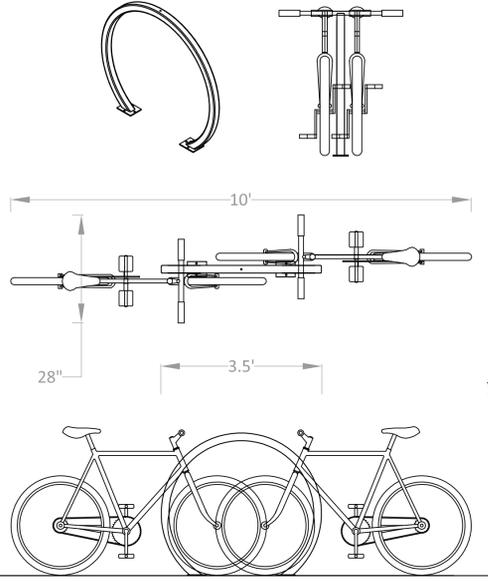
C6.1

CONSENT CALENDAR ITEM NO. 4

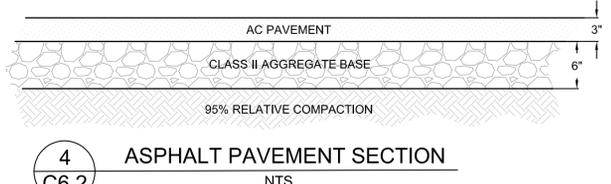


NOTES:
 1. It is necessary to ensure the minimum dimensions shown are suitable for the existing ground conditions.
 2. A minimum concrete strength of 4000 PSI is recommended. The concrete should be vibrated to eliminate air pockets.
 3. Expansion and crack control joints are recommended to protect the channel and the concrete surround.
 4. The finished level of the concrete surround must be approx. 1/4" above the top of the channel edge.

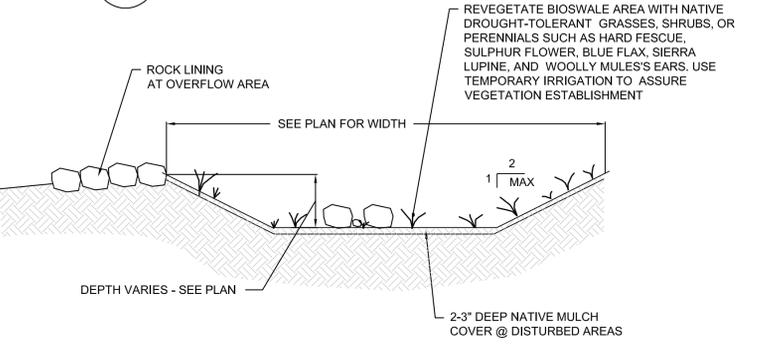
1 TYPICAL SLOTTED TRENCH DRAIN
 C6.2 N.T.S.



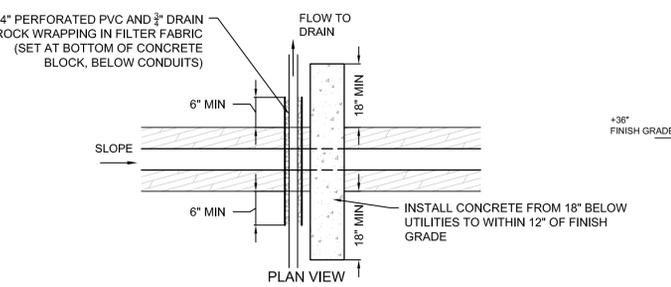
2 BIKE RACK
 C6.2 N.T.S.



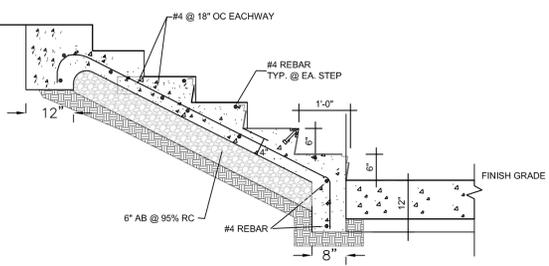
4 ASPHALT PAVEMENT SECTION
 C6.2 N.T.S.



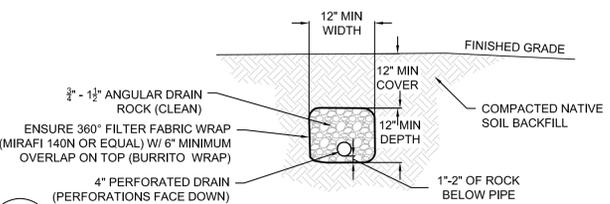
5 BIOSWALE TYPICAL SECTION
 C6.2 N.T.S.



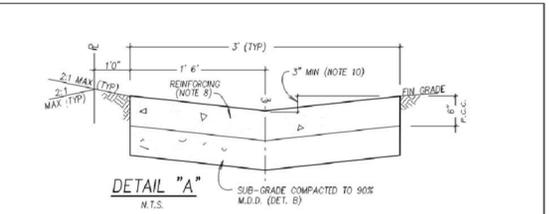
3 UTILITY TRENCH CUT-OFF BLOCK
 C6.2 N.T.S.



13 CONCRETE STAIRS (TYPICAL)
 C6.2 N.T.S.



6 SUBSURFACE DRAIN
 C6.2 N.T.S.

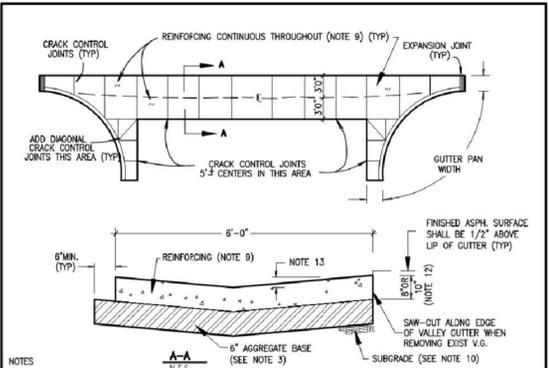


7 LOT LINE DRAINAGE SWALE
 C6.2 N.T.S.

NOTES:
 1. MAX DRAINAGE AREA SHALL BE 6 LOTS UNLESS OTHERWISE APPROVED BY C.E. ENGINEER.
 2. PORTLAND CEMENT CONC (P.C.C.) SHALL BE MIN. 4000 PSI COMPRESSIVE STRENGTH @ 28 DAYS & MIN. 6.25 SACKS OF TYPE II CEMENT (588 LBS) PER CU. YD. OF CONCRETE W/ 4.5-7.5% AIR ENTRAINMENT. SLUMP SHALL BE 1" TO 4". ALL MATERIALS SHALL CONFORM TO SSPWC SECTION 202.
 3. MAX FLOWLINE GRADE SHALL BE 10% ON DETAIL A. USE DETAIL B ON GRADES IN EXCESS OF 10%.
 4. MAX CHANGE IN HORIZ. ALIGNMENT SHALL BE 10 DEGREES.
 5. P.C.C. DRAINAGE SWALES SHALL HAVE WEAKENED PLANE JOINTS EVERY 10 FT.
 6. NOT APPROVED FOR TRAFFIC USE.
 7. POINT OF DISCHARGE SHALL BE DIRECTLY INTO A CATCH BASIN OR DRAINAGE CHANNEL.
 8. REINFORCING SHALL CONSIST OF COLLATED, FIBRILLATED, POLYPROPYLENE FIBERS AS MFD. BY FIBERMESH OR APPROVED EQUAL. USE 1-1/2 LBS PER CU. YD. OF CONCRETE.
 9. CONC CURB SHALL BE REED AT ALL LOCATIONS WHERE CHANGES IN HORIZ. ALIGNMENT EXCEED 10 DEGREES.
 10. ALL LOT LINE SWALES SHALL BE DESIGNED TO CARRY THE 100 YEAR STORM AND TO MEET THE REQUIREMENTS OF SECTION 110.420.30

NO.	REVISED	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION:	WASHOE
1	REDRAW	9/24/11	LOT LINE DRAINAGE SWALE (PRIVATE)	DRAWING NO. W-4.2	DATE: 6/29/11 PAGE: 12
2	NOTE 2	12/11/11			

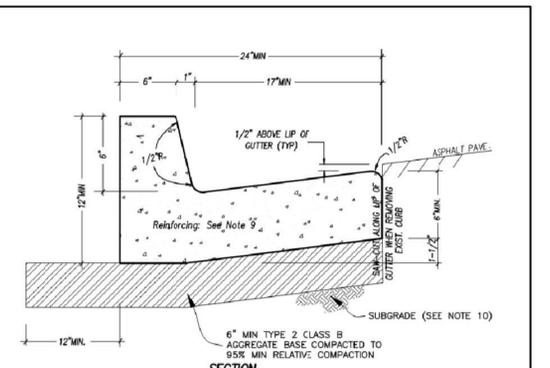
7 LOT LINE DRAINAGE SWALE
 C6.2 N.T.S.



NOTES:
 1. PORTLAND CEMENT CONCRETE (P.C.C.) SHALL MEET THE FOLLOWING SPECIFICATIONS: 4,000 PSI MIN. COMPRESSIVE STRENGTH @ 28 DAYS W/ MIN. 6.25 SACKS OF TYPE II CEMENT (588 LBS) PER CUBIC YARD OF CONCRETE; WATER/CEMENT RATIO 0.45 MAX; AIR ENTRAINMENT SHALL BE 4.5% - 7.5%. SLUMP SHALL RANGE FROM 1" MIN TO 4" MAX. ALL MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC).
 2. VALLEY GUTTER SHALL RECEIVE A MEDIUM BROOM FINISH PARALLEL TO FLOW.
 3. AGGREGATE BASE SHALL BE TYPE 2 CLASS B COMPACTED TO 90% MINIMUM RELATIVE COMPACTION PER ASTM D-1557.
 4. EVAPORATION REDUCERS (SUCH AS CONFORM) SHALL BE APPLIED IMMEDIATELY AFTER INITIAL CURING.
 5. FINISHING AND CURING SHALL CONFORM TO REQUIREMENTS OF THE LATEST EDITION OF THE SSPWC.
 6. TESTING SHALL CONFORM TO REQUIREMENTS OF THE LATEST EDITION OF THE SSPWC.
 7. CURB REMOVAL SHALL BE TO NEAR SAW-CUT-LINES.
 8. NO EQUIPMENT SHALL BE PERMITTED ADJACENT TO OR ACROSS THE VALLEY GUTTER UNTIL THE FOURTH DAY FOLLOWING PLACEMENT OF THE CONCRETE OR UNTIL THE CONCRETE HAS REACHED A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI.
 9. REINFORCING SHALL CONSIST OF COLLATED, FIBRILLATED, POLYPROPYLENE FIBERS AS MANUFACTURED BY FIBERMESH OR APPROVED EQUAL AND SHALL BE ADDED AT A RATE OF 1 1/2 LBS PER CUBIC YARD OF CONCRETE.
 10. SUBGRADE SHALL BE COMPACTED TO 90% MIN RELATIVE COMPACTION. IF EXPANSIVE OR UNSUITABLE MATERIALS ARE ENCOUNTERED AT SUBGRADE ELEVATION, THE SOILS SHALL BE OVER-EXCAVATED TO CONFORM TO THE SOILS REPORT OR REQUIREMENTS OF WASHOE COUNTY. THE SUBGRADE SHALL BE INSPECTED AND APPROVED BY WASHOE COUNTY PRIOR TO PLACEMENT OF AGGREGATE BASE.
 11. VALLEY GUTTER NOT PERMITTED ACROSS COLLECTOR OR ARTERIAL STREETS.
 12. 6" P.C.C. TO BE USED IN RESIDENTIAL AREAS WHERE TRUCK OR BUS TRAFFIC IS LESS THAN 5% OF TOTAL TRAFFIC. 10" P.C.C. TO BE USED FOR COMMERCIAL DRIVEWAYS, ROADS OR STREETS WHERE TRUCK OR BUS TRAFFIC EXCEEDS 5% OF TOTAL TRAFFIC.
 13. FLOW LINE VARIES TO MATCH GUTTER.

NO.	REVISED	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION:	WASHOE
1	REDRAW	11/22/11	P.C.C. VALLEY GUTTER	DRAWING NO. W-11	DATE: 09/26/11 PAGE: 24
2	MISC NOTES	2/24/12			
3	Notes	12/11/11			
4	Revisions	09/26/11			

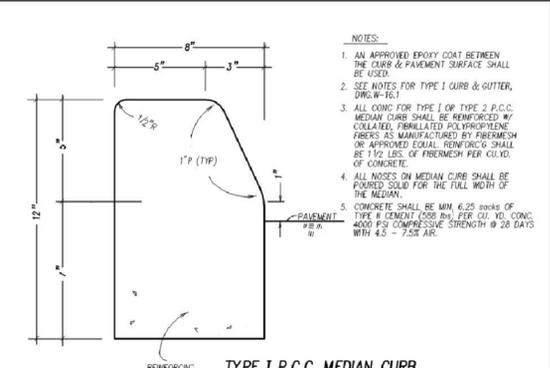
8 VALLEY GUTTER
 C6.2 N.T.S.



NOTES:
 1. PORTLAND CEMENT CONCRETE (P.C.C.) SHALL MEET THE FOLLOWING SPECIFICATIONS: 4,000 PSI MIN. COMPRESSIVE STRENGTH @ 28 DAYS W/ MIN. 6.25 SACKS OF TYPE II CEMENT (588 LBS) PER CUBIC YARD OF CONCRETE; WATER/CEMENT RATIO 0.45 MAX; AIR ENTRAINMENT SHALL BE 4.5% - 7.5%. SLUMP SHALL RANGE FROM 1" MIN TO 4" MAX. ALL MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC).
 2. CURB AND GUTTER SHALL HAVE WEAKENED PLANE JOINTS ON 10' CENTERS (MAX).
 3. AGGREGATE BASE SHALL BE TYPE 2 CLASS B COMPACTED TO 90% MINIMUM RELATIVE COMPACTION PER ASTM D-1557.
 4. EVAPORATION REDUCERS (SUCH AS CONFORM) SHALL BE APPLIED IMMEDIATELY AFTER INITIAL CURING.
 5. FINISHING AND CURING SHALL CONFORM TO REQUIREMENTS OF THE LATEST EDITION OF THE SSPWC.
 6. TESTING SHALL CONFORM TO REQUIREMENTS OF THE LATEST EDITION OF THE SSPWC.
 7. CURB REMOVAL SHALL BE TO NEAR SAW-CUT-LINES.
 8. NO EQUIPMENT SHALL BE PERMITTED ADJACENT TO OR ACROSS THE CURB UNTIL THE FOURTH DAY FOLLOWING PLACEMENT OF THE CONCRETE OR UNTIL THE CONCRETE HAS REACHED A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI.
 9. REINFORCING SHALL CONSIST OF COLLATED, FIBRILLATED, POLYPROPYLENE FIBERS AS MANUFACTURED BY FIBERMESH OR APPROVED EQUAL AND SHALL BE ADDED AT A RATE OF 1 1/2 LBS PER CUBIC YARD OF CONCRETE.
 10. CURB AND GUTTER SUBGRADE SHALL BE COMPACTED TO 90% MIN RELATIVE COMPACTION. IF EXPANSIVE OR UNSUITABLE MATERIALS ARE ENCOUNTERED AT SUBGRADE ELEVATION, THE SOILS SHALL BE OVER-EXCAVATED TO CONFORM TO THE SOILS REPORT OR REQUIREMENTS OF WASHOE COUNTY. THE SUBGRADE SHALL BE INSPECTED AND APPROVED BY WASHOE COUNTY PRIOR TO PLACEMENT OF AGGREGATE BASE.
 11. CURB AND GUTTER SHALL RECEIVE A LIGHT BROOM FINISH PARALLEL TO FLOW.

NO.	REVISED	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION:	WASHOE
1	REDRAW	11/22/11	TYPE I P.C.C. CURB & GUTTER	DRAWING NO. W-16.1	DATE: 09/26/11 PAGE: 29
2	NOTE 2.9	1/24/12			
3	NOTE 1	12/11/11			
4	Revisions	09/26/11			

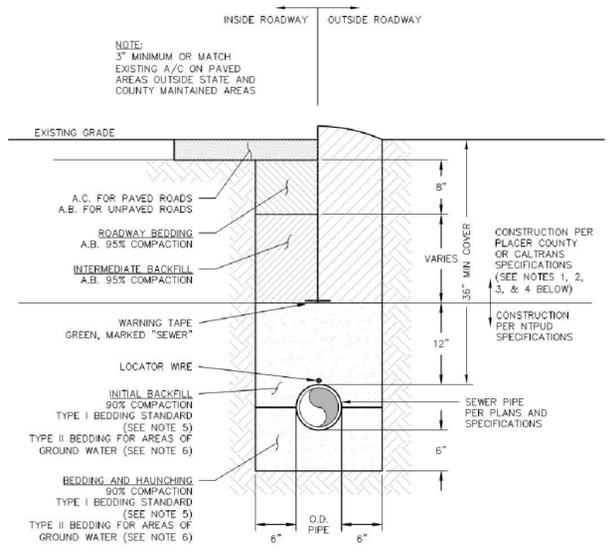
9 TYPE 1 CURB & GUTTER
 C6.2 N.T.S.



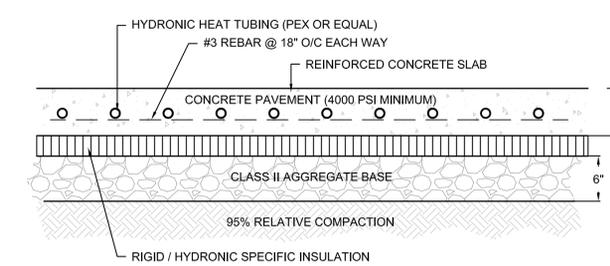
NOTES:
 1. AN APPROVED EPOXY COAT BETWEEN THE CURB & PAVEMENT SURFACE SHALL BE USED.
 2. SEE NOTES FOR TYPE I CURB & GUTTER, DRG. W-16.1.
 3. ALL CONC FOR TYPE I OR TYPE 2 P.C.C. MEDIAN CURB SHALL BE REINFORCED W/ COLLATED, FIBRILLATED, POLYPROPYLENE FIBERS AS MANUFACTURED BY FIBERMESH OR APPROVED EQUAL. REINFORCING SHALL BE 1 1/2 LBS OF FIBERMESH PER CU. YD. OF CONCRETE.
 4. ALL NOSES ON MEDIAN CURB SHALL BE FLOORED SOLID FOR THE FULL WIDTH OF THE MEDIAN.
 5. CONCRETE SHALL BE MIN. 6.25 SACKS OF TYPE II CEMENT (588 LBS) PER CU. YD. CONC. 4000 PSI COMPRESSIVE STRENGTH @ 28 DAYS WITH 4.5 - 7.5% AIR.

NO.	REVISIONS	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTION:	WASHOE
1	REDRAW	11/22/11	P.C.C. MEDIAN CURB	DRAWING NO. W-17	DATE: 11/22/11 PAGE: 33
2	Add notes	2/24/12			
3	Add note 3	12/11/11			

10 WASHOE COUNTY CURB DETAIL
 C6.2 N.T.S.



11 TYPICAL SEWER SERVICE TRENCH
 C6.2 N.T.S.



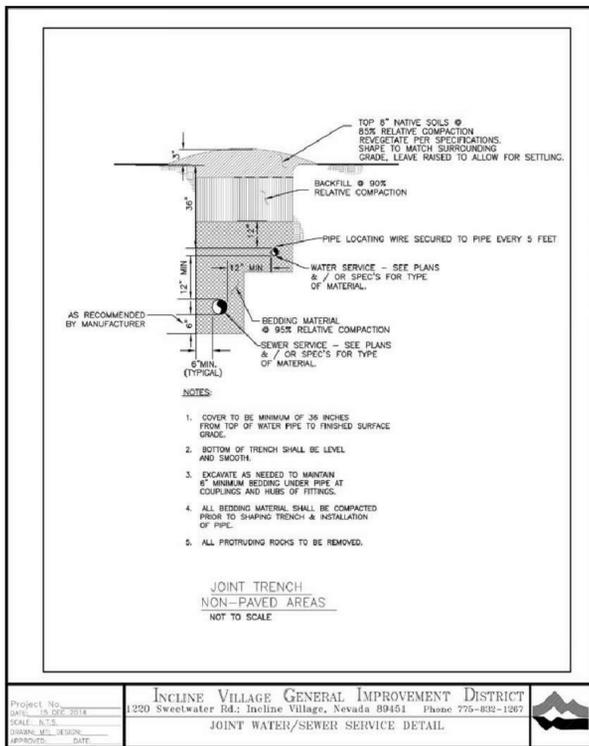
12 CONCRETE PAVEMENT SECTION (HEATED)
 C6.2 N.T.S.

DATE	APPROVED	DESCRIPTION	DATE	REV.

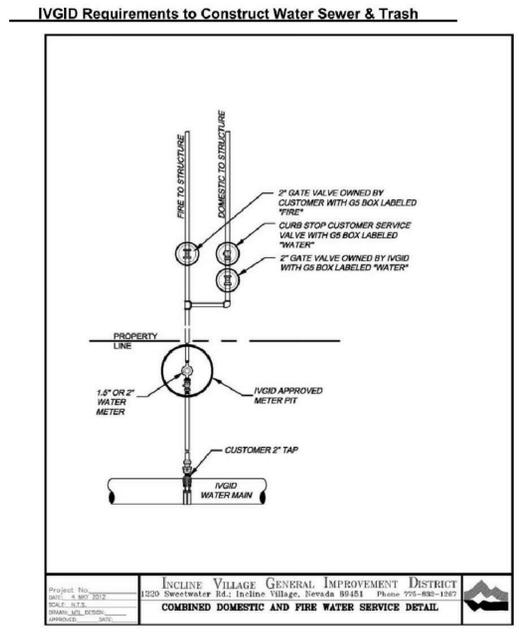
TIESLAU CIVIL ENGINEERING, INC.
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 P.O. BOX 412
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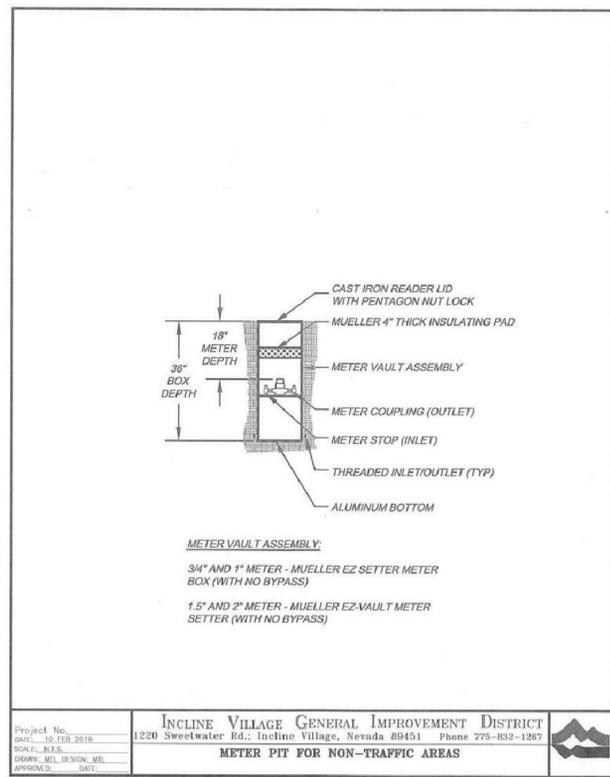
CIVIL DETAILS
 869/873 TAHOE BLVD
 APN 132-240-20/21
 WASHOE COUNTY
 INCLINE VILLAGE
 NEVADA
 COMP: _____ DESIGN:
 DRWN: _____ PRJ.ENG: AT
 PROJECT #: 19.041
 SCALE: HORIZONTAL: N/A
 VERTICAL: N/A
 DATE: 7/30/21
C6.2



1 IVGID - JOINT TRENCH
C6.3 N.T.S



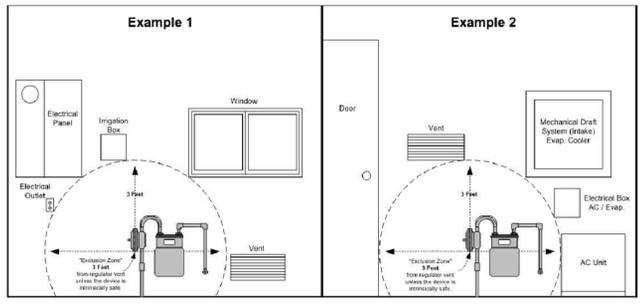
2 IVGID - WATER SERVICE
C6.3 N.T.S



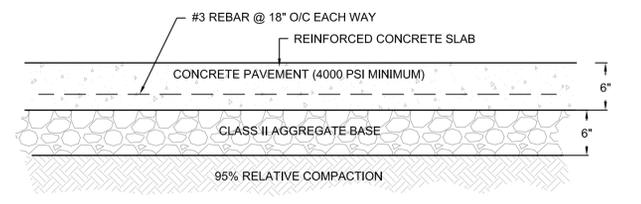
4 SOUTHWEST GAS TRENCH DETAIL AND SPECS
C6.3 N.T.S



GUIDELINES FOR METER SET ASSEMBLIES - RESIDENTIAL



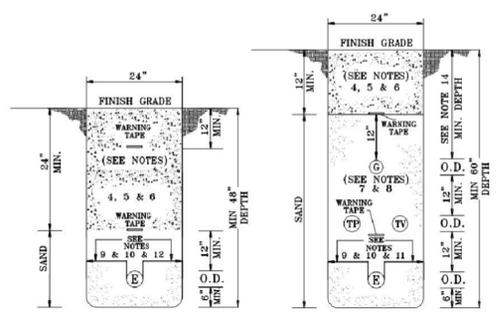
5 SOUTHWEST GAS RESIDENTIAL GAS METER DETAIL
C6.3 N.T.S



8 CONCRETE SIDEWALK
C6.2 N.T.S

TYPICAL TRENCH DETAILS TE0003U

TYPICAL SERVICE TRENCH DETAILS



TYPICAL SECONDARY / SERVICE TRENCH ELECTRIC ONLY

ENGINEERING NOTES:

- A. If utilities on this page are not in a joint trench as shown, raise trench depths and clearances referenced in Typical Trench Details 1-19.
- B. All trenches must be approved by NVE prior to any construction.

TYPICAL SERVICE TRENCH JOINT TRENCH APPLICATION

UTILITY DESIGNATION AND LEGEND

- TP TELEPHONE W WATER
- TV CABLE TV E ELECTRIC
- G GAS
- (O.D.) OUTSIDE DIAMETER

VOLUME 17 - ENGINEERING & CONSTRUCTION STANDARD				TE0003U
TYPICAL TRENCH DETAILS				Revision: 5
				Page 3 of 4

6 NV ENERGY JOINT TRENCH
C6.3 N.T.S

TYPICAL TRENCH DETAILS TE0003U

TYPICAL TRENCH DETAILS

ALL TRENCHES MUST BE APPROVED BY NVE FIELD REPRESENTATIVE PRIOR TO ANY CONSTRUCTION.

- ALL TRENCHES MUST CONFORM TO THE LATEST APPLICABLE NVE, CITY, COUNTY, STATE, FEDERAL, AND OSHA SPECIFICATIONS AND REQUIREMENTS. IN THE CASE OF CONFLICT, THE MORE RIGID SPECIFICATION OR STANDARD SHALL APPLY. Refer to TE0001U, Section 6.0 for environmental requirements.
- NATIVE MATERIAL requires 80% compaction. Refer to SUB01X, Section 5.4.2.
- SAND requires 90% compaction.
- TYPE II aggregate base requires 95% compaction.
- THE TOP 18" of all trenches in ESTABLISHED HIGHWAYS, STREETS, and other PAVED AREAS subject to traffic, shall be backfilled with TYPE II base.
- THE TOP 18" of all trenches on PRIVATE PROPERTY, (not subject to traffic) may be backfilled with NATIVE MATERIAL. Refer to SUB01X, Section 5.4.2.
- NO CONDUITS SHALL BE INSTALLED ABOVE OR PARALLEL TO GAS LINES.
- NONMETALLIC RED WARNING TAPE will be 6" wide, marked "NVE Utilities Buried Below" and shall be placed in ALL TRENCHES at least 18" below finish grade and 12" above NVE conduit.
- ELECTRIC PRIMARY CONDUIT must be 6" minimum from side of trench. If more than one conduit is installed, maintain a 1-1/2" separation from each electric conduit.
- ELECTRIC SECONDARY/SERVICE CONDUIT must be 2" minimum from side of trench. If more than one conduit is installed, maintain a 1-1/2" separation from each electric conduit.
- ELECTRIC PRIMARY OR ANY JOINT TRENCH SHALL HAVE A MINIMUM TRENCH DEPTH OF 60", and maintain a minimum 12" radial clearance from all other utilities (See Pages 1 and 2). Exception: DB REFURBISHMENT, AND WATER.
- PRIMARY ELECTRIC AND GAS WILL NOT OCCUPY THE SAME COMMON TRENCH and will be separated by virgin soil during parallel installations.

VOLUME 17 - ENGINEERING & CONSTRUCTION STANDARD				TE0003U
TYPICAL TRENCH DETAILS				Revision: 5
				Page 1 of 4

7 NV ENERGY TRENCH DETAIL AND SPECS
C6.3 N.T.S



SOUTHWEST GAS CORPORATION

TRENCH SPECIFICATIONS

If the gas line is to be alone in the trench, the MINIMUM dimensions should be:

- Service Line (on property): 32" deep x 12" wide
- Main Line (off site): 44" deep x 12" wide

In cases where the builder would like to put other utilities in the same trench with gas, the trench MUST be provided, with the gas line installed last. MINIMUM dimensions should be:

- Service Line (on property): 43" deep x 12" wide
- Main Line (off site): 56" deep x 12" wide

GUIDELINES FOR JOINT TRENCH

- All depths are from FINISHED or FINAL grade.
- Trenching should be done parallel or at the right angle to property lines for right-of-way whenever possible.
- Spoil should be a minimum of two feet from the trench.
- Gas lines and sewer lines CANNOT share a trench.
- A MINIMUM clearance of 12" is required between all utilities. Clearance may be horizontal or vertical.
- Gas MUST be the last utility in the trench.
- Some water companies will not allow their facilities to share a trench with gas. Contact your water company to confirm their policy.
- Southwest Gas provides 6" of bedding and shading material.
- The excavator is responsible for backfill, compaction, pavement or concrete cuts and repairs, permits, and BLUE STAKE unless otherwise agreed upon.

4 SOUTHWEST GAS TRENCH DETAIL AND SPECS
C6.3 N.T.S

TYPICAL TRENCH DETAILS TE0003U

- ELECTRIC ONLY CONDUIT, SERVICE / SECONDARY shall have a minimum trench depth of 48".
 - a. Exceptions/deviations to these trench requirements may be appropriate. Any deviation must be approved by the appropriate local authority if applicable, and the NVE Inspector.
- GAS shall be 12" minimum from side of trench.
- GAS SHALL HAVE MINIMUM DEPTH TO TOP OF PIPE OF: 36" in State Highways; 30" in streets or roadways; 24" in private property; and maintain a minimum 12" radial clearance from all other utilities. **EXCEPTIONS: SEWER AND STORM DRAIN**
- Sewer (SS) AND STORM DRAIN (SD) must maintain a 2' radial clearance from NVE Gas facilities and/or maintain a 1' radial clearance from NVE Electric Facilities. Any exceptions/deviations from these requirements must be approved by the appropriate NVE Engineering Department. Note: Conflicts of Sewer or Storm Drain crossings shall be handled according to 12-a above or 17 below.
- SS/SD Sanitary Sewer/Storm Drain shall not occupy the same common trench as gas or electric and will be separated by virgin soil during parallel installations.
- ELECTRIC MUST MAINTAIN 1' RADIAL CLEARANCE FROM ALL FACILITIES. If 1' radial clearance cannot be obtained, electric conduit must be concrete encased for at least 18" each side of conflicting utility, or electric facilities will be protected by means of rigid galvanized steel conduit. This will be done by using pvc to rigid steel transition fittings with rigid steel extending at least 4' each side of conflict. Note: NVE's Inspector will provide determination of application to resolve conflict. EXCEPTION: WATER MAINS WILL MAINTAIN 2' RADIAL CLEARANCE FROM ALL ELECTRIC FACILITIES.
- Whenever possible, locate hydrant on opposite side of street from electric main trench. Refer to TE0045U for details.
- If field changes are required, all changes must be approved by a NVE Inspector.

VOLUME 17 - ENGINEERING & CONSTRUCTION STANDARD				TE0003U
TYPICAL TRENCH DETAILS				Revision: 5
				Page 2 of 4

REV.	DATE	DESCRIPTION	APPROVED	DATE

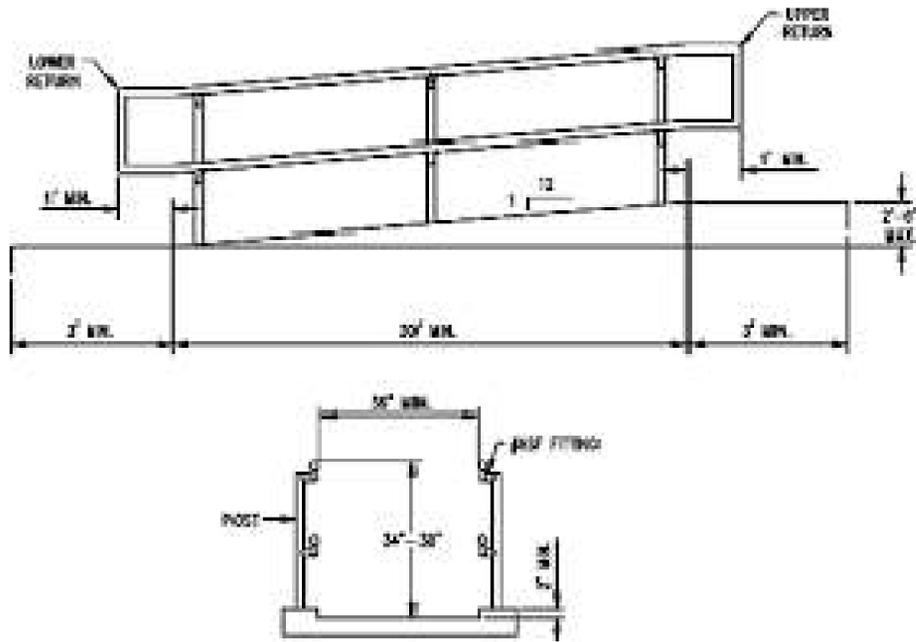
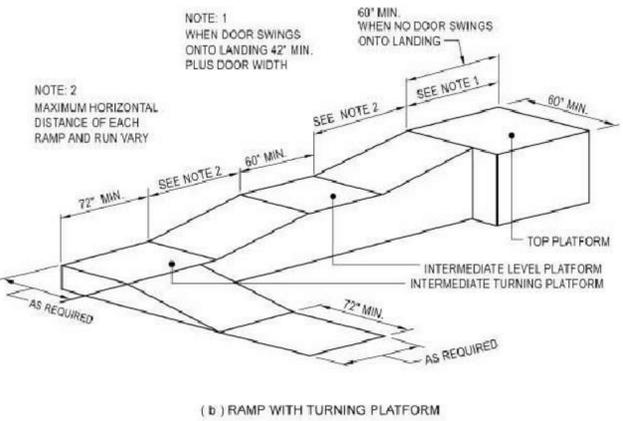
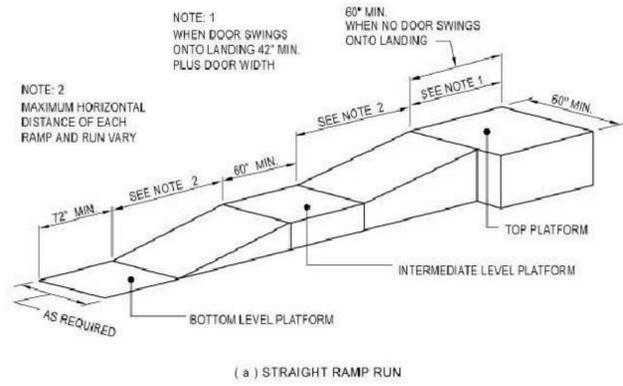
TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCTAHOE.COM
(530) 546-4805



CIVIL DETAILS
869/873 TAHOE BLVD
APN 132-240-20/21
WASHOE COUNTY
INCLINE VILLAGE
NEVADA

COMP: _____	DESIGN: _____
DRWN: _____	PRJ.ENG: AT
PROJECT #: 19.041	
SCALE: HORIZONTAL: N/A	VERTICAL: N/A
DATE: 7/30/21	

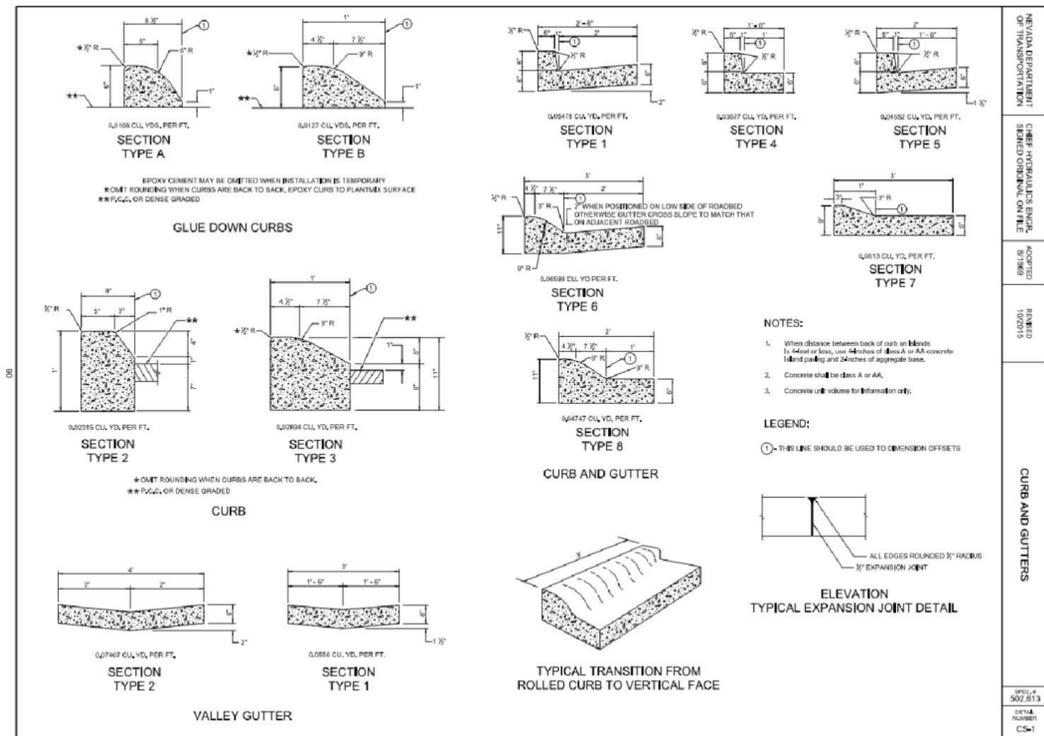
C6.3



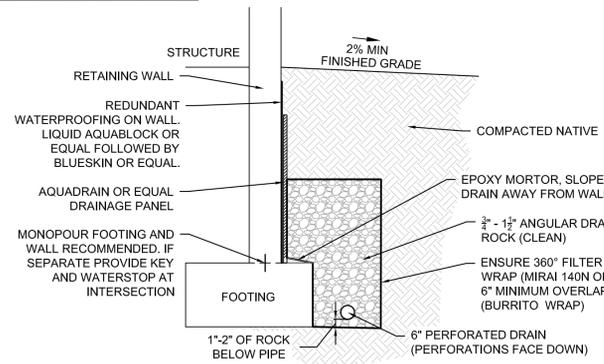
2 ACCESSIBLE RAMP AND RAIL SYSTEM
N.T.S.

THESE DIAGRAMS ILLUSTRATE THE SPECIFIC REQUIREMENTS OF THESE REGULATIONS AND ARE INTENDED ONLY AS AN AID FOR BUILDING DESIGN AND CONSTRUCTION.

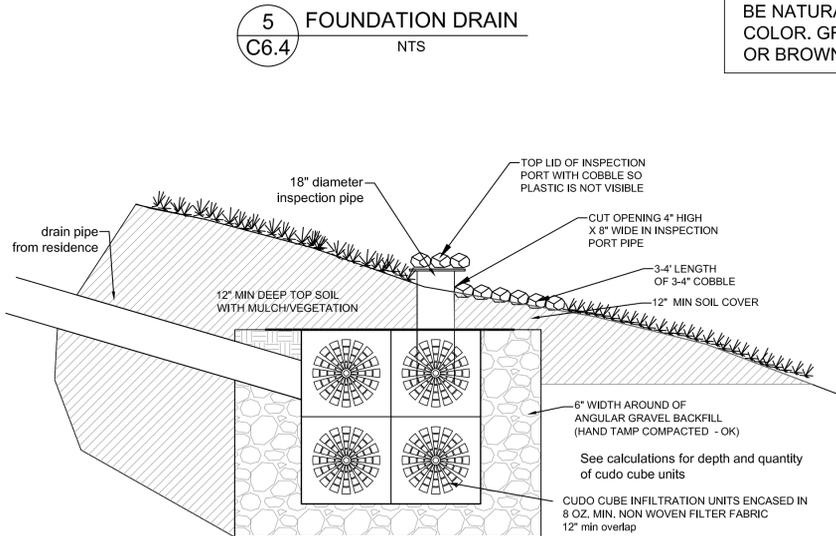
1 ACCESSIBLE RAMP (TYPICAL)
N.T.S.



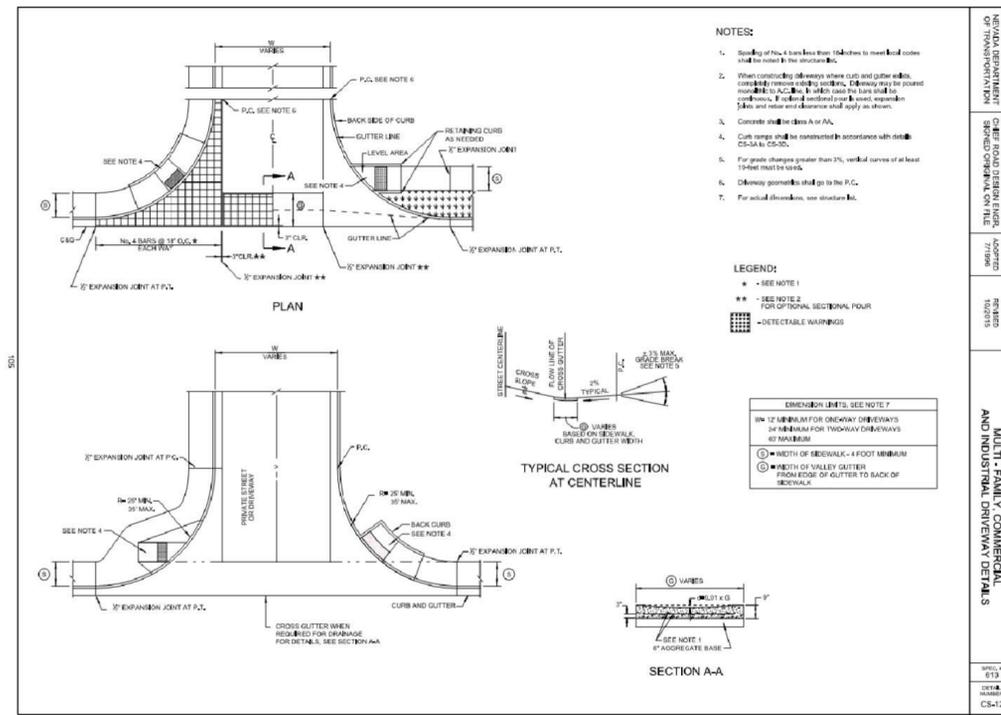
4 CURBS AND GUTTERS
N.T.S.



5 FOUNDATION DRAIN
N.T.S.

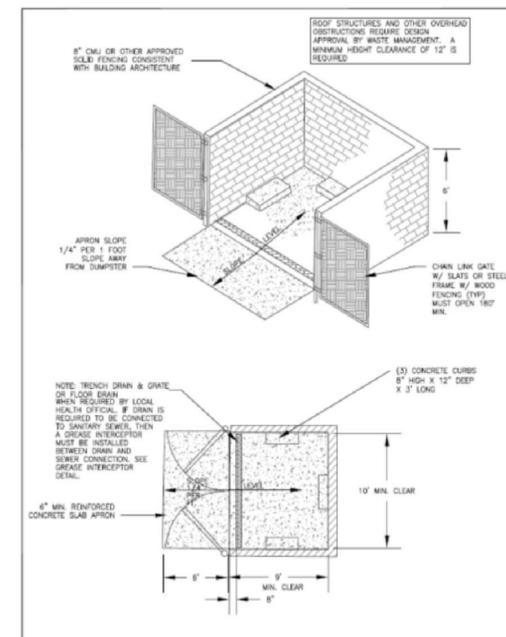


6 TYPICAL INFILTRATION OUTLET STRUCTURE (NON TRAFFIC)
N.T.S.



3 COMMERCIAL DRIVEWAY
N.T.S.

IVGID Requirements to Construct Water Sewer & Trash



7 TRASH ENCLOSURE
N.T.S.

REV.	DATE	DESCRIPTION	APPROVED

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3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCTAHOE.COM
(530) 546-4805



CIVIL DETAILS
869/873 TAHOE BLVD
APN 132-240-20/21
WASHOE COUNTY
INCLINE VILLAGE

COMP: _____ DESIGN: _____
DRWN: _____ PRJ.ENG: AT
PROJECT #: 19.041
SCALE: HORIZONTAL: N/A
VERTICAL: N/A
DATE: 7/30/21

C6.4

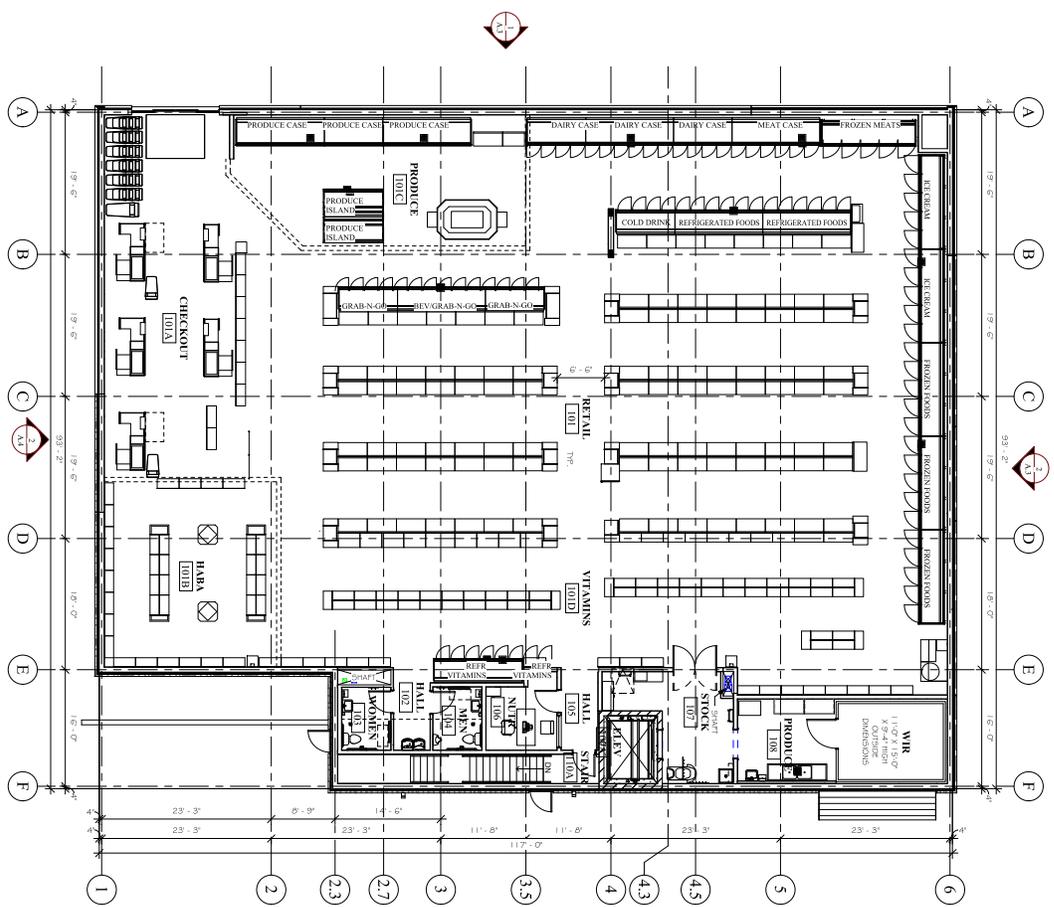
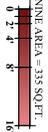
1
A.1
SCALE: 1/8" = 1'-0"
PROPOSED MAIN LEVEL FLOOR PLAN
TOTAL PROPOSED CFA: 13,232 S.F.

MAIN LEVEL AREA = 10,388 SQ.FT.



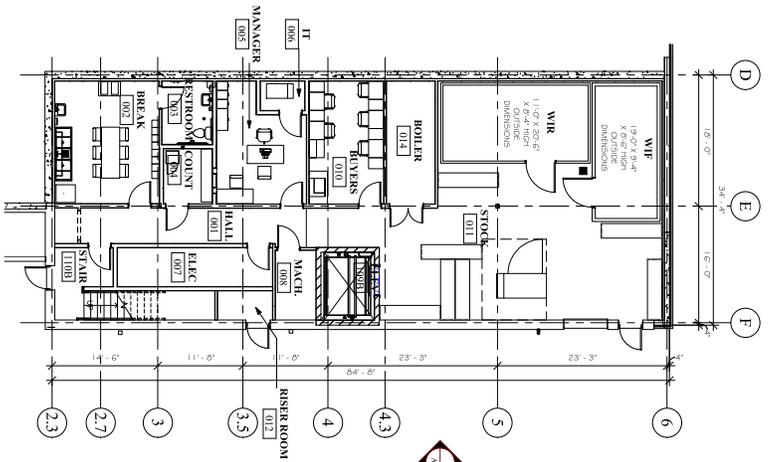
2
A.1
SCALE: 1/8" = 1'-0"
PROPOSED MECHANICAL MEZZANINE FLOOR PLAN

MECHANICAL MEZZANINE AREA NOT INCLUDED IN CFA CALCULATIONS
MEZZANINE AREA = 233 SQ.FT.



2
A.1
SCALE: 1/8" = 1'-0"
PROPOSED LOWER LEVEL FLOOR PLAN

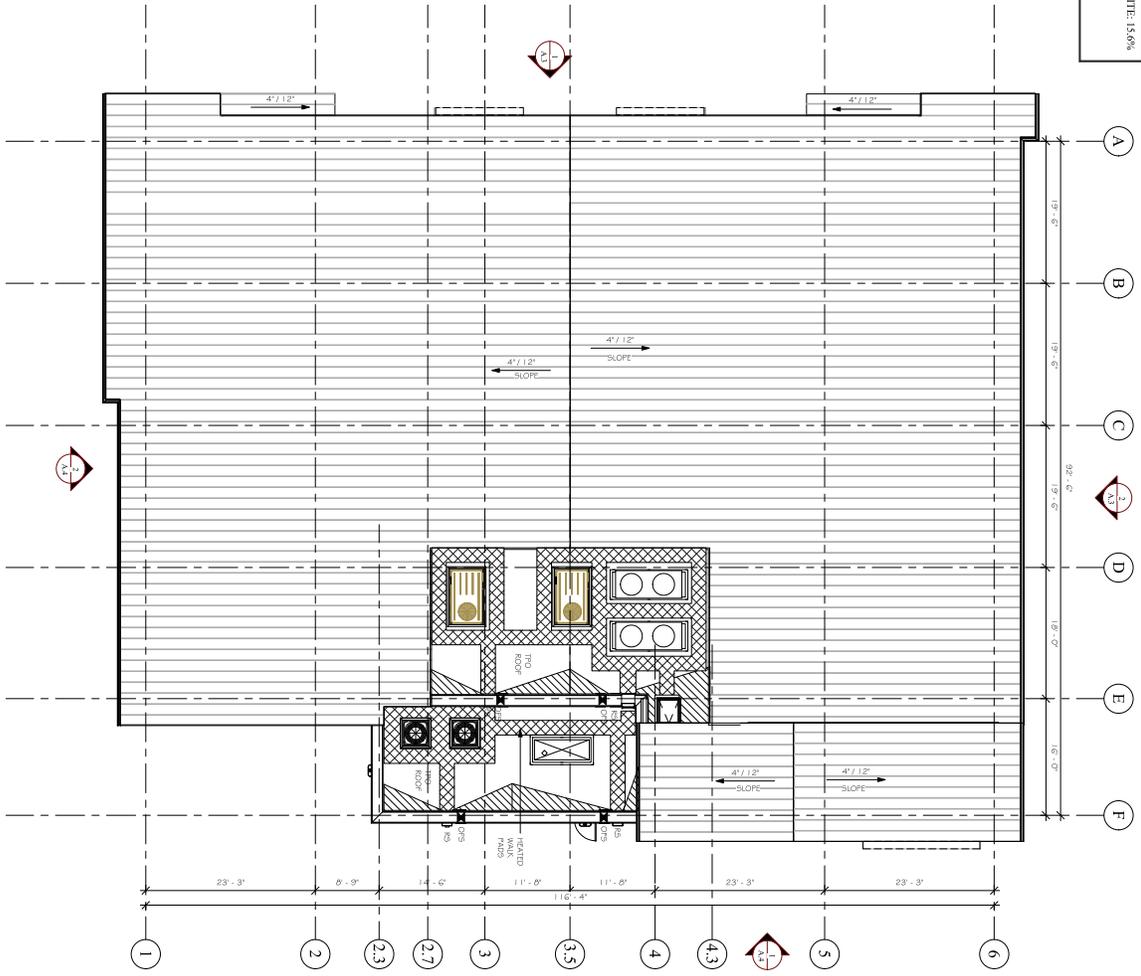
LOWER LEVEL AREA = 2,844 SQ.FT.



A.1

TRPA HEIGHT TABLE	
SLOPE ACROSS BUILDING SITE:	15.6%
ROOF PITCH:	4:12
MIN. HEIGHT:	20'-00"
ALLOWABLE HEIGHT:	50'-00"

1 PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"



A.2

TRPA SUBMITTAL - 07.23.2021



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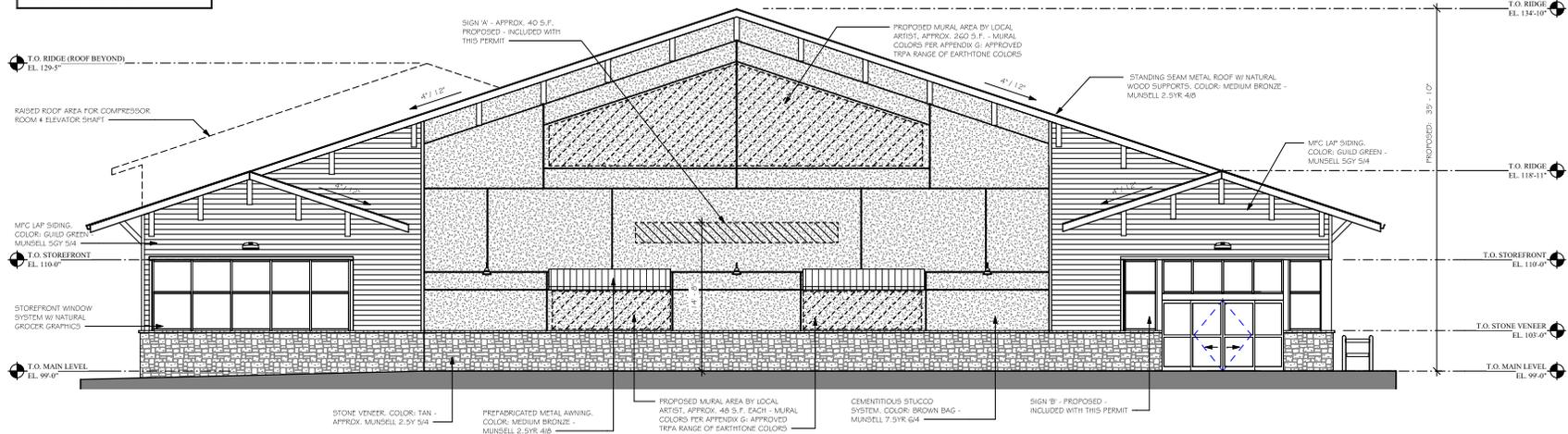
NEW CONSTRUCTION
**SPECIALTY
RETAILER**
869 & 873 TAHOE BOULEVARD
INCLINE VILLAGE, NV 89412
CONSENT CALENDAR ITEM NO. 4

DATE	ISSUE
07/23/2021	TRPA SUBMITTAL

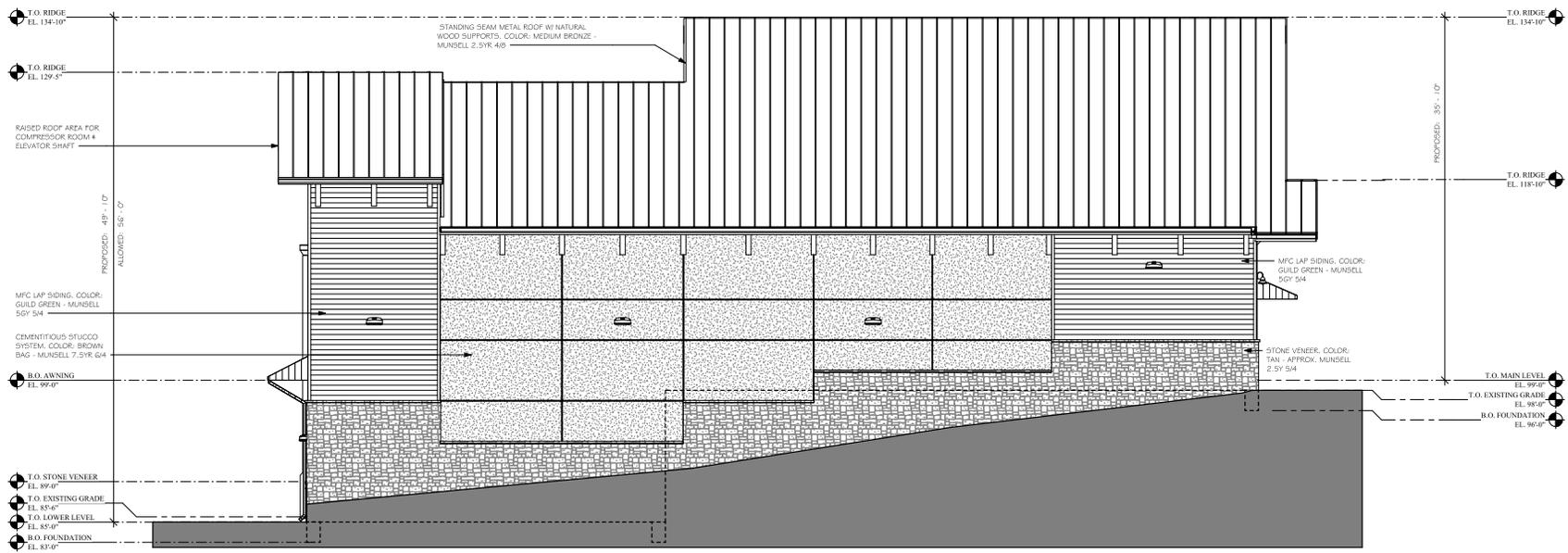
DATE: 07/23/2021
DRAWN: GC
CHECKED: SCL
ROGUE NO.: 2019.46
PROPOSED ROOF PLAN

TRPA HEIGHT TABLE
SLOPE ACROSS BUILDING SITE: 15.6%
ROOF PITCH: 4:12
PROPOSED HEIGHT: 49'-10"
ALLOWABLE HEIGHT: 56'-0"

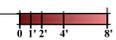
MURAL DESIGNS SHALL INCORPORATE COLORS PER APPENDIX G. APPROVED TRPA RANGE OF EARTH TONE COLORS AND SHALL NOT INCLUDE ANY SIGNAGE OR ADVERTISING. FINAL MURAL DESIGN SHALL BE SUBMITTED TO TRPA UNDER SEPARATE PERMIT FOR APPROVAL.



1 PROPOSED NORTH ELEVATION
SCALE: 3/16" = 1'-0"



2 PROPOSED EAST ELEVATION
SCALE: 3/16" = 1'-0"



NEW CONSTRUCTION
**SPECIALTY
RETAILER**

1600 Lincoln Street Suite 100, Denver, Colorado 80202
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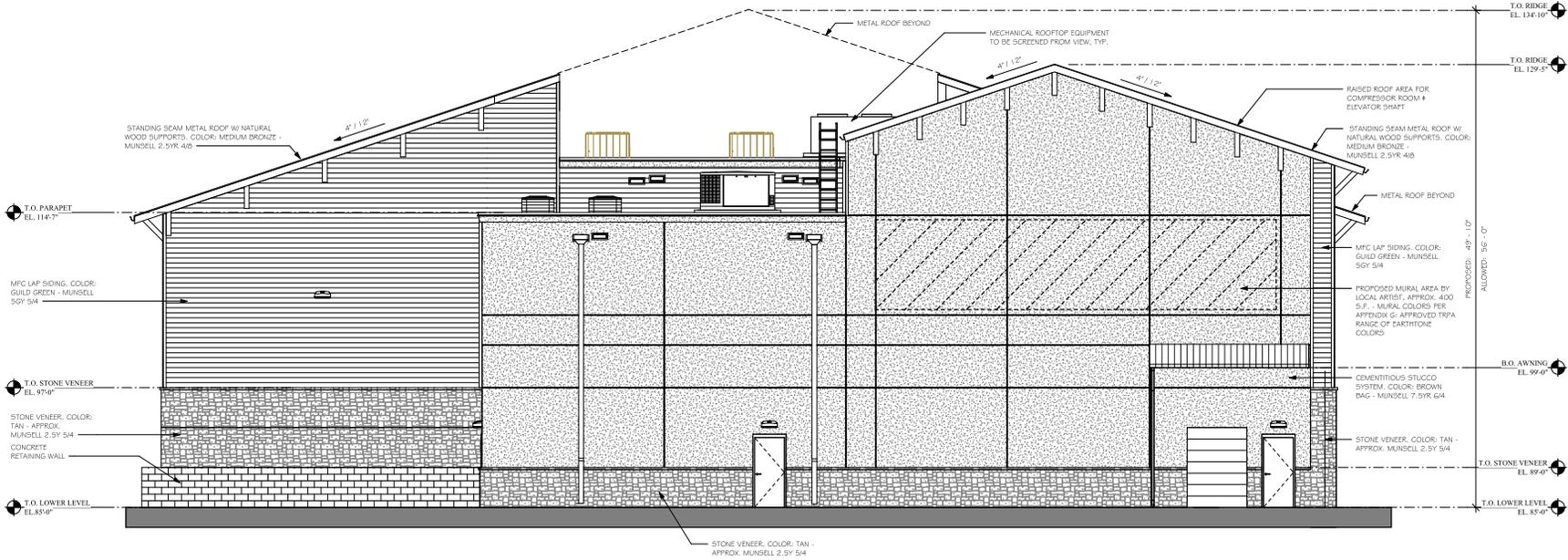
DATE:	ISSUE:	#:
04.20.2020	TRPA SUBMITTAL	
07.23.2021	TRPA SUBMITTAL	

DATE: 07.23.2021
DRAWN: GC
CHECKED: SCL
ROGUE NO.: 2019.46

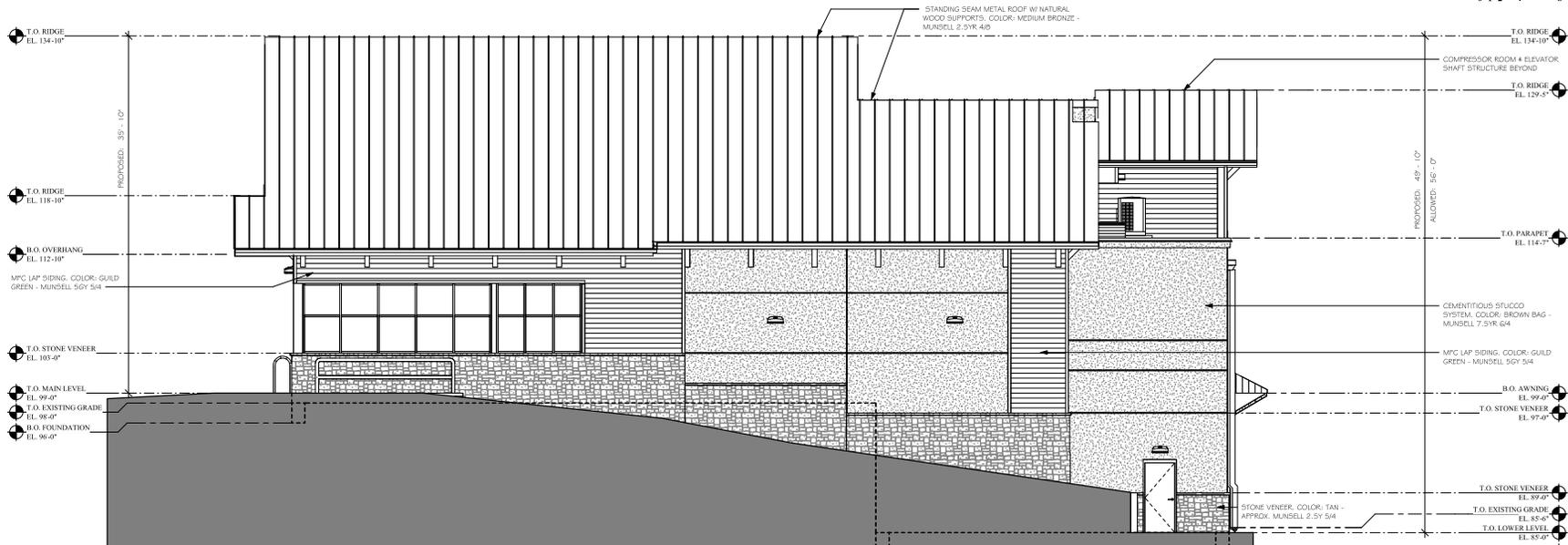
PROPOSED EXTERIOR ELEVATIONS

A.3

TRPA SUBMITTAL - 07.23.2021



1 SOUTH ELEVATION
A.4 SCALE: 3/16" = 1'-0"



2 WEST ELEVATION
A.4 SCALE: 3/16" = 1'-0"

NEW CONSTRUCTION
**SPECIALTY
RETAILER**

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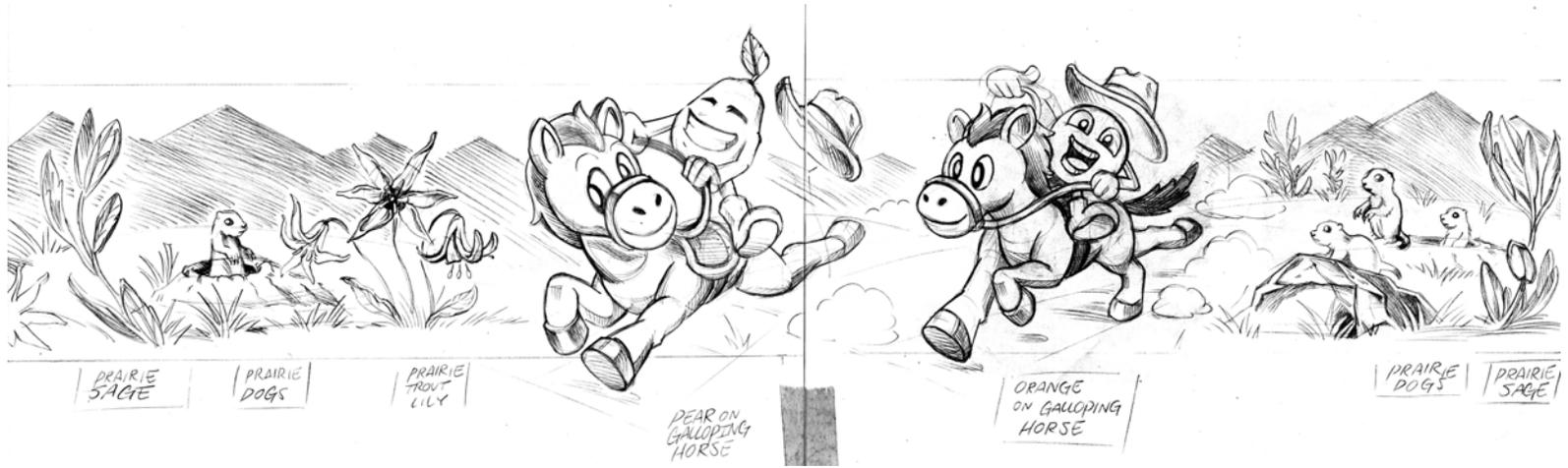
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DATE:	ISSUE:	#:
04.20.2020	TRPA SUBMITTAL	
07.23.2021	TRPA SUBMITTAL	

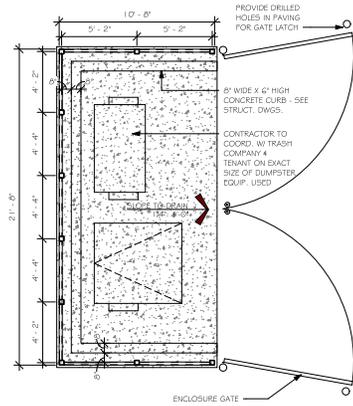
DATE: 07.23.2021
DRAWN: GC
CHECKED: SCL
ROGUE NO.: 2019.46
PROPOSED EXTERIOR ELEVATIONS

A.4

TRPA SUBMITTAL - 07.23.2021



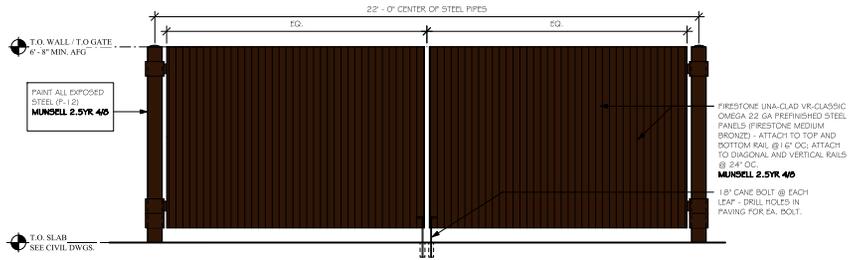
1
A.8 SAMPLE MURAL GRAPHIC
SCALE: N.T.S.



3
A.8 TRASH ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



2
A.8 TYPICAL TRASH ENCLOSURE ELEV.
SCALE: 3/4" = 1'-0"



4
A.8 TRASH ENCLOSURE GATE ELEVATION
SCALE: 1/2" = 1'-0"

NEW CONSTRUCTION
**SPECIALTY
RETAILER**

1050 S. 875 E. LAKE BLUFF, ILL. 60155
APN # 132-240-03
INCLINE VILLAGE, NY 88451

ROGUE
— ARCHITECTURE —
CHALLENGING THE STATUS QUO™

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SAMPLE MURAL
GRAPHIC & DETAILS

A.8

TRPA SUBMITTAL - 07.23.2021



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28 VINE ST.
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NV. LIC. 630

CONSULTANT:

PREPARED FOR:

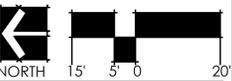
**PRELIMINARY
PLAN**



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DATE	7-12-21
PER FIRE DEPT.	8-10-21

DRAWN BY: KMR CHECKED BY: PJM



DATE: 7-21-20
SCALE: 1"=20'

869-873 TAHOE BLVD
INCLINE VILLAGE, NV
APN: 132-240-02/03

SHEET TITLE: PRELIM. PLAN

DRAWING NUMBER: **L1.0**

PROJECT#

PLANTING NOTES

- PLANTING
- PLANTS SHALL BE THE VARIETY AND SIZE SPECIFIED ON THE PLAN AND BE HEALTHY, SHAPELY AND WELL ROOTED AND CONFORM TO AMERICAN NURSERYMAN'S STANDARDS. TREES SHALL BE ABLE TO STAND STRAIGHT ON THEIR OWN WITHOUT SUPPORT. ANY CHANGES TO PLAN TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. LANDSCAPE ARCHITECT AND/OR OWNER RESERVES THE RIGHT OF REFUSAL SHOULD PLANT MATERIAL SIZE AND QUALITY BE DEEMED UNSATISFACTORY. INSPECTION BY LANDSCAPE ARCHITECT IS MANDATORY PRIOR TO ACCEPTANCE OF ALL PLANT MATERIALS. MATERIAL SHALL BE REPLACED AT THE EXPENSE OF THE CONTRACTOR. MATERIALS SHALL BE COMPLETELY FREE OF TRUNK, BRANCH AND BARK WOUNDS. STRUCTURE OF PLANT MATERIAL SHALL BE APPROPRIATE TO NATURAL HABIT.
 - INSTALLING CONTRACTOR SHALL VERIFY PLANT QUANTITIES AND AREAS TO BE LANDSCAPED AND NOTIFY OWNER AND/OR LANDSCAPE ARCHITECT OF DISCREPANCIES.
 - GRADING OF ENTIRE CONTRACT AREA SHALL BE SMOOTH AND EVEN AND SLOPE TO DRAIN. FINISH GRADES SHALL BE 1/2" BELOW ALL PAVED SURFACES. SLOPES, MOUNDS, AND SWALES SHALL HAVE NO ABRUPT CHANGE IN GRADIENT TO ASSURE A NATURAL AND PLEASING APPEARANCE.
 - THE PLANTING HOLE SHALL BE DUG TWICE THE WIDTH AND TO THE SAME DEPTH OF THE CONTAINER OR ROOTBALL.
 - THE PLANTING HOLE SHALL BE TESTED FOR DRAINAGE. FILL WITH WATER AND ALLOW TO DRAIN. SHOULD DRAINAGE NOT OCCUR WITHIN A FEW HOURS THE HOLE SHOULD NOT BE USED AND AN ALTERNATIVE LOCATION FOR PLANT FOUND.
 - ROOTBALL SHALL BE GENTLY REMOVED FROM CONTAINER AND ROOT INSPECTED PRIOR TO PLACEMENT IN THE HOLE. THE ROOT BALL SHALL BE TEASED BY PINCHING ROOTLETS LOOSE FROM WALL OF BALL TO ENCOURAGE ROOTS TO EXTEND OUTWARD. SHOULD PLANT BE ROOT BOUND THE BALL SHALL BE SCORED WITH A SHARP KNIFE VERTICALLY IN THIRDS DOWN THE ROOTBALL SIDES APPROXIMATELY 1/2 INCH DEEP AND TWO WAYS ACROSS THE BOTTOM. THE ROOTS SHALL THEN BE LOOSEND AND SPREAD TO ENCOURAGE OUTWARD GROWTH.
 - PLANT SHALL BE BURIED TO STRUCTURAL ROOT DEPTH. EXCESS MATERIAL ON BALLED AND BURLAP TREES SHALL BE REMOVED. REMOVE BURLAP AND BASKETS FROM B&B TREES WITH CARE TO MAINTAIN INTEGRITY OF ROOT BALL.
 - ALL TAGS SHALL BE REMOVED FROM PLANTS.
 - A COMPOST OR HUMUS SHALL BE INCORPORATED AT A RATE OF SIX CUBIC YARDS PER 1000 SQUARE FEET FOR IMPROVED MOISTURE AND NUTRIENT RETENTION. COMPOST IS GENERALLY AVAILABLE AT MOST NURSERIES - KELLOGG'S 'GROW MULCH' IS RECOMMENDED. HUMUS, AVAILABLE LOCALLY IN BULK QUANTITIES, MUST BE WELL COMPOSTED TO AVOID ROOT BURN. WHEN COMPOSTED HUMUS NOT AVAILABLE, AMENDMENT SHALL BE SUFFICIENTLY NITROLIZED TO PREVENT LOCK UP OF NUTRIENTS AND ROOT BURN. CONTRACTOR TO PROVIDE SAMPLE SUBMITTAL TO LANDSCAPE ARCHITECT.
 - TOP SOIL SHALL BE FERTILE, FRIABLE AND FREE OF ROCKS LARGER THAN 1" DIAMETER, NOXIOUS WEED SEEDS OR EXTRANEIOUS MATTER. TOP SOIL DELIVERED TO SITE SHALL HAVE ACIDITY RANGE OF PH 5.0 TO 7.0 AND SHALL CONTAIN NOT LESS THAN 15% ORGANIC MATTER.
 - BACKFILL MATERIAL SHALL MEET THE LEVEL OF TOP OF ROOTBALL. NEVER ALLOW NEW SOIL TO REACH PLANT STEM. BACKFILL SHALL BE PRESSED FIRMLY IN AROUND ROOTBALL.
 - WHEN BACKFILLING IS COMPLETE, CONSTRUCT A WATER RETENTION BERM APPROXIMATELY THREE INCHES HIGH AND TWICE THE DIAMETER OF THE ROOT BALL. SEE DETAIL.
 - FILL BASIN INSIDE BERM WITH WATER AND ALLOW TO DRAIN. FILL ANY HOLES THAT APPEAR WITH ADDITIONAL BACKFILL MATERIAL. REPEAT UNTIL HOLES DO NOT APPEAR AND ALL SOIL AROUND ROOT BALL IS MOISTENED.
 - TOP DRESS WITH 2"-3" LOCALLY OBTAINED 1" MINUS GROUND FIR BARK IN ALL PLANTED AREAS. IN WINDIER AREAS MULCH WITH SHREDDED CEDAR BARK OR EQUAL. CONTRACTOR TO PROVIDE A SAMPLE SUBMITTAL TO LANDSCAPE ARCHITECT FOR APPROVAL.
 - ONE REDWOOD STAKE OF 1-1/2" BY 1-1/2" SHALL BE INSTALLED FOR WINTER SUPPORT OF MULTI-STEMMED SHRUBS UNTIL ADEQUATE BRANCH STRENGTH IS ATTAINED. SEE DETAIL.
 - ONE LODGEPOLE STAKE OF TWO INCHES DIAMETER AND 8-10 FEET IN LENGTH SHALL BE INSTALLED AT THE WINDWARD SIDE OF ALL DECIDUOUS TREES. DOUBLE STAKING WILL BE REQUIRED IN WINDIER AND HEAVY SNOW LOAD AREAS. STAKE(S) SHALL BE INSERTED INTO GROUND AT EDGE OF ROOT BALL, NEVER INTO ROOTBALL. TREE GUYING METHOD IS RECOMMENDED FOR LARGER CONIFEROUS TREES IN WINDIER LOCATIONS. SEE DETAILS.
 - TWO TO THREE TREE TIES OF DURABLE CONSTRUCTION SHALL BE USED PER TREE. THE RUBBER OR MORE PLIABLE PORTION OF THE TIE SHALL BE LOOPED AROUND THE TRUNK AND WIRE OR OTHER MATERIAL LOOPED AROUND THE STAKE IN A FIGURE EIGHT CONFIGURATION. THE WIRES ARE THEN TWISTED TOGETHER. SHOULD SECURING THE TIE IN PLACE BE REQUIRED, NAIL OR STAPLE THE TIE TO THE STAKE ONLY, NEVER TO THE TREE. DO NOT TIE THE TRUNK TOO TIGHTLY AGAINST THE STAKE. ALLOW SOME ROOM TO MOVE IN BREEZE SO AS TO DEVELOP CALIPER STRENGTH IN TRUNK. THE TRUNK SHALL BE UPRIGHT AND STRAIGHT. SEE DETAIL.
 - IN THE FALL, AFTER LEAVES HAVE DROPPED, BRANCHES OF YOUNG TREES AND SHRUBS AND THOSE CLOSE TO SNOW REMOVAL/STORAGE AREAS SHALL BE BOUND IN AN UPWARD FASHION WITH VINYL TREE TAPE OR EQUAL TO MINIMIZE BREAKAGE FROM WEIGHT AND MOVEMENT OF SNOW. SEE DETAIL. THIS PROCEDURE SHOULD BE REPEATED EACH YEAR UNTIL TREES AND SHRUBS HAVE ATTAINED SUBSTANTIAL STRENGTH AND GIRTH. UNWRAP TREES AND SHRUBS IN SPRING, BEFORE NEW LEAVES APPEAR.
 - ALL CHANGES TO PLANS TO BE APPROVED BY LANDSCAPE ARCHITECT.
 - UPON COMPLETION OF ALL PROJECT PHASES, INSTALLING CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR INSPECTION AND FINAL APPROVAL.
 - REGULAR MAINTENANCE - PRUNING FERTILIZING, WEED, DEBRIS AND TRASH REMOVAL, REMOVE AND REPLACE ANY DEAD OR DYING PLANT MATERIAL. REPAIRATION OF IRRIGATION SYSTEM AS NEEDED. REPORT - PRIOR TO THE TWO YEAR ANNIVERSARY OF COMPLETION OF PROJECT A REPORT SHALL BE PREPARED BY THE PROJECT LANDSCAPE CONTRACTOR OR LANDSCAPE ARCHITECT WHICH DOCUMENTS THE CONDITION OF THE LANDSCAPING, AND PROVIDES RECOMMENDATIONS AS TO WHETHER ANY LANDSCAPING SHOULD BE REPAIRED REPLACED OR INSTALLED. THE RECOMMENDATIONS OF THE REPORT SHALL BECOME A PART OF AND INCORPORATED INTO THE FINAL LANDSCAPE PLAN, AND THE LANDSCAPING SHALL BE REPAIRED, REPLACED AND INSTALLED WITHIN SIX MONTHS OF THE DATE OF APPROVAL OF THE REPORT.

- SEEDING/SODDING**
- SEEDING AREAS SHALL BE PREPARED BY TILLING SOIL TO A SIX INCH DEPTH REMOVING ROCK GREATER THAN FOUR INCHES IN DIAMETER FOR WILDFLOWER AND EROSION CONTROL AREAS AND TURF GRASS AREAS. SIX INCHES OF HUMUS OR COMPOST SHALL BE TILLED IN. FOR SEEDED AREAS EVENLY SPREAD TOPSOIL/MANUFACTURED SOIL ON TOP OF NATIVE SOIL.
 - SEEDING/SOD AREA SHALL BE RAKED OR ROLLED TO A SMOOTH SURFACE FILLING HOLES AND REMOVING ROCK AS NECESSARY. FOR TURF AREAS THIS PROCESS SHALL BE REPEATED AS NEEDED TO ATTAIN SMOOTHEST SURFACE POSSIBLE. ROLL IN TWO OVERLAPPING DIRECTIONS FOR BEST RESULTS.
 - SEED SHALL THEN BE BROADCAST AT THE RATE PRESCRIBED BY SEED COMPANY OR LANDSCAPE ARCHITECT. LAWN SEEDS SHALL BE ROLLED IN AFTER BROADCASTING.
 - APPLY BIOSOIL MIX GRANULAR FERTILIZER AT RATE RECOMMENDED.
 - SEED SHALL THEN BE COVERED WITH A 1/8 TO 1/4" LAYER OF PEAT MOSS, HUMUS OR EQUAL TO RETAIN MOISTURE AND PREVENT WIND AND BIRDS FROM CARRYING SEED AWAY.
 - ADEQUATE MOISTURE SHALL BE MAINTAINED IN SEEDING AREA UNTIL SEEDLINGS REACH A HEIGHT OF TWO INCHES WHEN REGULAR WATERING MAY BEGIN. FREQUENCY AND DURATION OF INITIAL WATERING WILL VARY ACCORDING TO DAILY TEMPERATURES, SUN/SHADE PERIODS, WIND, SOIL, SLOPE AND ASPECT. CONTRACTOR TO ENSURE THAT APPROPRIATE SCHEDULE IS EMPLOYED FOR THIS AREA.

KEY

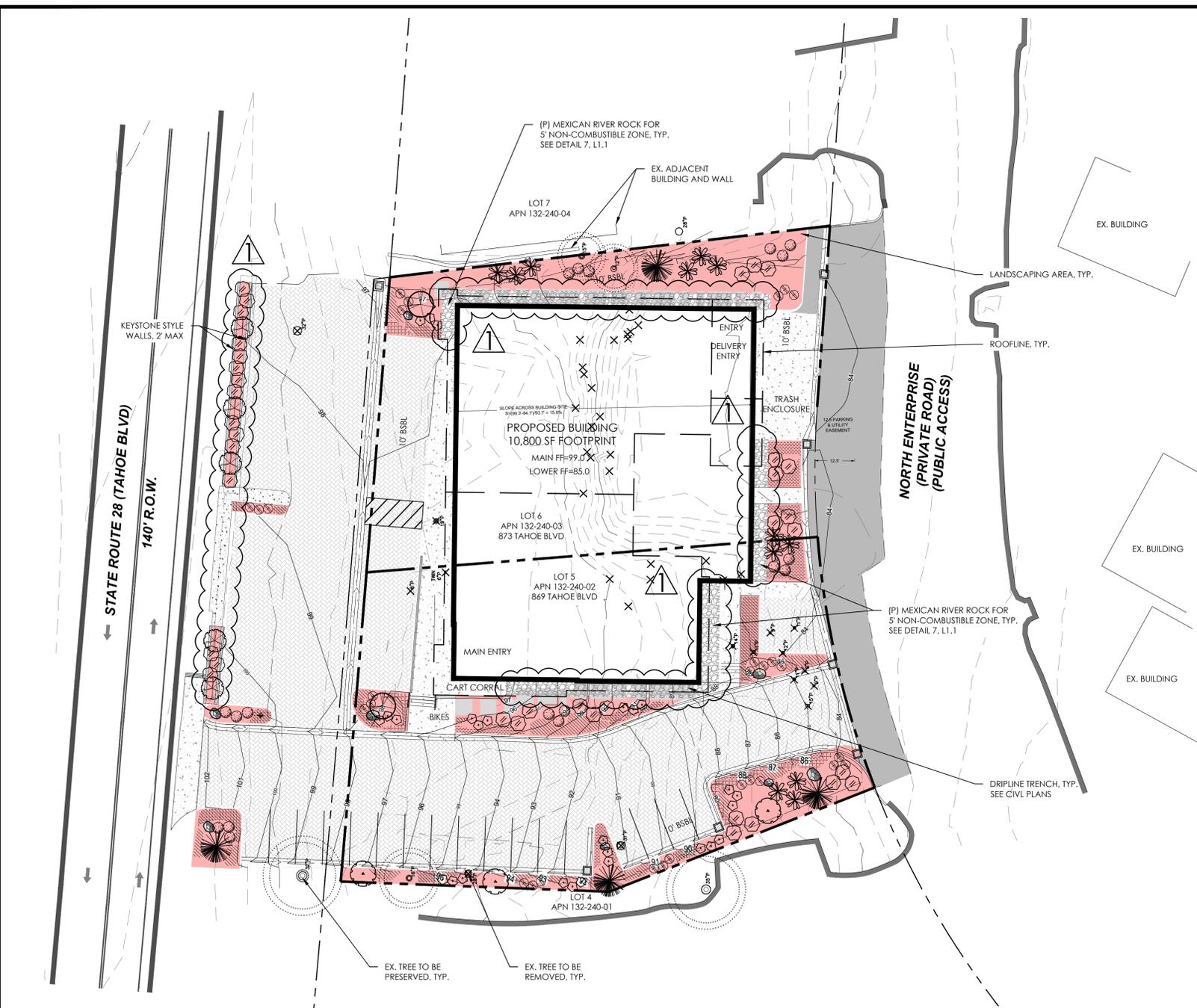
- EXISTING TREE TO REMAIN AND PROTECT.
- EXISTING TREE TO REMOVE.
- ACCENT BOULDER
- TOTAL SF OF LANDSCAPING AREA: 5885 SF
- 5' NON-COMBUSTIBLE ZONE AREA: 1310 SF

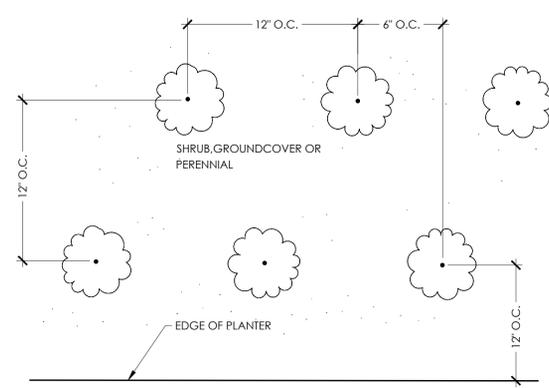
WASHOE COUNTY CODE

- ONE TREE REQUIRED FOR EVERY 10 PARKING SPACES
- MAXIMUM 12 PARKING SPACES BETWEEN TREES
- SEE WASHOE COUNTY CODE, SECTION 110.412.50
- TOTAL NUMBER OF PARKING SPACES: 43
- TOTAL NUMBER OF REQUIRED TREES: 5
- TOTAL NUMBER OF PARKING TREES: 8

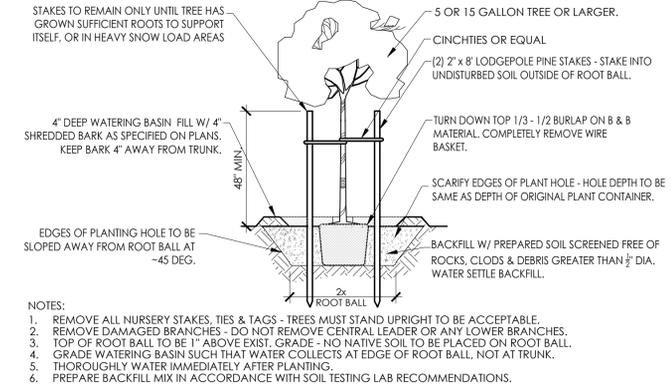
PRELIMINARY PLANT LEGEND					
	SCIENTIFIC NAME	COMMON NAME	QTY.	PLANTED SIZE	5-YR GROWTH
TREES					
	POP TRE	POPULUS TREMULOIDES	5	B&B, 5'W X 10T	8'W X 14T
	PN JET	PRUNUS JEFFREYI	4	B&B, 3'W X 10T	6'W X 14T
	ACE GIN	ACER GINNALA	3	B&B, 3'W X 7T	6'W X 12T
	ACE RUB	ACER RUBRUM	2	B&B, 5'W X 10T	9'W X 15T
SHRUBS					
	COR SER	CORNUS SERICEA	36	10-GAL, 2'W X 3T	5'W X 5T
	SPI DEN	SPHRAEA DENSIFLORA	27	5-GAL, 2'W X 2T	3'W X 3.5T
	RIB NEV	RIBES NEVADENSE	18	5-GAL, 2.5'W X 2.5T	4'W X 4T
	POT FRU	POTENTILLA FRUTICOSA	24	5-GAL, 2'W X 2T	3'W X 3T
	SYR VUL	SYRINGA VULGARIS	12	10-GAL, 2'W X 2T	6'W X 7T
PERENNIALS / GROUND COVERS / GRASSES					
	ANA MAR	ANAPHALIS MARGARITACEA	44	1-GAL - 24" O.C.	
	LIN LEW	LINUM LEWISII	67	1-GAL - 30" O.C.	
	LUP ARG	LUPINUS ARGENTEUS	53	1-GAL - 36" O.C.	
	ARC UVA	ARCTOSTAPHYLOS UVA URSI	60	1-GAL - 30" O.C.	

*ALL PLANT MATERIAL IS TO COMPLY WITH THE TRPA HOME LANDSCAPING GUIDE



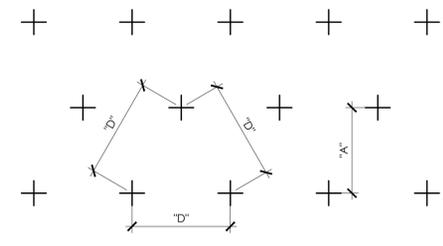


5 MASS PLANTING DETAIL NOT TO SCALE

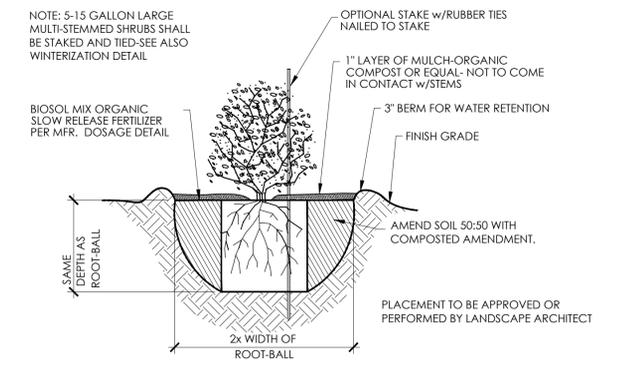


1 B & B TREE PLANTING DETAIL NOT TO SCALE

SPACING "D"	ROW "A"	NO. OF PLANTS	AREA UNIT
6' O.C.	5.2"	4.61	1 SQ. FT.
8' O.C.	6.93"	2.6	↓
10' O.C.	8.66"	1.66	↓
12' O.C.	10.4"	1.15	↓
15' O.C.	13.0"	7.38	10 SQ. FT.
18' O.C.	15.6"	5.12	↓
24' O.C.	20.8"	2.9	↓
30' O.C.	26.0"	1.85	↓
36' O.C.	30.0"	1.28	↓

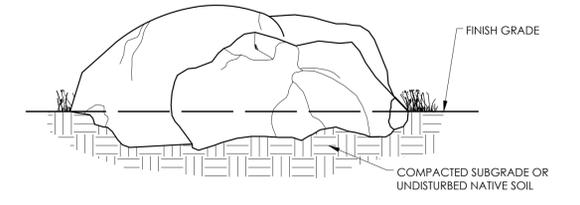


6 GROUND COVER SPACING CHART NOT TO SCALE

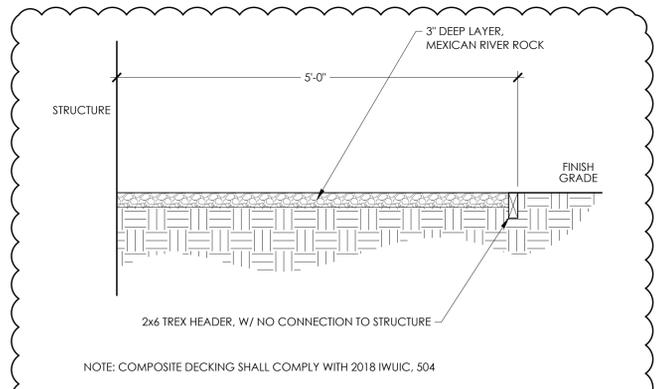


2 SHRUB PLANTING DETAIL NOT TO SCALE

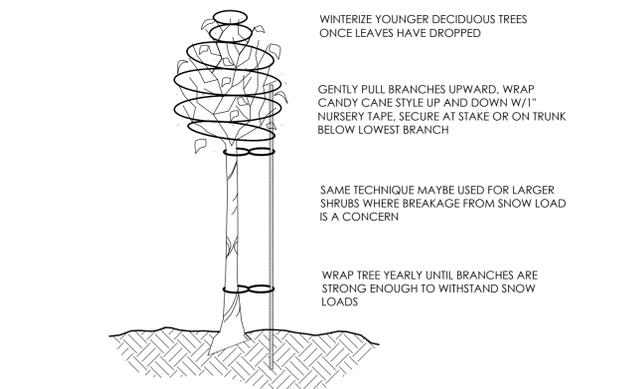
- NOTES:
- BOULDERS TO BE PLACED UNDER DIRECTION OF LANDSCAPE ARCHITECT
 - THE PLACEMENT OF SITE ROCKS MUST MIMIC EXISTING NEARBY PATTERNS.
 - BURY BOULDERS 1/2-1/3 TO APPEAR 'NATURAL' WITH WEATHERED SIDE UP, UNWEATHERED SIDES BURIED AS DEEP AS POSSIBLE



3 BOULDER PLACEMENT DETAIL NOT TO SCALE



7 NON-COMBUSTIBLE ZONE DETAIL NOT TO SCALE



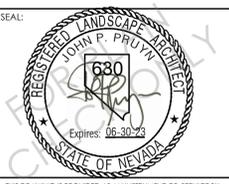
4 TREE WINTERIZATION DETAIL NOT TO SCALE

HIGH WEST
LANDSCAPE ARCHITECTS
10069 WEST RIVER ST.
SUITE #4C
TRUCKEE, CA 96161
28 VINE ST.
RENO, NV 89503
530.553.4000
CA. LIC. 4568, 5717
NV. LIC. 630

CONSULTANT:

PREPARED FOR:

PRELIMINARY
DETAILS



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REVISION	DATE
PER FIRE DEPT.	7-12-21
PER FIRE DEPT.	8-10-21

DRAWN BY: KMR CHECKED BY: PJM

DATE: 7-21-20
SCALE: N.T.S.

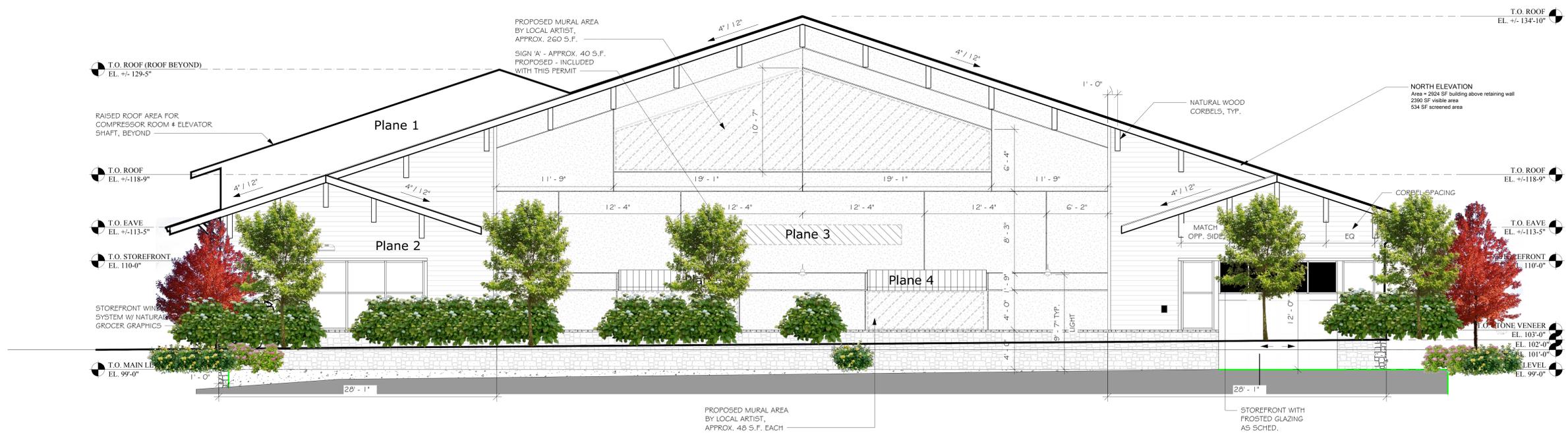
869-873 TAHOE BLVD
INCLINE VILLAGE, NV
APN: 132-240-02/03

SHEET TITLE: PRELIM. DETAILS

DRAWING NUMBER: **L1.1**

PROJECT#

**SCENIC SIMULATION
 NORTH ELEVATION**



NORTH SCENIC ELEVATION
 SCALE: 1/4"=1'-0"

COLOR/ MATERIALS KEY:

- 1 METAL ROOF-MEDIUM BRONZE
MUNSELL: 2.5 YR 4/8
- 2 MFD LAP SIDING-GUILD GREEN
MUNSELL: 5 GY 5/4
- 3 STUCCO SIDING-BROWN BAG
MUNSELL: 7.5 YR 6/4
- 4 STONE-TAN
MUNSELL: 2.5 Y 5/4
- 5 GLASS

REVISIONS:

1	

DATE: 7/22/2021
 SCALE: SEE_SCALE

SHEET:
SC1

Attachment D

Initial Environmental Checklist



Print Form

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

132-240-02 &-03; 132-240-20 & -21
869 & 873 TAHOE BLVD (HWY 28)

I. Assessor's Parcel Number (APN)/Project Location

Project Name **SPECIALTY RETAILER** County/City **Washoe**

Brief Description of Project:

A specialty retailer is proposing to demolish the existing buildings at 869 & 873 Tahoe Boulevard and construct a new 10,800 sf footprint commercial building on the 28,358 sf project area (both lots). The project area is located in the Tahoe Area Plan, Incline Village Commercial, Special Area #1, where Food and Beverage Retail Sales are an Allowable use. The land capability is verified as classes 4 and 6 (5697 sf in Class 4 and 9522 sf in Class 6). The proposed coverage is: 19,486 sf The proposed CFA is 13,232 sf. The project area is located on State Route 28 (Tahoe Boulevard) which is along Scenic Roadway Unit #22, which is not in attainment and is in a Scenic Restoration Area. This project will be reviewed at the Hearing's Officer level.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

The project is allowed 70% coverage per the Tahoe Area Plan.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

The project proposes an 11' excavation depth. A Soils Hydro has been granted to this excavation depth.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

[Empty response box for question f]

- Yes No
 No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

[Empty response box for question g]

- Yes No
 No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

[Empty response box for question a]

- Yes No
 No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

[Empty response box for question b]

- Yes No
 No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

[Empty response box for question c]

- Yes No
 No, With Mitigation Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

[Empty response box for question d]

- Yes No
 No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

- Yes No
 No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes No
 No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes No
 No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes No
 No, With Mitigation Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes No
 No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Data Insufficient
<input type="checkbox"/> No, With Mitigation	

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"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Data Insufficient
<input type="checkbox"/> No, With Mitigation	

h. Substantial reduction in the amount of water otherwise available for public water supplies?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Data Insufficient
<input type="checkbox"/> No, With Mitigation	

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"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Data Insufficient
<input type="checkbox"/> No, With Mitigation	

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Data Insufficient
<input type="checkbox"/> No, With Mitigation	

k. Is the project located within 600 feet of a drinking water source?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Data Insufficient
<input type="checkbox"/> No, With Mitigation	

4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

[Empty response box for question f]

- Yes No
 No, With Mitigation Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

[Empty response box for question g]

- Yes No
 No, With Mitigation Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

[Empty response box for question h]

- Yes No
 No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

[Empty response box for question a]

- Yes No
 No, With Mitigation Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

[Empty response box for question b]

- Yes No
 No, With Mitigation Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes No
 No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes No
 No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
 No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
 No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

The project will have exterior downlighting that will comply with the TRPA Code.

- Yes
- No, With Mitigation
- No
- Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes
- No
- No, With Mitigation
- Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

existing units are vacant and have been since property sold more than a year ago.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

2 existing units to be demolished and banked on-site (for future use) transfer). Both units currently vacant + in poor condition.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

2 units to be demolished and banked for future use, units are currently vacant and historically rented at market rate	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

Number of Existing Dwelling Units: 2

Number of Proposed Dwelling Units: 0

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

2 units being removed are market rate

- Yes
- No
- No, With Mitigation
- Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

low VMT generating project (proposed = 231 VMT)
low VMT = less than 1300 VMT

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

The project will increase the parking spaces on the project area. The needed parking spaces are provided on site.

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

number of driveways from highway to be reduced (less conflicts between vehicles, pedestrians, bikes)

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes No
 No, With Mitigation Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
 No, With Mitigation Data Insufficient

c. Schools?

- Yes No
 No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
 No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
 No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
 No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes No
 No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

- Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
 No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes No
 No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
 No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
 No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
 No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

The project will comply with TRPA's Scenic Highway Corridor requirements.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

The project will comply with TRPA's Scenic Highway Corridor requirements.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes No
 No, With Mitigation Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes No
 No, With Mitigation Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes No
 No, With Mitigation Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes No
 No, With Mitigation Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes No
 No, With Mitigation Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

_____ At _____ Date: _____
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Determination:

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

_____ Yes No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

_____ Yes No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

_____ Yes No



Signature of Evaluator

Date: 10/1/21



Title of Evaluator

ADDENDUM FOR TRANSFERS/CONVERSIONS OF USE

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any development right transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (*) notes threshold subjects.

a) Land*

Does the proposal result in any additional land coverage?

The additional land coverage between the verified amount and the 70% allowed in the Tahoe Area Plan will be transferred in, and therefore it is mitigated.

- Yes No
 No, With Mitigation Data Insufficient

b) Air Quality*

Does the proposal result in any additional emission?

- Yes No
 No, With Mitigation Data Insufficient

c) Water*

Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

- Yes No
 No, With Mitigation Data Insufficient

d) Does the proposal result in an increase in the volume of discharge?

- Yes No
 No, With Mitigation Data Insufficient

e) Noise*

Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

- Yes No
 No, With Mitigation Data Insufficient

f) Aesthetics

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

- Yes No
 No, With Mitigation Data Insufficient

g) Recreation*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

- Yes No
 No, With Mitigation Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

- Yes No
 No, With Mitigation Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

- Yes No
 No, With Mitigation Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

- Yes No
 No, With Mitigation Data Insufficient

k) Transportation

Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

- Yes No
 No, With Mitigation Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

- Yes No
 No, With Mitigation Data Insufficient

m) Utilities

Does the proposal result in additional water use?

The project will have increased water use beyond that of the existing uses. The applicant will pay the utility district for hook up fees and usage.

- Yes No
 No, With Mitigation Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

The project will have increased sewer use beyond that of the existing uses. The applicant will pay the utility district for hook up fees and usage.

- Yes No
 No, With Mitigation Data Insufficient

o) Historical

Does the proposal result in the modification or elimination of a historic structure or site?

- Yes No
 No, With Mitigation Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

_____ At _____ Date: _____
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

[Empty box for Applicant Written Comments]

Print Form

STAFF REPORT

Date: October 20, 2021

To: TMPO Governing Board

From: TRPA Transportation Planning Staff

Subject: Approval of Amendment No.1 of the FY 2022 Lake Tahoe Transportation Overall Work Program

Summary and Staff Recommendation:

Staff recommends that the TMPO Governing Board approve Amendment No.1 of the FY 2022 TMPO Overall Work Program (OWP) by adopting the attached resolution (Attachment A).

Required Motion:

In order to adopt the proposed targets and funding program, the Board must make the following motion, based on the staff report:

- 1) A motion to adopt the attached resolution approving Amendment No.1 of the 2022 TMPO Overall Work Program. (Attachment A).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Tahoe Transportation Commission (TTC) Recommendation:

Staff did not take the amendment to the October 6, 2021 meeting given the Tahoe Transportation Districts existing agenda and need for an additional special meeting on October 22, 2021.

Background:

As a recipient of federal transportation planning funds, the Tahoe Metropolitan Planning Organization (TMPO) is required to prepare an annual program of work outlining transportation planning activities TMPO will be undertaking in the coming fiscal year. The OWP, also referred to as a Unified Planning Work Program (UPWP), provides a description of the activities and financial budget to fund the efforts.

Based on a revised funding allocation from California to TMPO it is necessary to amend the current [OWP FY 21/22](#) budget of \$2,085,358 to reflect \$1670 grant reduction and no longer needed match in funding from Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account, Metropolitan Planning Organizations (MPO) Sustainable Communities Formula Grant, Work Element 108.5. Work Element 105 increased by \$263 to provide the required 5% match. This amendment is also an opportunity to update project tasks and completion dates that have been delayed due to the Caldor Fire. Attachment B provides a summary of changes and Attachment C is the revised OWP for consideration with this amendment. The full OWP Amendment No.1 red lined document is available on the trpa.gov/transportation web page beneath Work Program.

Contact Information:

If you have any questions or comments regarding this item, please contact Michelle Glickert, at mglickert@trpa.org or 775-589-5204.

Attachments:

- A. Resolution 2021-__ to adopt Amendment #1 of the FY2021 TMPO OWP
- B. Summary of Revised FY 2021 OWP Work Elements
- C. [2021/2022 Lake Tahoe Transportation Overall Work Plan Amendment No.1](#)

Attachment A

Resolution 2021-__ to adopt Amendment #1 of the FY2021 TMPO OWP

TAHOE METROPOLITAN PLANNING ORGANIZATION
TMPO RESOLUTION NO. 2021-__

ADOPTION OF AMENDMENT No.1 OF THE TMPO 2022 TRANSPORTATION OVERALL WORK PROGRAM

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under US Title 23, CFR 450; and

WHEREAS, each MPO is required to adopt an Overall Work Program (OWP), describing the transportation planning program and the planning activities anticipated for the Region over the next fiscal year; and

WHEREAS, the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have approved the 2022 OWP; and

WHEREAS, staff has prepared Amendment No.1 to the OWP that includes modifications to budget and activities in Work Element 108.5; and

WHEREAS, staff is requesting that the TMPO Governing Board adopt Amendment No.1 of the 2022 OWP and authorize the submittal to state and federal agencies for approval as necessary, and authorize staff to take actions necessary for this approval; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving Amendment No.1 of the 2022 Tahoe Transportation Overall Work Program.

PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization at its regular meeting held on October 27, 2021, by the following vote:

Ayes:
Nays:
Abstain:
Absent:

Mark Bruce, Chair
Tahoe Metropolitan Planning Organization
Governing Board

Attachment B

Summary of Revised FY 2021 OWP Work Elements

FY 2021 OWP Revisions

Schedule Modifications

Work Element 104

Product 1 and 2. The Draft will be delayed until June and Final Active Transportation Plan (ATP) will now be in FY2023 OWP; the primary change to the plan is building it out to incorporate Tahoe’s first Regional Trails Plan developed by a coalition of Tahoe-Truckee partners. The Trails Plan will provide the blueprint for connected and accessible trail network that spans land managed by numerous agencies and links Tahoe’s backcountry, front country, and urban trail systems the former ATP. Delays are being experienced as many partners were on the front lines of the Caldor Fire.

Work Element 106 Additions

- P-3 Product and tasks – Regional Grant Program final recommendations
- P-4 Product and tasks – Draft 2023 Federal Transportation Improvement Plan

Work Element 108.4 and .5 Changes

The Equity Study is being extended to flow into 2023 FY. Revisions to the products include a more extensive outreach plan and evaluation framework

108.4

- P-1 Draft Regional Funding Strategy/Proposal, completion now December 2021
- P-2 Transportation Equity Study Initial Draft Products – Outreach Plan June 2022

108.5

- P-1 Final Regional Funding Strategy/Proposal, completion now April 2022
- P-2 Transportation Equity Study Initial Draft Products – Equity Evaluation Framework June 2022

FY2021 OWP Budget Reconciliation

Work Element 105 required a slight correction to our match funds and 108. 5 incorporates a reduction of \$1,670 from grant funds. This minor reduction does not significantly impact deliverables.

<i>Work Element</i>			
	<i>TDA Planning (match)</i>		<i>TMPO Staff total</i>
WE105 approved	\$	4,053	\$ 258,719
WE105 corrected	\$	4,316 (5%)	\$ 258,982
balance	\$	+ 263	\$ + 263
	<i>TRPA Match</i>	<i>SB1 RMRA Funds</i>	
WE108.5 approved	\$	20,835	\$ 160,750 \$ 181,585
WE108.5 Reconciled	\$	20,611	\$ 159,080 \$ 179,691
balance	\$	- 224	\$ - 1,670 \$ -1,894

Revised Budget Tables:

Work Element 105 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
FHWA PL (CA-Carryover)	\$70,000	Data and Forecasting System Svcs.	\$45,000
-Toll Credits (CA-Carry)	\$8,029	Data Collection Contract Svcs.	\$50,000
FTA 5303 (CA)			
-Toll Credits (FTA 5303 CA)	\$0		
FTA 5303 (CA Carryover)	\$25,000		
-Toll Credits (CA 5303-Carry)	\$2,868		
Subtotal:	\$95,000	Subtotal:	\$95,000
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$75,838		
-Toll Credits (PL-CA)	\$8,699		
FHWA PL (CA-Carryover)	\$46,931		
-Toll Credits (CA-Carry)	\$5,383		
FTA 5303 (CA)	\$3,585		
-Toll Credits (FTA 5303 CA)	\$411		
FTA 5303 (CA Carryover)	\$46,312		
-Toll Credits (CA 5303-Carry)	\$5,312		
FHWA PL (NV)	\$82,000	Wages/Benefits:	\$147,842
TDA Planning	\$4,053	Est. Indirect Cost:	\$110,877
Subtotal:	\$258,719	Subtotal:	\$258,719
Total:	\$353,719	Total:	\$353,719
**Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.			

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
FHWA PL (CA-Carryover)	\$70,000	Data and Forecasting System Svcs.	\$45,000
-Toll Credits (CA-Carry)	\$8,029	Data Collection Contract Svcs.	\$50,000
FTA 5303 (CA)			
-Toll Credits (FTA 5303 CA)	\$0		
FTA 5303 (CA Carryover)	\$25,000		
-Toll Credits (CA 5303-Carry)	\$2,868		
Subtotal:	\$95,000	Subtotal:	\$95,000
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$75,838		
-Toll Credits (PL-CA)	\$8,699		
FHWA PL (CA-Carryover)	\$46,931		
-Toll Credits (CA-Carry)	\$5,383		
FTA 5303 (CA)	\$3,585		
-Toll Credits (FTA 5303 CA)	\$411		
FTA 5303 (CA Carryover)	\$46,312		
-Toll Credits (CA 5303-Carry)	\$5,312		
FHWA PL (NV)	\$82,000	Wages/Benefits:	\$147,992
TDA Planning	\$4,316	Est. Indirect Cost:	\$110,990
Subtotal:	\$258,982	Subtotal:	\$258,982
Total:	\$353,982	Total:	\$353,982

**Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.

Work Element 108.5 Budget:

WE 108.5			
Direct Costs:		Direct Costs:	
TRPA General	\$20,835		
CA-RMRA 21/22	\$160,750	Sustainable Comm Planning	\$181,585
	Subtotal:	Subtotal:	\$181,585
TMPO Staff:		TMPO Staff:	
	\$0		\$0
	Total:	Total:	\$181,585

WE 108.5			
Direct Costs:		Direct Costs:	
TRPA General	\$20,611		
CA-RMRA 21/22	\$159,080	Sustainable Comm Planning	\$179,691
	Subtotal:	Subtotal:	\$179,691
TMPO Staff:		TMPO Staff:	
	\$0		\$0
	Total:	Total:	\$179,691

**Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.

Attachment C

[2021/2022 Lake Tahoe Transportation Overall Work Plan Amendment No.1](#)

TMPO CONSENT CALENDAR ITEM NO. 1



STAFF REPORT

Date: October 20, 2021
To: TRPA Governing Board
From: TRPA Staff
Subject: Round Hill Pines Resort Intersection Improvement Project, Environmental Improvement Program # 03.01.02.0070

Summary and Staff Recommendation:

Staff recommends that the Governing Board make the required findings and approve the project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff report:

- 1) A motion to approve the required findings including a finding of no significant effect as shown in Attachment A; and
- 2) A motion to approve the proposed project subject to the conditions contained in the draft permit as shown in Attachment B.

In order for motions to pass, an affirmative vote of 5-9 (5 Nevada and 9 total) of the Board is required.

Project Description/Background:

The Round Hill Pines Resort Intersection Improvement Project proposes a new entrance to Round Hill Pines Resort. The new entrance will be 0.2 miles north of the existing entrance and will include a left turn lane into the resort and a northbound acceleration lane along US 50. The current US 50 entrance configuration into the Round Hill Pines Resort is unsafe due to limited sight distance in both directions and unprotected turning movements across US 50. The project will improve the sight distance for vehicles and make turning movements into and out of the resort safer for all users. The project is an Environmental Improvement Program (EIP) project that will improve access to recreation facilities. The project is planned for construction in 2022.

The relocated intersection will tie into a new entrance road and parking lots being constructed by the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) in 2021. The current Round Hill Pines Resort access road contains a narrow roadway width, steep grades, and sharp curves. This limits the flow for two-way traffic and is not conducive to larger vehicles including transit. There is also parking along the unimproved road shoulders causing significant erosion. The project will construct a new entrance that is wider and safer, two new parking lots, a roundabout for transit, and Best Management Practices (BMPs).

Issues and Concerns:

The TRPA Code of Ordinances requires Governing Board approval for recreation projects that involve more than 3,500 square feet of new land coverage. The project increases coverage by 0.34 acres in land capability district 4 and 0.26 acres in land capability 2 for a total increase of .6 acres (26,136 square feet). The additional coverage is attributed to the highway improvements that will widen the highway to accommodate the safety improvements and the new entrance road. All new coverage will be mitigated per the requirements of Chapters 30 and 60 of the TRPA Code of Ordinances as identified in the draft permit (Attachment B).

The TRPA Code of Ordinances requires Governing Board approval for projects involving substantial harvest or tree removal plans. TRPA Code Section 61.1.8. states substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger. The proposed project area is 8.9 acres and identifies 118 trees greater than 14" diameter at breast height (dbh) be removed to accommodate the project. Nineteen of the trees are greater than 24" dbh. Nine trees are within the Nevada Department of Transportation Right of Way and 109 trees are within the Round Hill Pines Resort property which is owned by the LTBMU. Alternatives to the proposed project were considered during project scoping but none of them reduced the number of trees that would need to be removed. During final design there may be opportunities to reduce the total number of trees that are required to be removed.

The entire project is on public land. The review process for substantial tree removal on public land is determined according to the Memorandum of Understanding (MOU) between the public land manager and TRPA. The proposed tree removal follows the TRPA and LTBMU MOU, which allows the LTBMU to determine if any mitigation is required for tree removal as the land manager. Given the size of the parcel and the existing trees that will remain on-site, the LTBMU has determined that trees will not be replanted to mitigate for the loss of trees on their property.

Environmental Review:

The Federal Highway Administration (FHWA) Central Federal Lands Highway Division (CFLHD) in cooperation with LTBMU and TRPA prepared a National Environmental Policy Act Environmental Assessment (EA) and TRPA Initial Environmental Checklist (IEC) to analyze the impacts of the proposed project. The Finding of No Significant Impact (FONSI) was signed on October 1, 2021. The FONSI and EA may be found in the project record and online at: [Round Hill Pines Access | FHWA \(dot.gov\)](#).

Public Comment:

CFLHD in cooperation with LTBMU and TRPA released the public Draft EA to analyze the impacts of the proposed project. The public draft EA was available for public comment from May 28th to June 27th, 2021. Seven comment letters were received on the public draft EA. Two of the comments were unrelated to the proposed project, three were neutral, and two were opposed to the proposed project. Both oppositions did not think the proposed relocation was in the correct spot. One opposition letter came from legal representation from property owners on Sierra Sunset Lane. They are concerned about the potential traffic, noise, and trash impacts the proposed new entrance may have on their properties. CFLHD responded to all comments including reaching out to the Sierra Sunset Lane representative directly to discuss the response to their comment and the FONSI and EA. The comment letters and responses are part of the public record.

Regional Plan Compliance:

The project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 4.

Contact Information:

For questions regarding this agenda item, please contact Shannon Friedman, Senior Planner, at (775) 589-5205 or sfriedman@trpa.gov

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit

Attachment A

Required Findings/Rationale

Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 30, and 61 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4.4.1 – 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 Round Hill Pines Resort Intersection Improvement Project (project) is in the Plan Area Statement (PAS) 068, Round Mound. Day Use is an allowed use within this PAS. The PAS says the areas should be managed for recreation opportunities including provisions for increased public access to the shoreline. The project, as conditioned in the Draft Permit, is consistent with the Regional Plan and the Lake Tahoe Environmental Improvement Program (EIP). The project is a priority recreation EIP project for TRPA and basin partners as identified on the 5-year EIP List (EIP #03.01.02.0070).

- B. The project will not cause the environmental threshold carrying capacities to be exceeded.

A joint Nevada Environmental Policy Act (NEPA) Environmental Assessment (EA) and TRPA Initial Environmental Checklist (IEC) were completed for the proposed project in accordance with Chapter 3 of the TRPA Code of Ordinances. TRPA staff has reviewed the EA/IEC and all significant environmental impacts have appropriate mitigation measures and staff as concluded that the project will not have a significant effect on the environment. The EA is part of the project record and hard copies may be available upon request.

- 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.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards.

2. Chapter 30.5.1.B - Land coverage and disturbance for public outdoor recreation facilities, including public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2, or 3 if TRPA finds that:

- A) project is a necessary part of a public agency's long-range plans for public outdoor recreation:

The project will improve access and provide a safer entrance into the Round Hill Pines Resort. It is identified on the EIP project list as a high priority EIP project with threshold attainment in recreation. The need for the project is identified in the preliminary reports for the US 50 Corridor Management Plan and NDOT has identified it as a high priority project in their plans.

- B) The project is consistent with the Recreation Element of the Regional Plan:

The project will increase the quality of the recreation experience and improve access to recreation opportunities at the Round Hill Pines Resort. It is consistent with the Recreation Element of the Regional Plan and achieves threshold attainment for recreation and water quality.

- C) The project by its very nature must be sited in Land Capability Districts 1a, 1c, 2, or 3, such as a ski run or hiking trail:

The portion of coverage located on land capability 2 is attributed to constructing a portion of the entrance road that will tie the new intersection into the new entrance road and parking constructed the LTBMU. The slopes in this portion of the resort are steep and there are no higher land capability areas within the resort that are suitable for the entrance road. There is no alternative that would reduce the coverage in Land Capability District 2 while still meeting the purpose and need for the project.

- D) There is no feasible alternative that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and

There is no feasible alternative that would reduce the extent of coverage in Land Capability District 2 and meet the purpose and need of the project. During planning every effort was made to reduce the extent of coverage and disturbance for the entire project, therefore the amount of disturbance

E) The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:

1. Application of best management practices; and

Existing best management practices (BMPs) will be maintained and new BMPs will be installed to accommodate the increase in coverage.

2. Restoration, in accordance with subsection 30.5.3, of land in Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zone) in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

Prior to acknowledging the permit TRPA will work with CFLD and LTBMU to identify a restoration project on LTBMU property that will satisfy the requirement. Refer to the draft permit (Attachment B)

3. Chapter 61.3.7.A.6 Old Growth Enhancement and Protection - Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity:

19 trees greater than 24 inches dbh are proposed for removal to accommodate the relocation and safety improvements to the Round Hill Pines Resort entrance. There is not a feasible alternative that would reduce the number of old growth trees and meet the purpose and need of the project.

4. Chapter 61.1.8 Substantial Tree Removal

B. The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to a Memorandum of Understanding (MOU) between the partner agency and the TRPA.

The project is both on the Nevada Department of Transportation right of way and USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) property. TRPA has an MOU with both NDOT and LTBMU. 9 trees are proposed to be removed within the NDOT right of way. 109 trees are proposed to be removed with the Round Hill Pines Resort owned by the LTBMU. The MOU allows the LTBMU to manage their lands when it comes to tree removal and mitigation for tree removal. Given the size of the parcel, the species of the trees to be removed, and the number of trees that will remain, LTBMU does not think it is necessary to plant additional trees to mitigate for the tree removal associated with the project.

Attachment B

Draft Permit



Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
 www.trpa.org



DRAFT PERMIT

PROJECT DESCRIPTION: Round Hill Pines Resort Intersection Improvement Project

EIP NUMBER: 03.01.02.0070

PERMITTEE(S): Federal Highway Administration, Central Federal Lands Highway Division

FILE #: EIPC2021- 0012

COUNTY/LOCATION: Douglas County/Round Hill Pines

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on October 27, 2021, subject to the Standard Conditions of Approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on October 27, 2024, unless project is diligently pursued every year. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. 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) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

 TRPA Executive Director/Designee

 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) _____ Date _____

EIP NUMBER: 03.01.02.0070
TRPA FILE NO. EIPC2021-0012

Water Quality Mitigation Fee (1) Amount \$ _____ Paid _____ Receipt No. _____

Notes: (1) See Special Condition 3.C, 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:

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of the Round Hill Pines Resort Intersection Improvement Project. The Project will relocate the existing entrance 0.2 miles north of the existing entrance and will include a left turn lane into the resort and a northbound acceleration lane along US 50. The relocated intersection will tie into a new entrance road and parking lots being constructed by the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) in 2021. The project is within the Nevada Department of Transportation right of way and LTBMU property. It is planned for construction in 2022.
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. Submit one set of final construction plans electronically with the following changes:
 - I. Remove the roadway obliteration reference on sheet C01.
 - II. Include the new sign for the Round Hill Pines Resort Entrance.
 - III. Revise sheet C01 to show restoration/minimization of the existing entrance.
 - IV. Include the trees that will be removed on the plan sheets
 - V. Include revegetation on the plan sheets.
 - VI. Show restoration of section of shared use trail that is proposed to be removed. It should be restored so that it is de-compacted and allows water to naturally infiltrate and supports native vegetation.
 - B. The applicant shall mitigate the 11,325 square feet of coverage in Land Capability District 2 by proposing and implementing a restoration project(s) onsite or offsite. The restoration project shall restore land in Land Capability Districts, 1a, 1b, 1c, or 2 at 1.5 times the area of land covered for the project beyond that permitted by the coefficients in Table 30.4.1.1. The project shall be identified prior to acknowledgement of this permit.

- C. The required water quality offset for the 14,810 square feet of coverage in Land Capability Districts 4 may be mitigated one of two ways, or a combination of both per TRPA Code of Ordinances, Section 60.2.3 (Required offsets). The application may propose a water quality mitigation project or pay a water quality mitigation fee at a rate of \$1.86/sq. ft. of coverage, or a combination of the two. The mitigation plan or water quality fees shall be submitted prior to acknowledgement of this permit.
4. Prior to the pre-grade inspection, the following conditions of approval shall be satisfied:
- A. The permittee shall submit an updated construction schedule to TRPA prior to commencement of construction. This schedule shall identify dates for the following:
- When installation of temporary erosion control structures will occur;
 - When each stage of construction will start;
 - When construction spoils and debris will be removed;
 - When installation of all permanent erosion control structures will occur;
 - When construction will be completed;
 - The estimated date for when the final inspection by TRPA Environmental Compliance staff will take place to ensure that all conditions of project approval have been satisfied.
- B. An EIP project sign shall be approved, fabricated and installed at approved location(s) within the project area. Applicant shall work with the TRPA graphic designer on the design and layout of the sign.
5. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q (Standard Conditions of Approval) have been properly installed. No grading or construction shall commence until TRPA pre-grade conditions of approval are met.
6. All new galvanized or reflective metal surfaces including but not limited to guardrails, traffic signal posts, light posts, utility boxes, backs of signs, and exposed culverts shall be treated so they are not shiny or be non-galvanized.
7. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M. Regular construction work outside of these hours may require noise monitoring to ensure the project will not be in violation of TRPA noise standards.
8. The color of rock, articulated block or concrete shall blend in with the native environment and be approved by TRPA prior to placement.
9. All above ground facilities, new or currently existing, such as sign posts, the back of signs, electrical boxes, etc. shall be colored the approved TRPA color, Brown Fed. Standard 595 FS 30059 or another approved color by TRPA.

10. Grading is prohibited any time of the year during periods of precipitation and for the resulting period when the site is covered with snow, or is in a saturated, muddy, or instable conditions (pursuant to Subsection 64.2.C of the TRPA Code of Ordinances).
11. The adequacy of all required temporary BMPs, as shown on the final construction plans, shall be confirmed at the time of the TRPA pre-grading or pre-construction inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time. Adequate BMPs must be installed prior to construction, regardless of the amount or type of BMPs shown on final construction plans.
12. 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.
13. If artifacts, archaeological soils, or unusual amounts of bone or shell are uncovered during the construction activities, all work in the area will be stopped and a qualified archeologist will be immediately contacted for on-site consultation.
14. The roots of trees (adjacent to the pathway) over four inches in diameter shall not be severed, if avoidable, pursuant to Subsection 65.2F of the TRPA Code of Ordinances.
15. No trees shall be removed (other than those shown on the approved site plan) without prior TRPA written approval as per the Landscape and Revegetation Plan. During the project design refinement all opportunities shall be explored to reduce the number of trees to be cut that are greater than 14 inches diameter at breast height (dbh), especially those greater than 24" dbh in east side forest types and 30" dbh in west side forest types.
16. 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.
17. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
18. The permittee is responsible for ensuring 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.
19. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.
20. All permanent BMPs shall be maintained per an approved BMP inspection and maintenance plan.

21. Permittee shall contact TRPA for a final inspection at the conclusion of the project to verify that all conditions of the permit have been met and the project was implemented per the TRPA approved Plans.
22. All rock material (gravel, cobble, and boulders) shall be clean and thoroughly washed prior to arrival at the site to ensure that the rock is free of any silt or clay particles.
23. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Region is prohibited. All surplus construction waste materials shall be removed from the project site and disposed of at approved points of disposal.
24. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
25. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. 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



STAFF REPORT

Date: October 20, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Science Briefing: State of the Lake Report by Dr. Geoffrey Schladow, University of California, Davis and Caldor Fire Science and Monitoring Overview by Dr. Sudeep Chandra, University of Nevada, Reno

Background

TRPA is proud to be one of a group of partners that funds both the University of California, Davis - Tahoe Environmental Research Center's work to development of the State of the Lake Report, and the University of Nevada, Reno led work to study the impact of smoke and ash on Lake Tahoe. We are grateful to both Dr. Schladow and Dr. Chandra for agreeing to present their work at the October Governing Board meeting.

2021 State of the Lake Report

Dr. Geoffrey Schladow from the University of California, Davis - Tahoe Environmental Research Center (TERC) will present a summary of the 2021 State of the Lake Report. The full report can be accessed at <https://tahoe.ucdavis.edu/stateofthelake>.

TERC has been continuously monitoring the water quality of Lake Tahoe since 1968. This record of over 50 years of measurements provides a unique perspective on long-term trends and current health of Lake Tahoe. The State of the Lake Report summarizes the results of the ongoing research and monitoring efforts and provides important information that TRPA and its partners rely upon to inform policy decisions about the future of the Region.

The 2021 Report highlighted the continued importance of the pollutant load reduction work spearheaded by the Tahoe Total Maximum Daily Load (TMDL) Program partners and highlighted the changes and challenges that climate change is driving. All portions of the lake are warming, however the surface waters are warming almost twice as fast as the lake as a whole. The highest surface temperature ever recorded, 72.4 °F, was recorded in September 2020. The report also highlighted the dramatic decline in the number of days with average air temperatures below freezing in the Region. Since the start of the twentieth century, there has been a 40 percent decline in below freezing days, or 30 days less per year.

TERC has monitored the clarity of the lake with a Secchi disk every two weeks for the last half century. While no single indicator provides a complete picture of the lake's health, clarity continues to provide an

integrated picture of the health of the lake and surrounding watershed. In 2020, the annual average Secchi depth was 63 feet (19.2 m), almost unchanged from the previous year and consistent with the values observed over the last 20 years.

Impacts of Wildfire and Smoke on Lake Tahoe

Dr. Sudeep Chandra from the University of Nevada, Reno will present an overview of the work his lab is leading to understand the impact of smoke and ash on the lake. The smoke generated from the 2021 wildfires presents a unique opportunity to understand how major disturbances inside and outside of the Basin influence short and long-term water quality dynamics in Lake Tahoe. The Tamarack, Caldor, and Dixie Fires have been impacted the air quality in the Region for months in the summer of 2021. Understanding the impact of the fires is critical for policymakers as climate change drives more frequent, larger, and more intense wildfires.

Dr. Chandra is also co-chair of the Tahoe Science Advisory Council and will provide an overview of the Council's response to the Caldor Fire. The research on the impacts of smoke and ash is part of the larger workplan of the Tahoe Science Advisory Council to learn from the fires of 2021, and better position the Region for the future.

If you have questions about the presentation, please contact Dan Segan, Principal Natural Resource Analyst at dsegan@trpa.org or 775.589.5233.



STAFF REPORT

Date: October 20, 2021
To: TRPA Governing Board
From: TRPA Staff
Subject: Update on the Caldor Fire Recovery Program

Summary and Staff Recommendation:

Staff will provide an update on the Caldor Fire Recovery and Restoration. This will include an update on the Burned Area Emergency Response (BAER) Report and the Watershed Emergency Response Team (WERT) Report. The phases of fire recovery include 1) fire suppression and repair, 2) emergency stabilization, and 3) long-term recovery and restoration. This item is for informational purposes only and no action is required.

The Caldor Fire is still in the fire suppression repair phase while simultaneously moving into the emergency stabilization phase. During this phase, a BAER team conducts a rapid assessment of the burn area to identify imminent post-wildfire threats to human life and safety, property, and critical natural resources on National Forest System Land. It identifies and recommends projects to be implemented to mitigate the immediate risks found post-fire. It also includes a funding request to the U.S. Forest Service Washington Office to cover the cost of the projects. The BAER report has been submitted to the El Dorado National Forest and Lake Tahoe Basin Management Unit Forest Supervisors for their review and approval. Once it is signed by the Forest Supervisors, it will be released to the public.

The state WERT team, led by CalFire and California Geological Survey, is conducting a rapid assessment of potential Values-at-Risk (VAR) on private property and state responsible areas from post-fire debris flow, flooding, hazard trees, etc. The WERT report will recommend emergency protective measures to protect the VARs. This process is completed simultaneously and in coordination with the BAER process. The draft WERT report has been released to cooperating agencies and identifies 76 VARs including residential structures, highway infrastructure, water system infrastructure, and water quality.

Protecting water quality is a top priority of the BAER and WERT teams. The WERT team is using modelling to forecast potential increased sediment yield as a result of the fire. The current modelling results predict up to a 20% sediment yield increase into Lake Tahoe due to the fire. Agencies are working together to stabilize as much as possible prior to increased precipitation. The final report is currently undergoing agency review and will be released to the public soon.

Contact Information:

For questions regarding this agenda item, please contact Shannon Friedman, TRPA Senior Planner, at (775) 589-5205 or sfriedman@trpa.gov.



STAFF REPORT

Date: October 20, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Denial of Remand of Appeal ADMIN2021-0004 (Denial of Non-Littoral Existing Mooring Buoy), 4100 Doe Avenue, Placer County, California, Assessors’ Parcel Number (APN): 085-161-014, Appeal File No. ADMIN2021-0029

Requested Action:

To consider and act upon a renewed appeal filed by Kent Bryan of a staff-level denial of an application to permit existing mooring buoy in Placer County, California.

Staff Recommendation:

Staff recommends that the Governing Board uphold staff’s determination that Mr. Bryan has not met the Code of Ordinances criteria for a non-littoral buoy permit and therefore deny the appeal.

Motion:

1. A motion to grant the appeal, which motion should fail in order to affirm the staff decision.

In order 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 California and nine overall.

Prior Governing Board Action and Activity on Remand:

The Governing Board first heard this appeal at its May 26, 2021 meeting. Based on the recommendation from the Legal Committee, the Governing Board voted to remand the application to staff in order to provide Mr. Bryan an opportunity to submit additional evidence regarding the ownership of the buoy. On June 14, 2021, Mr. Bryant submitted his additional documentation. See Attachment A. TRPA staff reviewed the additional material and on August 13, 2021 determined it did not satisfy the Code requirement that he received “valid authorization” for the identified buoy. See Attachment B. Mr. Bryan thereafter appealed that finding and submitted his Statement of Appeal. See Attachment C.

Background:

The basic background for the appeal can be found in the staff report and attachments thereto for Mr. Bryan first appeal. See Attachment D hereto.

The main issue involved in this appeal is whether the 2009 U.S. Army Corps of Engineers’ letter constitutes “valid authorization” for Mr. Bryan’s claimed buoy under Code section 84.3.3.b(i) and 84.3.3.b(ii). According to the Corps, the 2009 Corps grandfathering letter is not authorization for a

specific person or property owner to place a buoy in Lake Tahoe. See Attachment E. Moreover, the Corps letter does not provide the necessary association between Mr. Bryan’s non-littoral parcel and the claimed buoy; it simply recognizes that a buoy has existed since before 1972. Since the letter only confirms a buoy existed prior to that date and the letter can be issued to any party or property that requests the grandfather determination, regardless of actual ownership, the Corps’ “grandfather” letters simply duplicate the requirements of Code section 84.3.3.b(i), rather than provide the additional authorization required by Code section 84.3.3.b(ii). An authorization, such as a permit from California State Lands, would demonstrate that the property owner at the time or Mr. Bryan himself actually received permission to occupy state lands. The Army Corps grandfathering letter on its own cannot satisfy this condition of the Code as it does not convey that authority to Mr. Bryan.

Furthermore, Mr. Bryan’s additional submission does not provide any linkage between his parcel on Doe Avenue and the buoy in question. For example, Mr. Bryan submitted an email conversation with USACE that demonstrates (1) the Army Corps sole task in issuing a “grandfathering” letter is whether the buoy existed on Lake Tahoe prior to the date that agency began issuing permits, and (2) Mr. Bryan’s provision of a grant deed and tax bill for the property at 4100 Doe Avenue provides no link between ownership of this property and the buoy shown in the aerial photo. see Attachment A at 4. Similarly, Mr. Bryan’s Attachments B and C, see Attachment A at 12-20, indicate that there was ongoing vandalism at multiple buoys in the lake but does not demonstrate any ownership of any buoys. Attachment D to Mr. Bryan’s supplemental material, see Attachment A at 21, shows that Mr. Bryan had maintenance work done on a buoy in the lake and Attachment E, see Attachment A at 25, shows that a guest of the Bryans used a buoy in the lake. None of these exhibits prove that Mr. Bryan, or any homeowner previously, holds ownership of the identified buoy. In fact, the documents submitted reveal longstanding disputes over ownership and authorization of buoys in this area.

Under the TRPA Code, non-littoral property owners are subject to a higher burden of proof that they are entitled to use of moorings on Lake Tahoe. Both Nevada and California State Lands agencies do not favor individual non-littoral buoys. There are additional issues from non-littoral property owners trying to access moorings in the lake without direct access to the water itself, for example, storing and launching the vessel needed to access their moored boat. The TRPA Code requirements were crafted therefore to require non-littoral property owners to show that they are, in fact, entitled to a mooring that was present before 1972 and that they received permission to anchor from an applicable state or federal agency with jurisdiction at Lake Tahoe.

TRPA staff therefore recommends that the Governing Board find Mr. Bryan has not met this burden to demonstrate a “valid authorization” for his claimed buoy and his appeal should be denied.

Contact Information:

For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.gov, or Matt Miller, Senior Environmental Specialist, at (775) 589-5234 or mmiller@trpa.gov.

Attachments:

- A. June 14, 2021 Supplemental Material submitted by Kent Bryan
- B. August 13, 2021 TRPA Response on Remand to Appeal
- C. September 15, 2021 ADMIN2021-0029 Statement of Appeal
- D. May 26, 2021 Staff report for ADMIN2021-0004
- E. July 20, 2020 US Army Corp Email

Attachment A

June 14, 2021 Supplemental Material submitted by Kent Bryan

June 14, 2021

John Marshall
General Counsel
Tahoe Regional Planning Agency (TRPA)
128 Main Street
Stateline, NV 89449
jmarshall@trpa.gov

Mail:
Tahoe Regional Planning Agency (TRPA)
P.O. Box 5310
Stateline, NV 89449-5310

VIA ELECTRONIC AND CERTIFIED MAIL

RE: TRPA GOVERING BOARD HEARING MAY 26, 2021-ONLINE MEETING: EXISTING MOORING BOUY, 4100 DOE AVENUE, PLACER COUNTY, CALIFORNIA, ASSESSORS PARCEL NUMBER (APN) 085-161-014, TRPA FILE NUMBER BUOY 2021-0016

WRITTEN STATEMENT TO SUPPORT OWNERSHIP AND CONTROL OF BUOY

Dear Mr. Marshall:

This letter is written in response to your email dated June 7, 2021, asking for documentation tying my buoy to my above referenced parcel.

I now submit the following material for further validation of my buoy:

Attachment A:

Emails with USACE, where USACE asks for my grant deed and tax bill showing connection between parcel and buoy.

Attachment B:

Email to Placer County Sherriff Officer Humes documenting two occasions of vandalism /theft of my buoy float.

Attachment C:

Emails to/from fellow Tahoe Pines buoy owners documenting theft/vandalism of buoys and how we were trying to prevent future incidents.

Attachment D:

Miscellaneous receipts for maintenance and service of buoy, chain, and anchor.

Attachment E:

Letter of thank you from individual who was using buoy for a portion of a season.

The above demonstrates a preponderance of evidence showing my ownership and control, which is more than is typically required from other TRPA applicants. Further, the Governing Board has stated that simple receipts or photos is normally what is accepted in similar situations. That threshold has been met and surpassed by my application.

As a summary and at your request, I have now unequivocally demonstrated each of the following:

- 1) Provided proof via my USACE Grandfather Letter documenting that my buoy has been in place since 1968. Prior to any regulations on the Lake.
- 2) Demonstrated that I have valid authorization to have my buoy located at Lake Tahoe. As demonstrated by my USACE Grandfather Letter and confirmed via CFR 33 § 33.3 (b), Section 10 Rivers and Harbors Act of 1899 (33 USC § 403) and other Statutes that I have cited.
- 3) Proven that my buoy was legally existing prior to the effective date of the Code of Ordinances.
- 4) Provided proof of my personal authorization.
- 5) Provided proof of ownership and control.

In conclusion, I ask that my permit be granted by TRPA Staff without further delay.

Sincerely,



Kent M. Bryan
2 Argo Court
Broomfield, CO 80020
Kentmbryan@yahoo.com
Cell- 303 356-4416

cc: Matthew Miller
Tiffany Good
Katherine Hangeland

Attachment A:

Kent Bryan

From: Blanchard, Lynette A SPK <Lynette.A.Blanchard@usace.army.mil>
Sent: Wednesday, October 7, 2009 8:53 AM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

I'll try and get it done today but can't guarantee it. Also, there is no fee for this request.

Thanks,
Lynette

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Tuesday, October 06, 2009 8:49 PM
To: Blanchard, Lynette A SPK
Subject: RE: [Image File] kent,KMBT200, #770

Ms. Blanchard,

Please see my attached grant deed and tax bill as per your request.

My mailing address is:

Kent Bryan
2 Argo Court
Broomfield, Co. 80020

Is it possible to have the permit in hand or at least a copy by early week?

I need to submit my application package to TRPA by the 15th of this month.

If there is something that I can do or some type of payment I can make to help you facilitate my time crunch I'd be more than happy to do it.

Thanks again,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Tuesday, October 06, 2009 10:41 AM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

Okay,

I've located the buoy on my aerial and will grandfather the buoy. I need to have the following information before I can do that:

- 1) Verification (grant deed, tax bill, etc.) that you are the current owner of the property
- 2) Physical address, including city and zip of the location of the buoy
- 3) Mailing address for you

Thanks,
Lynette

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Monday, October 05, 2009 8:46 PM
To: Blanchard, Lynette A SPK
Subject: RE: [Image File] kent,KMBT200, #770

Ms. Blanchard,

Sorry... I should have referenced the landmarks in my earlier e-mail.

Please

see my attachments which are marked for your use. Should you need the GPS coordinates, I do have them. I look to forward to receiving a permit from your agency.

Thank you,

Kent Bryan
SWINERTON BUILDERS
www.swinerton.com <<http://www.swinerton.com/>>

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Tue 9/29/2009 11:10 AM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

Mr. Bryan,

On the attached 1970 aerial, you need to indicate which is your pier/buoy/property. I cannot concur if I do not know which is your property.

Thanks,
Ms. Blanchard

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Monday, September 28, 2009 8:10 PM
To: Blanchard, Lynette A SPK
Subject: FW: [Image File] kent,KMBT200, #770

Ms. Blanchard,

Attached you will find not only the information that you requested, but you will also find aerial photographs of my buoy. I obtained these photographs from TRPA and they are the very ones that they will be using for their permitting beginning later this year. These photographs show our buoy in place in front of the Tahoe Pines HOA beach and pier in 1970. Please remember that I need your approval before I can proceed with the permitting process at TRPA. I once again respectfully request that your agency grandfather my buoy.

If there is anything else I can do please let me know, but I need your approval immediately as the TRPA deadline is October 15 of this year.

I truly appreciate your help,

Kent Bryan

SWINERTON BUILDERS

www.swinerton.com <<http://www.swinerton.com/>>

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Thu 9/17/2009 8:02 AM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

Mr. Bryan,

I've been out of the office so I haven't been able to work on this request. Please give me your information again, APN, County, previous owner's) names, and Lake Mile, if I have already given it to you. Please note that if I do not see a buoy on our 1970 aerial photos, I cannot grandfather the buoy.

You

may also want to contact Caltrans at 916-227-7644 x7680 and request to review their 1970 photos.

Thank You,
Lynette

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Wednesday, September 16, 2009 6:39 PM

To: Blanchard, Lynette A SPK
Subject: RE: [Image File] kent,KMBT200, #770

Ms. Blanchard,

I have called numerous times and have left several messages for you at the number that you had provided. However, I have yet to hear from you?

I once again, respectfully ask that your agency grant me a permit for my buoy that has clearly been in place before any agency controlled the shores of Lake Tahoe. I need your help immediately so that I can submit my application to the TRPA for their new shorezone plan.

I have provided your agency with everything that has been asked of me and I believe that I have demonstrated in good faith that my families buoy meets all the criteria for a permit. I look forward to hearing from you.

Thanking you in advance,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Monday, July 27, 2009 3:51 PM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

Hi Kent,

Please give me a call or give me your phone number so we can discuss this.

Thanks,
Lynette
775-784-5304

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Monday, July 27, 2009 2:31 PM
To: Blanchard, Lynette A SPK
Subject: RE: [Image File] kent,KMBT200, #770

Ms, Blanchard,

Yes, TRPA will grant the permit. However, according to the proposed "Shore zone Plan", one of the numerous stipulations is that I must "first" be permitted through your agency. I believe that I should be granted a "grandfathered" buoy permit, and it's an acceptable and mutually agreeable solution to TRPA and me.

As I have said, I do have third party evidence showing the buoy in place prior to any regulatory agencies control of the shore zone.

As for the State Lands Commission... Yes I have been in contact with them but have yet to hear back!?

Thanks again and I appreciate your help,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Monday, July 27, 2009 3:06 PM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

You're welcome. Do you know if TRPA is going to give you a permit for the buoy? Do you have a State Lands permit for the buoy? If you are or will have both of the above permits, we may be able to do what we call an After The Fact permit so you'll be in compliance with us.

Thanks,
Lynette

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Monday, July 27, 2009 1:37 PM
To: Blanchard, Lynette A SPK
Subject: RE: [Image File] kent,KMBT200, #770

Ms. Blanchard,

Thanks for getting back to me. The Gutterman's are the current owner of the property next door to our's. The previous owner, the Heywood's, of that property developed ours which happens to be right next door. I hope that makes sense.

Nevertheless, I do have aerial photos, from TRPA showing the buoy in place since the early 70's which I believe is prior to your "grandfather"

date. I

cannot thank you enough for helping me with this part of my application process. Please get back to me as soon as possible.

Respectfully,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Monday, July 27, 2009 11:09 AM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

Hi Kent,

Okay, I've done all the searching I can and can't find anything for this APN # or the name Gutterman. The only way we maybe able to "Grandfather" the buoy is if someone has old photos with the date stamped on the back (cannot be handwritten) showing the buoy in question. If you can't provide that then you'll need to contact TRPA and let them know that you've contacted us but we couldn't find anything therefore, we cannot "grandfather" your buoy.

Sorry,
Lynette

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Friday, July 17, 2009 6:00 PM
To: Blanchard, Lynette A SPK
Subject: RE: [Image File] kent,KMBT200, #770

Ms, Blanchard,

No you have not, but I'm so glad that you just did! I was planning on sending you a reminder next week.

I do need to get the ball rolling as TRPA is requesting an inordinate amount of information and the deadline is rapidly approaching.

Can you tell me the GOOD news!

Thank you,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: Blanchard, Lynette A SPK
[mailto:Lynette.A.Blanchard@usace.army.mil]
Sent: Friday, July 17, 2009 4:02 PM
To: Kent Bryan
Subject: RE: [Image File] kent,KMBT200, #770

Hi Kent,

I'm sorry about the delay but did I ever get back to you regarding this request? I've had so many that I forgot if I did or not.

Thanks,
Lynette

-----Original Message-----

From: Kent Bryan [mailto:KBryan@swinerton.com]
Sent: Thursday, April 02, 2009 7:56 PM
To: Blanchard, Lynette A SPK
Subject: FW: [Image File] kent,KMBT200, #770

Ms. Blanchard,

I thought that I would check to see how things are going regarding my application? Can you please update me?

Thank you,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: Kent Bryan
Sent: Tuesday, March 03, 2009 7:36 PM
To: 'Blanchard, Lynette A SPK'
Subject: FW: [Image File] kent,KMBT200, #770

Ms. Blanchard,

I've attached the information that you requested regarding my property and buoy at Lake Tahoe. I've also attached the previous owner's information.

Please note that I obtained this information directly from TRPA and should include everything that you need.

My property is located at 4100 Doe Ave. in Tahoe Pines; the previous owners', from whom we purchased from, also owned the property at 4110 Doe Ave, which happens to be the neighboring property and has changed ownership since being developed in 1911.

Thanks again,

Kent Bryan
SWINERTON BUILDERS
www.Swinerton.com
www.Swinertongreen.com

-----Original Message-----

From: dcp@swinerton.com [mailto:dcp@swinerton.com]
Sent: Saturday, February 28, 2009 6:49 PM

To: Kent Bryan
Subject: [Image File] kent,KMBT200, #770

FROM:
Image data has been attached to
the E-Mail.

Attachment B:

Kent Bryan

From: COL BRYANS <colbryans@comcast.net>
Sent: Wednesday, June 9, 2021 7:51 PM
To: kentmbryan@yahoo.com; Kent Bryan
Subject: Fwd: Bryan Buoy, Report filed July 13th
Attachments: Buoy_2.jpg; Buoy_5.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

External (colbryans@comcast.net)

[Report This Email](#) [FAQ](#) [Protection by INKY](#)

----- Original Message -----

From: Kent %26 Linda Bryan <colbryans@comcast.net>
To: nhumes@placer.ca.gov
Cc: colbryans@comcast.net, linda.bryan@sun.com
Date: 07/13/2009 1:15 AM
Subject: Bryan Buoy, Report filed July 13th

Hello Office Humes,

I just want to thank you once again for coming out to Tahoe Pines to take the report on our (twice) stolen buoy today.

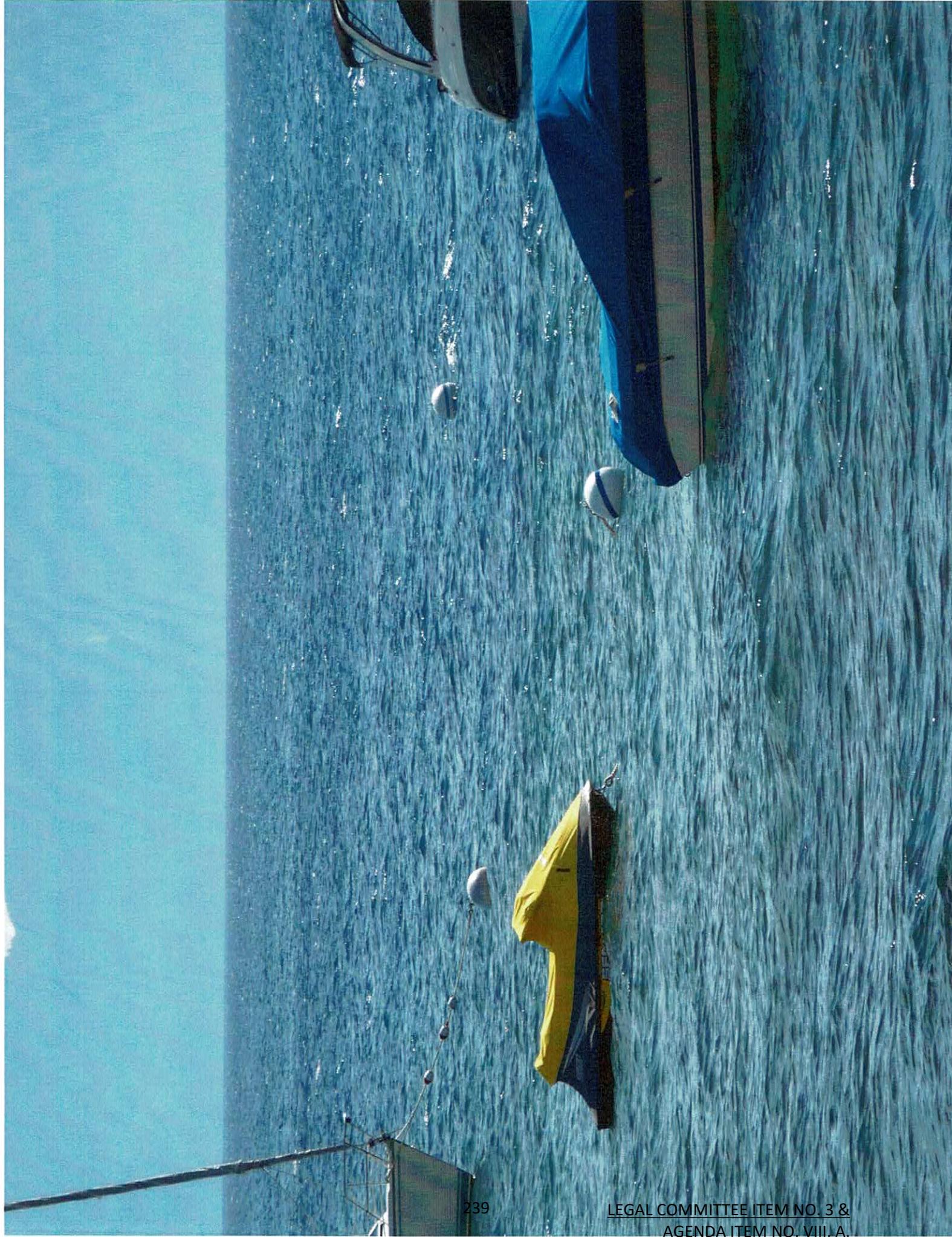
I have attached two pictures. The first ("Buoy_2") was taken Saturday, July 12th, around noon. This was shortly after High Sierra Marine put the replacement of the first stolen buoy in the water.

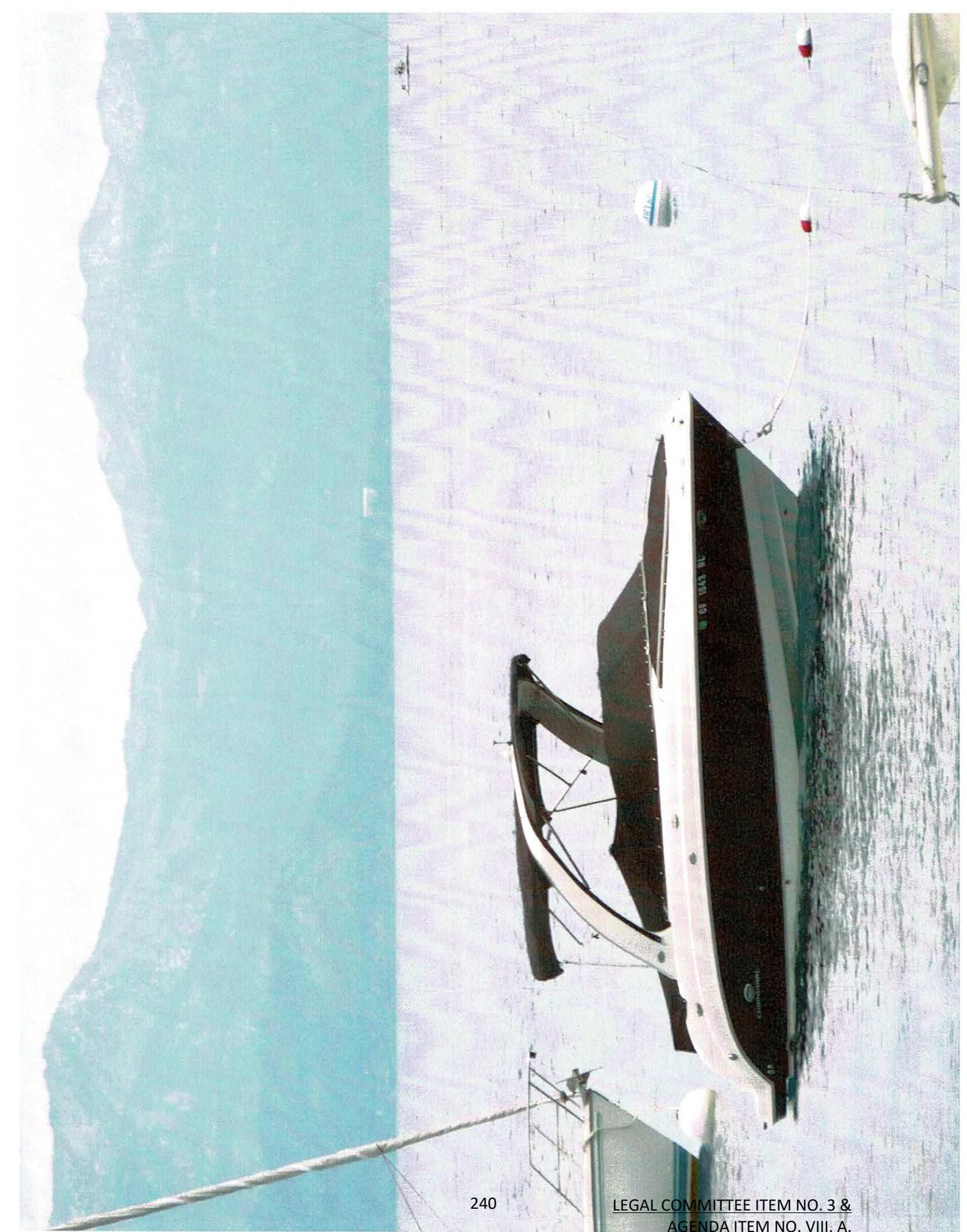
The second picture ("Buoy_5") was taken Sunday, July 13th, shortly before 10:00am. As we discussed earlier today, when I originally called you it was to report the first theft. I learned of the theft of the new second buoy when you were on your way out here to take the report on the first one.

I will call for a copy of the bill in the morning. We had put a new chain on with the replacement buoy yesterday and I believe the total bill will be a little over \$500. I will forward you a copy once I receive it.

Thanks again for your help today. I'll be here until Wednesday.

Regards,
Linda Bryan
530-525-5601





Attachment C:

The Bryans <colbryans@comcast.net>

8/28/2009 8:33 AM

Re: Tahoe Pines Buoy Advocates

To Donna Mapes <tlodonna@yahoo.com> • Keims <margrob3240@att.net> • Stannards <jwstannard@gmail.com> Copy
 Jeff Mapes <jeffrey.mapes@sbcglobal.net> • John Mapes <john_mapes@gensler.com> • tahoeinkman@comcast.net •
 tahobows@sbcglobal.net • zoeymtodd@gmail.com • dneudeck@comcast.net • Jess StueveN <jessstueven@aol.com> •
 Dan Wilkins <danandsuzanne1467@sbcglobal.net>

Hi Donna,

Thank you for the update. I have added the Keims and the Stannards to this string.

As you know, our Buoy was stolen before we arrived in June and we had it replaced in July. The replacement was also stolen within 24 hours and we did file a police report. At the time we were told it would be treated as a misdemeanor since the value was under \$400. However, the bill was over \$600 so I forwarded it on to the Sheriff's department with the understanding this would change the charge to a felony.

I think I already informed this group of the very strange conversation I had with Mr. Davis (senior "gentleman" living in the Gott home). Despite his warnings to me that I should not attempt to replace our buoy, High Sierra Marine went out to do this for us. He began screaming at them and became very confrontational. They put a float on for us about 5 feet down but did not replace the buoy because "he was screaming and his veins were popping out of his neck". At this point they are still holding the buoy and I am hoping the float is still there. A woman called Jeff at High Sierra Marine while Mr. Davis was yelling at the men on the barge. Jeff said she was calmer then the man and he explained to her that this was not a new buoy but a replacement buoy. The woman did not give her name but the voicemail message on phone number stated the phone belonged to a Gott.

When I called the Sheriff's department a couple of weeks later to see if the complaint had been changed to a felony and to tell them about the incident that took place on the water, they said the case had been turned over to investigations. They also said that the person that would be handling it, if they had time (depending on workload with other crimes), would be on vacation for the next couple of weeks. The officer I spoke with (Officer Hume) was already aware of the events that took place between the Gott/Davis family and the High Sierra workers as High Sierra was trying to put on the next replacement buoy for us. I asked him if the details of the confrontation had been added to my police report (the original report for the first two buoys) and he said "no"

but it was documented in someone else's police report based on a conversation they had with High Sierra Marine in regards to yet another Tahoe Pines buoy incident. He could not tell me whose report contains the reference to the incident over replacing our buoy that day.

----- Original Message -----

From: Donna Mapes

To: tahoeinkman@comcast.net, tahobows@sbcglobal.net, colbryans@comcast.net, zoeymtodd@gmail.com, dneudeck@comcast.net, Jess StueveN, Dan Wilkins

Cc: Jeff Mapes, John Mapes, flodonna@yahoo.com

Sent: Tuesday, August 25, 2009 2:58:56 PM GMT -07:00 US/Canada Mountain

Subject: Re: Tahoe Pines Buoy Advocates

I wanted to give you an update on this frustrating subject. Jess Steuven has been parking on my buoy to protect it. The other day, someone put a "cease and desist" sticker on it saying "don't put anything on this buoy it is illegal" and if you "remove this sticker you will get fined \$5,000.00 per day". My buoy was the only one "tagged".. She removed the sticker; I asked her to keep it for me. She said that while she was out there a Johnson family member was out there and she asked if he was aware of this. He commented that the owner of the buoy wasn't nice to Warren. Whatever.

I called the Sheriff on Sunday and left a message for the water sheriffs. A very nice Detective Sgt. John Giovannini called me on Monday. He said that he had four complaints thus far re our buoy field and asked that if anyone else had had their buoy removed or dropped, to please file a complaint. [The Sheriffs' Dept phone # is 530-581-6300].

He and I talked about 20 minutes or so. Very nice man who commented "I'd really like to get these guys"! I was stoked. I have his email address which he asked me not to give out because he can't get emails from everyone ... then they are just one of many. And, there are many more serious "crimes" going on. But, he's with us.

I gave him Jess' phone #. Jess confirmed that the sheriff called her and that he went out and spoke with someone in the Johnson house; Fallott was not around. Progress!!!!

Please, again, if you know of someone who has not filed a claim, ask them to do so. And, let's keep the communication going. I'll try to keep a "log". I'm currently in Austin visiting family so don't have access to my "cheat sheet" so I ask the Bryants, to please forward this to the two people you know who were also affected [and cc me] so I can update my list.

Thanks one and all!

Donna J. Mapes
88 Cameo Drive
Livermore, CA 94550-5118
(925)447-0790
tlodonna@yahoo.com

----- Original Message -----

From: Donna Mapes <tlodonna@yahoo.com>
To: tahoeinkman@comcast.net; tahobows@sbcglobal.net; colbryans@comcast.net; zoeymtodd@gmail.com; dneudeck@comcast.net; Jess Stueven <jessstueven@aol.com>; Dan Wilkins <danandsuzanne1467@sbcglobal.net>
Cc: Donna Mapes <tlodonna@yahoo.com>; Jeff Mapes <jeffrey.mapes@sbcglobal.net>; John Mapes <john_mapes@gensler.com>
Sent: Tuesday, July 7, 2009 8:37:44 PM
Subject: Tahoe Pines Buoy Advocates

I've been having trouble with my computer and trying to get this out for about 45 minutes [sorry]. Wanted to let you all know that I filed a report with the Sheriff today. I met with Sheriff Robert Griggs. I was assigned a case # of SO09-7842. If anyone else files one, please reference my case number [his request].

Anyway, he said that the best time to make a report is Friday through Monday after 8 a.m. That is when the "water" Sheriffs are available. Fortunately Officer Griggs had been a "water" sheriff which helped. I advised him of the land lawsuit and no retaliation agreement. He is aware of Brian Johnson (BJ's Barge). He also knew of Johnson. I told him of the comment that "my uncle Bryte did it". He will turn my claim over to the water sheriff and it will be a misdemeanor since it was less than \$500.00.

He was very nice and very aware of Tahoe \$\$\$ [those who have or believe they have] issues.

Yesterday, Rod Norling took his boat off of my buoy. Warren Fallot of 3965 Bellevue (third house) rowed out to tell him to get the buoy out of there. Rod told him the buoy had been replaced because it had been removed

illegally. He suggested that this be approached in a legal and correct matter. He said finally Fallot backed down some. I went early yesterday afternoon to the beach and met Fallot. Not a wonderful experience. We had a discussion about how my buoy had been there since '72. He said it could not have been because he used to ski from and to his pier. I told him that I would look for earlier pictures but that I would snow him one from '91 that shows Flicka on the buoy. He remembers Flicka, interestingly... but not from the '70's. I told him that my Dad had put the buoy in and that he had passed away in '72. He said it may have been put in "but not there". [I was shaking by the time I got home I was so upset.] They say that Swedes are "stubborn". Well, I am a Swede and know many, many more. I don't think I have ever met anyone more stubborn or with such a closed mind. He told me that if I wanted a buoy, I should have bought lakefront property. What a jerk! And, of course, he didn't buy his anyway, his grandfather did. They'd probably never be able to afford it now! I commented that wasn't Tahoe about sun, boats beach, skiing, buoys and fun? His comment they're all illegal {except of course his!!}

Thank God, Fallot is leaving tomorrow. Maybe I can enjoy the beach for my last couple of days here on this trip.

Anyway, if I hear anymore, I'll let you know. Obviously we need to look out for each other and keep in touch. Thanks!

Oh, since I was on a roll ... I stopped by the County Administration office on my way home. The guy with whom I have been communicating assured me that the Topal property adjacent to mine Hazel & '89 was still marked as non-buildable in the map books as well as on the computer. I asked if he was sure which he said he was. He said "you were here the second week of July last year" I guess maybe he was expecting me. He's a very nice man and is very much aware of my concerns; I told him I would see him again ...

Okay, that's it for now, honest!

Donna J. Mapes
88 Cameo Drive
Livermore, CA 94550-5118
(925)447-0790
tldonna@yahoo.com

Attachment D:



High Sierra Marine, Inc.

PO Box 70

Tahoe City, CA 96145

(530) 581-2628

Invoice

DATE	INVOICE #
7/14/2009	4290

JOB INFORMATION

Tahoe Pines

Kent & Linda Bryan
linda.bryan@sun.com

DESCRIPTION	QTY	RATE	DUE DATE
			7/29/2009
			AMOUNT
Mooring Buoy Dive Inspection -- Locate block for missing buoy head. Inspect block & chain. Chain more than 1/2 worn. Should inspect again next spring.	1	80.00	80.00
Buoy Chain Replaced (Includes disposal of old chain)	1	50.00	50.00
Feet of 3/8" Galvanized Proof Coil Chain	42	5.00	210.00T
4403T 24" Jim Buoy Head	1	195.00	195.00T
7/16" Shackle	2	5.00	10.00T
Buoy Paint Stenciled	1	25.00	25.00
*** Please Put Invoice Number On Your Check ***			
Thank you for your business!		Subtotal	\$570.00
		Sales Tax (8.25%)	\$34.24
		Total	\$604.24



PO Box 70
 Tahoe City, CA 96145
 530-581-2628
 www.highsierramarine.com

Date:
 06/11/2021

Invoice #:
 10945

Kent & Linda Bryan

Job Information:
 Tahoe Pines

Due Date: 06/26/2021

Description	Qty	Unit Price	Amount
Service Date: 06/10/2021			
Diver searched & located Block. Inspected, replaced chain, & put red LocTite on top shackle threads. Moved buoy 10' South because was too close to buoy to North.			
Note: Block is old, & eye is worn & in marginal condition - *Recommend New Block*			
Buoy Dive Search & Inspection:	1.00	\$150.00	\$150.00
Buoy - Bryan - Chain is badly worn, Block Eye is Marginal - Recommend New Block			
Replaced Chain (Includes recycling of old chain) on Buoy - Bryan	1.00	\$70.00	\$70.00
Feet of 3/8" Galvanized Proof Coil Chain	14.00	\$6.50	\$91.00
7/16" Shackle	2.00	\$6.00	\$12.00
24" Buoy Head	1.00	\$275.00	\$275.00
Buoy-Saver Washer	1.00	\$3.00	\$3.00

Ask us about TowBoatU.S. Unlimited Towing Memberships
www.towboatustahoe.com

Subtotal: \$601.00

CA Sales Tax: \$27.62

Total: \$628.62

BALANCE: \$0.00

PAID IN FULL



High Sierra Marine
 PO Box 70
 Tahoe City, CA 96145
 (530) 581-2628

Statement

DATE
5/27/2021

Kent & Linda Bryan

					AMOUNT DUE
					\$0.00
DATE	TRANSACTION			AMOUNT	BALANCE
12/31/2008	Balance forward				0.00
	Bryan, Kent & Linda ** CAUTION **-				
07/14/2009	INV #4290.			604.24	604.24
08/12/2009	PMT #5747.			-604.24	0.00
10/16/2009	INV #4804.			271.09	271.09
04/27/2010	INV #FC 39. Finance Charge			28.88	299.97
04/22/2011	PMT #11794.			-266.75	33.22
04/22/2011	Discount #11794.			-33.22	0.00
04/28/2011	INV #5375.			272.75	272.75
04/06/2012	Discount			-272.75	0.00
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
0.00	0.00	0.00	0.00	0.00	\$0.00

Attachment E:

EARL ARNOLD
Chairman



ARNOLD
Hotel Group

Dear Linda,

I thank you for refunding
my money. You are truly a
thoughtful person and I appreciate
your help. I enclosed a picture
for you. Hope to see you again!

Earl



Attachment B

August 13, 2021 TRPA Response on Remand to Appeal



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

August 13, 2021

Kent Bryan
2 Argo Court
Broomfield, CO 80020
kentmbryan@yahoo.com

VIA ELECTRONIC MAIL

RE: Response on Remand to Appeal of TRPA Project File Number BUOY2021-0016; Appeal File Number ADMIN2021-0004; APN 085-161-014

Dear Mr. Bryan:

On May 26th, 2021, the TRPA Governing Board heard your above-referenced appeal. The Governing Board remanded your application for a non-littoral buoy to staff to provide you with an opportunity to submit additional material regarding your application. On June 14, 2021, you submitted additional material.

Staff has reviewed the materials and finds there is no evidence demonstrating you, or a predecessor in interest, received authorization to place the buoy or that it continues to be legally associated with this non-littoral parcel. For example, the email conversation with USACE submitted as Attachment A demonstrates that you provided them a grant deed and tax bill for the property at 4100 Doe Avenue, but does not link ownership between this property and the buoy shown in the aerial photo. Attachments B and C indicate that there was ongoing vandalism at multiple buoys in the lake but does not demonstrate any ownership of any buoys. Attachment D shows that you have had maintenance work done on a buoy in the lake and Attachment E shows that a guest of yours used a buoy in the lake. None of these exhibits prove that you, or any homeowner previously, holds ownership of said buoy. In fact, the documents reveal of longstanding dispute over ownership and authorization of buoys in this area (see emails re conflict and stealing of buoys, etc.). As staff has discussed before, the October 7, 2009, USACE letter does not provide authorization to place the buoy; it only provides recognition that the buoy existed prior to 1972 so it is exempt from USACE authorization requirements. Therefore, staff cannot find that your application satisfies the requirements of TRPA Code of Ordinances section 84.3.3.D.3.b.

Sincerely,

Tiffany Good
Principal Planner
Tahoe Regional Planning Agency

CC: John Marshall, General Counsel, TRPA
Matt Miller, Senior Environmental Specialist, TRPA

Attachment C

September 15, 2021 ADMIN2021-0029 Statement of Appeal

September 15, 2021

Katherine Hangeland
TRPA Senior Management Assistant
Tahoe Regional Planning Agency (TRPA)
128 Main Street
Stateline, NV 89449

VIA ELECTRONIC MAIL

RE: Receipt of Notice of Appeal for TRPA Appeal File Number ADMIN2021-0004; Appeal File Number ADMIN2021-0029; APN 085-161-014

WRITTEN STATEMENT TO SUPPORT APPEAL CLAIM

This Statement of Appeal is written pursuant to the requirement of TRPA's Rules of Procedures set forth in Article 11. My Statement is submitted for the action taken by TRPA Staff denying my application for **REGISTRATION OF ONE (1) EXISTING MOORING BUOY (Submission #11447)**. The grounds for my appeal are as follows:

TRPA Code of Ordinances Chapter 90 Definitions:

Existing: *"Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced or approved pursuant to necessary permits."* My buoy is "legally present" as it was 1) in place before there were any requirements for authorization and, 2) authorized by the USACE prior to the effective date of the TRPA Regional Plan.

TRPA Code of Ordinances 84.3.3.D3 (ii):

"The non-littoral parcel owner provides a valid authorization from the federal or state agency with jurisdiction at Lake Tahoe." My USACE letter clearly states that the USACE is making, "a determination of "grandfathered" status for one existing buoy." My USACE Letter is a "valid authorization" which I have demonstrated to TRPA Staff and Board and is backed by Statute and via an email to Staff from USACE, dated May 18, 2021 (Attachment D, Governing Board Meeting May 26, 2021).

Omitted Case:

Neither TRPA Code 84.3.3.D3 nor the TRPA buoy application asks for a "necessary association between my parcel and my buoy" yet TRPA Staff has requested I demonstrate this "association". It is my position that both my USACE letter and aerial photo make that association. My Letter identifies "The Project", includes the location of the buoy, street address, Assessor's Parcel Number and County and State, all identified as belonging to the non-littoral owner. Further support is provided with the aerial photo identifying the buoy location and relevant landmarks. These documents provide an indisputable and clear association between my buoy and my parcel. Furthermore, USACE had requested and was provided with my Grant Deed and Tax information for further proof of an "association" between my

Buoy and Parcel. This email correspondence was also provided to TRPA Staff and discussed during our Governing Board Hearing on May 26th, 2021.

Consistency with prior TRPA permitting:

TRPA staff is not being consistent with past permitting and practice. Prior TRPA acceptance of a "USACE Letter" has been two-prong, 1) That it satisfies proof of existence prior to February 10, 1972, and 2) that it serves as an authorization. However, this standard is not being applied to my application.

TRPA Staff has also requested proof of "personal ownership" of my buoy. Although I provided staff with several exhibits demonstrating my personal right of control, possession and use of my buoy, Staff has erred by not accepted any of this evidence as sufficient to satisfy their request. Conversely Staff has routinely accepted similar documents as proof of ownership in the past from other applicants.

I request that my appeal be granted on the grounds listed above, as well as other facts and analysis that I have raised before Staff and the Board over the past many years.

Sincerely,



Kent M. Bryan
2 Argo Court
Broomfield, CO 80020
Kentmbryan@yahoo.com
Cell- 303 356-4416

CC: John Marshall, General Council, TRPA
Matt Miller, Senior Environmental Specialist, TRPA
Tiffany Good, Principal Planner, TRPA

Attachment D

May 26, 2021 Staff report for ADMIN2021-0004



STAFF REPORT

Date: May 19, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Denial of Application for Non-Littoral Existing Mooring Buoy, 4100 Doe Avenue, Placer County, California, Assessors' Parcel Number (APN) 085-161-014, TRPA File Number BUOY2021-0016

Requested Action:

To consider and act upon an appeal filed by Kent Bryan of a denial of an application to permit existing mooring buoy in Placer County, California.

Staff Recommendation:

Staff recommends that the Governing Board uphold staff's determination that Mr. Bryan has not met the Code criteria to grant his request for a permit for a non-littoral buoy and deny the appeal.

Motion:

1. A motion to grant the appeal, which motion should fail in order to affirm the staff decision.

In order 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 California and nine overall.

Background:

On January 13, 2020, Mr. Kent Bryan, property owner of 4100 Doe Avenue in Placer County, California, a non-littoral parcel applied for a TRPA Mooring Permit for a buoy currently anchored in the West Shore of Lake Tahoe.

Per TRPA Code of Ordinances section 84.3.3.D.3.b, TRPA may grant a permit for a maximum of one existing buoy for a non-littoral parcel, provided (i), the non-littoral parcel owner provides clear evidence of the existence of the buoy prior to February 10, 1972; and (ii) the non-littoral parcel owner provides a valid authorization from the applicable federal or state agency with jurisdiction at Lake Tahoe.

In support of his application, Mr. Bryan provided a letter from the U.S. Army Corps of Engineers (see attachment A) dated October 7, 2009 stating that the buoy in question did exist and has been in place in Lake Tahoe since 1968. However, the letter from the U.S. Army Corps of Engineers did not suffice to evidence to establish that Mr. Bryan (or a predecessor in interest) received authorization to place the buoy for his non-littoral parcel. The Executive Director therefore denied Mr. Bryan's Buoy Mooring Application (see attachment C).

Mr. Bryan filed a timely appeal of the Executive Director’s denial of his application (see attachment A) and filed a supplemental Statement of Appeal (see attachment B). In his appeal, Mr. Bryan contends that the 2009 U.S. Corps of Engineers’ letter should be sufficient to establish both prongs of the non-littoral test for permitting of an existing buoy under Code section 84.3.3.D.3.b.

Discussion:

The main contentions of Mr. Bryan and the application are discussed below.

A. Whether the buoy existed prior to February 10, 1972

TRPA agrees that the 2009 U.S. Corps of Engineers letter is sufficient to establish that a buoy existed in the lake prior to February 10, 1972, although the letter did not include the aerial photographs from which that determination was made, nor did it identify the buoy’s location.

B. Whether the 2009 Corps letter “authorized” Mr. Bryan’s claimed buoy

The main issue involved in this appeal is whether the 2009 U.S. Army Corps of Engineers’ letter constitutes “valid authorization” for Mr. Bryan’s claimed buoy. According to the Corps, the 2009 Corps grandfathering letter is not authorization for a specific person or property owner to place a buoy in Lake Tahoe. See May 18, 2021 email for U.S. Corp of Engineers (attachment D). Moreover, the Corps letter does not provide the necessary association between Mr. Bryan’s non-littoral parcel and the claim buoy, it simply recognizes that a buoy has existed since before 1972. Since the letter only confirms a buoy existed prior to that date and the letter can be issued to any party or property that requested the grandfather determination regardless of actual ownership, the Corps’ “grandfather” letters simply duplicate the requirements of Code section 84.3.3.D.3.b(i), rather than provide the additional personal authorization required by Code section 84.3.3.D.3.b(ii). As a result, Mr. Bryan has not met his burden and his appeal should be denied.

Contact Information:

For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.gov, or Matt Miller, Senior Environmental Specialist, at (775) 589-5234 or mmiller@trpa.gov.

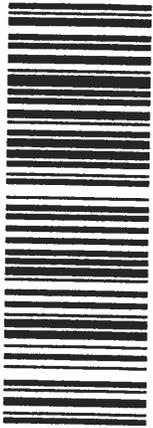
Attachments:

- A. Notice of Appeal
- B. Statement of Appeal
- C. Executive Director’s Denial of BUOY2021-0016
- D. Email from U.S. Army Corps to TRPA

Attachment A
Notice of Appeal

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



7020 2450 0001 7353 1989

From: Kent M. Bryan
2 Argo Court
Broomfield, Co. 80020



89449



1023

U.S. POSTAGE
FCM LG EN
BROOMFIELD
80020
MAR 11 21
AMOUNT
\$6.7
R2305K1343

To: Matt Miller
Senior Environmental Specialist
Tahoe Regional Planning Agency (TRPA)
P.O. Box 5310
Stateline NV. 89449-5310

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.



Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
 www.trpa.org

APPEAL APPLICATION

Appellant Kent Bryan

Mailing Address 2 Argo Court **City** Broomfield **State** Co.

Zip Code 80020 **Email** kentmbryan@yahoo.com **Phone** 303 356-4416

Representative or Agent _____

Mailing Address _____ **City** _____ **State** _____

Zip Code _____ **Email** _____ **Phone** _____

Owner _____ **Same as Appellant**

Mailing Address _____ **City** _____ **State** _____

Zip Code _____ **Email** _____ **Phone** _____

Project Location/Assessor's Parcel Number (APN) 085-161-014

Street Address 4100 Doe Avenue

County Placer **Previous APN (if any)** _____

Local Jurisdiction Contact/Title _____ **Phone** _____

File Number _____

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

None _____

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

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 Boulder, CO. Date: 3/11/2021
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:

_____ At _____ Date: _____
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

File Number: _____

Date Received: _____ Received By: _____

Filing Fee: \$ _____ Receipt

MARCH 11, 2021

Matt Miller
Senior Environmental Specialist
Current Planning
Tahoe Regional Planning Agency (TRPA)
128 Main Street
Stateline, NV 89449

Mail:
Tahoe Regional Planning Agency (TRPA)
P.O. Box 5310
Stateline, NV 89449-5310

RE: DENIAL OF APPLICATION FOR EXISTING MOORING BOUY, 4100 DOE AVENUE, PLACER COUNTY, CALIFORNIA, ASSESSORS PARCEL NUMBER (APN) 085-161-014, TRPA FILE NUMBER BUOY 2021-0016

WRITTEN STATEMENT TO SUPPORT APPEAL CLAIM

This letter is written in response to your Denial of Application Letter dated February 25, 2021. Also note, as requested, this response is timely, that is, within the twenty-one (21) days your organization gave to respond. With this letter please find supplemental attachments. This written statement will fully demonstrate how the provisions for securing an authorization have been met.

This rebuttal addresses the current TRPA Code of Ordinances (the Code) specifically Chapters 84, as this is the threshold for granting authorization, and Chapter 90, along with other relevant information applicable to the Appellant's standing. All of which clearly demonstrates how the Appellant has met the criteria to be granted a TRPA authorization.

To establish this, consider the two specific provisions found within the TRPA Code of Ordinances and how those provisions have been satisfied by the Appellant.

As specified per 84.3.3.D3: "TRPA may authorize a maximum of one existing buoy for a non-littoral parcel, provided:

- (i) The non-littoral parcel owner provides clear evidence of the existence of the buoy prior to February 10, 1972; and**
- (ii) The non-littoral parcel owner provides a valid authorization from the federal or state agency with jurisdiction at Lake Tahoe.**

Provision 84.3.3.B (i) has been met as demonstrated by, 1) arial photo and 2) Army Corp of Engineers (USACE) Letter (SPK-2009-01382-NO) dated October 7, 2009 (both attached), stating that said buoy was "in place since 1968."

Provision 84.3.3.B (ii) has also been met as outlined by the Appellant's USACE Letter. The letter plainly states that USACE is making, "a determination of "grandfathered" status for one existing buoy." Additionally, USACE goes on to state that "This information and the assumption that the buoy anchor has not been relocated allow us to consider the buoy as a "Grandfathered" structure." The USACE's determination of Grandfathered "status" and "structure" is in addition to their determination of its long-time existence. These statements are not one in the same as is argued in your Denial Letter. The correct interpretation of the full Grandfathered letter, as it pertains to the Code is that USACE is 1) recognizing the existence of the buoy prior to 1968, and 2) Granting the buoy grandfathered status as a grandfathered structure. Irrefutably, USACE is a federal agency with jurisdiction at Lake Tahoe. Consequently, they possess the valid authority required to satisfy the Code and have done so, over ten years ago.

The TRPA Code of Ordinances specifically asks for an "authorization". This Grandfathered "structure" by its USACE "status" is by definition..."authorized." It has grandfathered status and protections. Furthermore, as enforced by numerous laws and upheld by court rulings grandfathered status regarding structures, facilities, etc. allows for their current pre-existing status to remain unchanged, despite a change in policy which applies in the future.

Further, per TRPA Code of Ordinances Chapter 90.2, the definition of "Existing" is... "Legally present or approved on the effective date of the Regional Plan... (February 9, 2013)." The Appellant, TRPA and USACE are all in clear agreement that the buoy was in place and legally present before the effective date--as evidenced by the Appellants possession of the Grandfathered letter in 2009 and the TRPA Denial Letter.

Where you state in your response letter that "USACE has advised TRPA that this Grandfather letter does not convey any property rights, either real estate or material, or any other exclusive right..." is not relevant to this matter and is arguable at best. The Appellant is fully aware that they do not own any sovereign land. At issue is meeting the Code's provision, which is having received "a valid authorization from the federal or state agency having jurisdiction at Lake Tahoe." Your statement continues "... (The USACE Letter) does not obviate the requirements to obtain State or local assent required by law for the activity authorized." The correct and reasonable interpretation of this statement is that USACE is asserting that their authorization could be part of a process. The USACE statement is simply referencing the relevant litigation that was occurring at the time and how that might affect the status of the Ordinances, and nothing else. It is not stating that the buoy is not authorized by USACE, nor does it state that TRPA or any other entity, should consider it as such.

Regarding your statement that, "As result, the USACE letter does not recognize your ownership of the buoy and TRPA is unable to determine that the identified buoy is associated with the subject non-littoral parcel." I ask you to reference the first paragraph of the USACE letter, where "The project" is identified, and includes the location of the buoy, street address, Assessor's Parcel Number and County and State, all identified as belonging to the non-littoral owner. The USACE (per the Grandfather letter) "have determined that the property appears to have had one buoy in place since 1968." This demonstrates that the buoy was, and continues to be, associated with this non-littoral parcel. These facts do not support the TRPA statement that the buoy is not associated with the Appellants parcel.

Finally, The Memorandum of Understanding (MOU) between the California State Land Commission (CSLC) and TRPA dated January 2, 2019 Section II.A., defines "Unauthorized buoys as those buoys

without a current CSLC Lease or TRPA permit.” This is and of itself prejudicial to the Appellant as TRPA and CSLC are not allowing due process to the Appellant being authorized by any other federal or state agencies. TRPA and CSLC are “working together” as the MOU states, and it appears, are arbitrarily, capriciously and unilaterally deeming any applicants without a prior “lease” or TRPA “permit” to be illegal and ineligible without consideration of the Code and any “valid authorizations” from other agencies. Thus, completely contradicting legislation in California Public Resource Code 6501, 6501.1, 6501.3, 6502, all addressing the process, ability and criteria, for leasing State lands. As well as the TRPA Code itself.

In review of your decision, I believe you will be compelled to see that the Bryan’s buoy application meets the provisions for authorization. If you have any questions, or if I can further delineate any information found within these contents, please contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kent M. Bryan', with a long horizontal flourish extending to the right.

Kent M. Bryan
2 Argo Court
Broomfield, CO 80020
Kentmbryan@yahoo.com
Cell- 303 356-4416

Enclosures:

- TRPA Appeal Application
- Arial Photo
- USACE Grandfather Letter-SPK-2009-01382-NO
- TRPA Denial Letter



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

October 7, 2009

Regulatory Division (SPK-2009-01382-NO)

Kent Bryan
2 Argo Court
Broomfield, CO 80020

Dear Mr. Bryan:

We are responding to your request for a determination of "grandfathered" status for one existing buoy located on Lake Tahoe. The project is located at 4100 Doe Ave., lakeward of Placer Assessor's Parcel Number 085-161-014, in Placer County, California.

You have provided additional information and we have closely reviewed it as well as our existing aerial photographs and have determined that the property appears to have had one buoy in place since 1968. This information and the assumption that the buoy anchor has not been relocated allow us to consider the buoy as a "Grandfathered" structure.

Please note that at this time the Tahoe Regional Planning Agency (TRPA) and California State Lands Commission do not "Grandfather" structures, such as buoys, in the Lake Tahoe Basin. Before your structures can be fully authorized, you must obtain all other required Federal, State, and local approvals, leases, or permits.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2009-01382-NO in any correspondence concerning this project. If you have any questions, please contact Lynette Blanchard at our Reno Field Office, 300 Booth Street, Room 2103, Reno, Nevada 89509, email lynette.a.blanchard@usace.army.mil, or telephone 775-784-5304.

Sincerely,

Kristine Hansen
Senior Project Manager
Reno Field Office

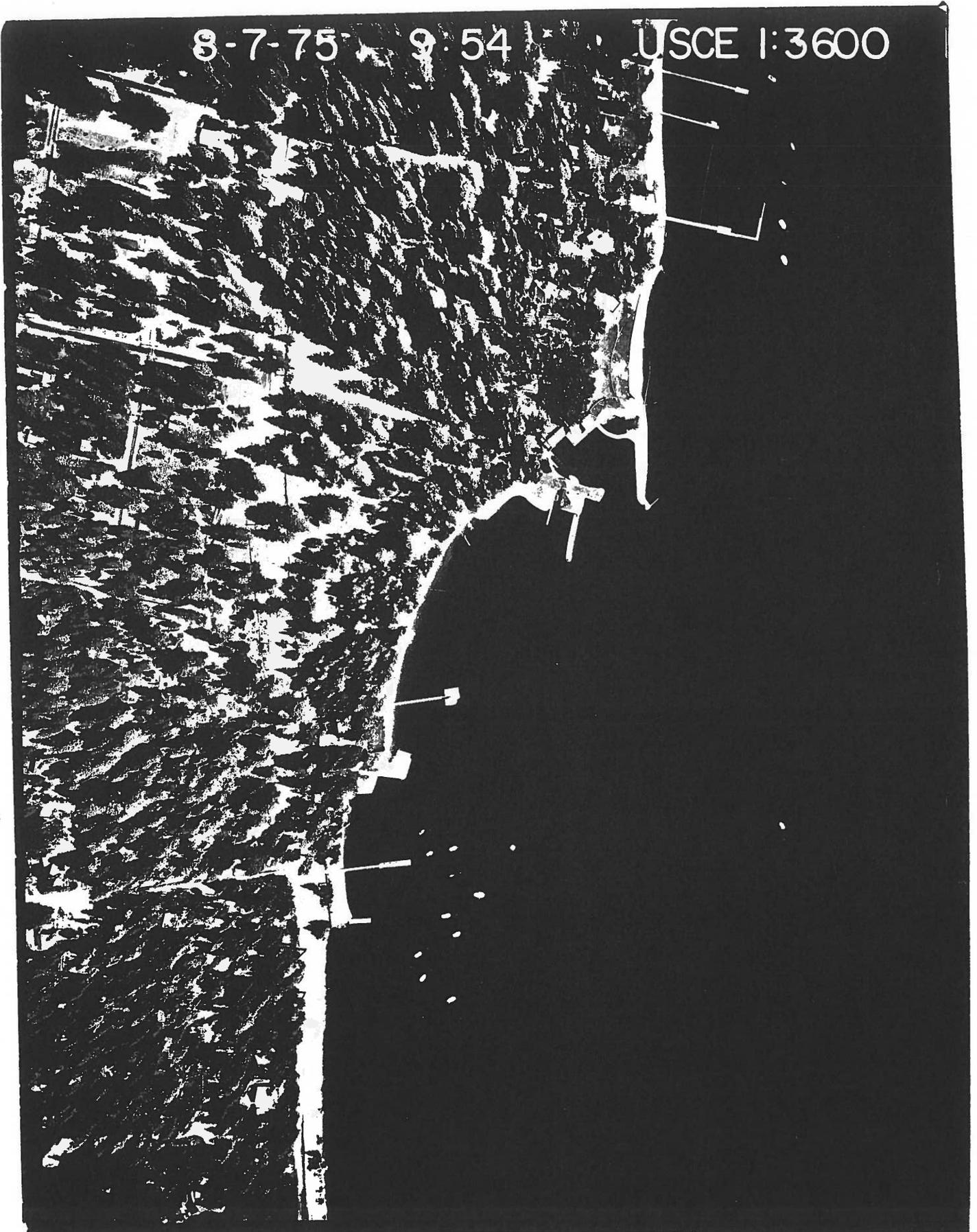
Copy furnished:

Tahoe Regional Planning Agency, P.O. Box 5310, Stateline, Nevada
89449-5310
Mary Hays, California State Lands Commission, 100 Howe Ave., Ste. 100 South, Sacramento, California 95825-
8202

8-7-75

9:54

USCE 1:3600





**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

February 25, 2021

Kent Bryan
2 Argo Court
Broomfield, CO 80020

DENIAL OF APPLICATION FOR EXISTING MOORING BUOY, 4100 DOE AVENUE, PLACER COUNTY, CALIFORNIA, ASSESSORS PARCEL NUMBER (APN) 085-161-014, TRPA FILE NUMBER BUOY2021-0016

Dear Kent Bryan:

The Tahoe Regional Planning Agency (TRPA) has completed review of your application for the subject property. TRPA is unable to recognize the applied for mooring buoy as existing as you did not provide documentation of a valid authorization from an applicable federal or state agency with jurisdiction at Lake Tahoe as required by TRPA Code of Ordinances 84.3.3 D3.

TRPA was provided with a U.S. Army Corps of Engineers (USACE) determination of "grandfather" status letter (SPK-2009-01382-NO), which is evidence of the buoy's existence prior to February 10, 1972 but does not serve as a valid authorization as required by TRPA Code of Ordinances. USACE has advised TRPA that this grandfathering letter does not convey any property rights, either real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized. As result, the USACE letter does not recognize your ownership of the buoy and TRPA is unable to determine that the identified buoy is associated with the subject non-littoral parcel.

The mooring buoy has not been authorized by TRPA and the buoy float and block shall be removed from Lake Tahoe.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this decision may be appealed within twenty-one (21) days of the date of this correspondence. A Notice of Appeal application is included with this letter. The appeal application filing fee is \$1022, plus a \$121 Information Technology surcharge.

Should you have questions, please contact me at 775-589-5234.

Sincerely,

Matt Miller
Senior Environmental Specialist
Current Planning

cc: John Marshall, General Counsel, TRPA
Wendy Jepson, Current Planning Manager, TRPA

Attachment B
Statement of Appeal

APRIL 9, 2021

Katherine Hangeland et al.
TRPA Senior Management Assistant
Tahoe Regional Planning Agency (TRPA)
128 Main Street
Stateline, NV 89449

Mail:
Tahoe Regional Planning Agency (TRPA)
P.O. Box 5310
Stateline, NV 89449-5310

RE: DENIAL OF APPLICATION FOR EXISTING MOORING BOUY, 4100 DOE AVENUE, PLACER COUNTY, CALIFORNIA, ASSESSORS PARCEL NUMBER (APN) 085-161-014, TRPA FILE NUMBER BUOY 2021-0016

ADDITIONAL INFORMATION TO SUPPORT APPEAL CLAIM: from Notice of Appeal (Notice)

I am presuming you have had the opportunity to review my Letter of Response (Letter) dated March 11, 2021. At this time, I would like to offer the following additional information to my earlier Response. This response is timely, as per your earlier correspondence and TRPA Rules of Procedure 11.4 stating I had thirty (30) days from the date both my Notice and Letter were received by your agency.

I would like to offer the following two statements taken from the minutes of the December 18, 2019 TRPA Governing Board Meeting as they are pertinent to my appeal. They are

1. Where Mr. Marshall *“said the reason why 1972 is relevant is because what we were trying to do is grandfather buoys that had some legal status. If you’re prior to 1972 and you didn’t have a permit from anyone, that was a legally existing use, someone didn’t need to have a permit at that point. That buoy for all intensive (sic) purposes was legally placed at that time...”*

And,

2. Where Ms. Aldean *“said it was her understanding that when TRPA started permitting buoys, the requirement was not widely disseminated. Now in addition to getting an Army Corps and state lands permit, you also have to get a TRPA permit. That was one of the reasons for the grandfathering because in her opinion there wasn’t ample notice by the Agency that this was an additional requirement that buoy owners had to comply with.”*

These statements taken from that meeting and others that I can provide from other sessions regarding buoy ownership, are relevant and significant to this matter as they assist with the interpretation of the TRPA Code of Ordinances and how it is applied. Most notably, as they are made by the very individuals who helped draft and have been amending the Code.

Extracting further, Mr. Marshall stated “legally existing use, someone didn’t need to have a permit at that time.” Additionally, as previously cited and per TRPA Code of Ordinances 90.2. Existing is “legally present or approved

on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits." My buoy is "legally existing" because it was 1.) in place before the Grandfather date and pre-1972, and 2.) authorized by the USACE prior to the effective date of the Regional Plan.

Further clarification is provided from Title 36-- Chapter III-- USACE Part 327 RULES AND REGULATIONS Governing Public Use of Corps of Engineers Water Resources Development Projects Section 327.20-Unauthorized Structures (36 CFR § 327.20).

"The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander."

Note that the USACE uses the exact words "existence", "buoy" and "other appropriate written authorization" to clarify how they authorize structures and projects." Please review my USACE Letter from 2009, where you will see the very word "authorized" contained within. The totality of my Grandfather Letter is clear and concise. I would also like to point out that, TRPA has been accepting the identical USACE "Grandfather Letter", that I have received, from other applicants and is accepting it as a legally existing authorization.

In summation, both Provision 84.3.3.B (i) and Provision 84.3.3.B (ii) have been met by my application and substantiated by supporting information. Above and beyond that, I would argue that they are both not required as the buoy is pre-1972. Which again, is prior to the Grandfather date and before there were requirements for a permit. Since there were no requirements at the time and "legally present" and "authorized", it is not reasonable for TRPA to now state that the buoy is retroactively illegal because it is "non-littoral". However, this is how the Code is being applied in my case. The Code does not include nor has TRPA afforded any type of reasonable due process for my non-littoral pre-1972 buoy application. Regardless of the fact that I have satisfied the Code and met other standards. Consequently, I do not believe that the TRPA position would withstand a legal test.

Finally, All TRPA applicants must be treated equally, both in procedure and in substance. I ask for equal treatment as an element of fundamental fairness.

Sincerely,



Kent M. Bryan

2 Argo Court
Broomfield, CO 80020
Kentmbryan@yahoo.com
Cell-303 356-4416

cc: John Marshall
Matthew Miller
Tiffany Good

Attachment C

Executive Director's Denial of BUOY2021-0016



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

February 25, 2021

Kent Bryan
2 Argo Court
Broomfield, CO 80020

DENIAL OF APPLICATION FOR EXISTING MOORING BUOY, 4100 DOE AVENUE, PLACER COUNTY, CALIFORNIA, ASSESSORS PARCEL NUMBER (APN) 085-161-014, TRPA FILE NUMBER BUOY2021-0016

Dear Kent Bryan:

The Tahoe Regional Planning Agency (TRPA) has completed review of your application for the subject property. TRPA is unable to recognize the applied for mooring buoy as existing as you did not provide documentation of a valid authorization from an applicable federal or state agency with jurisdiction at Lake Tahoe as required by TRPA Code of Ordinances 84.3.3 D3.

TRPA was provided with a U.S. Army Corps of Engineers (USACE) determination of "grandfather" status letter (SPK-2009-01382-NO), which is evidence of the buoy's existence prior to February 10, 1972 but does not serve as a valid authorization as required by TRPA Code of Ordinances. USACE has advised TRPA that this grandfathering letter does not convey any property rights, either real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized. As result, the USACE letter does not recognize your ownership of the buoy and TRPA is unable to determine that the identified buoy is associated with the subject non-littoral parcel.

The mooring buoy has not been authorized by TRPA and the buoy float and block shall be removed from Lake Tahoe.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this decision may be appealed within twenty-one (21) days of the date of this correspondence. A Notice of Appeal application is included with this letter. The appeal application filing fee is \$1022, plus a \$121 Information Technology surcharge.

Should you have questions, please contact me at 775-589-5234.

Sincerely,

Matt Miller
Senior Environmental Specialist
Current Planning

cc: John Marshall, General Counsel, TRPA
Wendy Jepson, Current Planning Manager, TRPA

Attachment D

Email from U.S. Army Corps to TRPA

From: Thomason, Jennifer C CIV USARMY CESPK (USA) <Jennifer.C.Thomason@usace.army.mil>
Sent: Tuesday, May 18, 2021 12:55 PM
To: Matthew Miller <mmiller@trpa.gov>
Cc: Tiffany Good <tgood@trpa.gov>
Subject: USACE Grandfathering Decisions

Hi Matt,

Per our conversation, a grandfather determination means that the STRUCTURE(S) is/are authorized by the Corps because the structure(s) existed prior to December 18, 1968 per 33 CFR § 330.3(b) (<https://www.law.cornell.edu/cfr/text/33/330.3>). A grandfather determination does not and cannot make any assignment or transfer of ownership for a grandfathered structure, it simply represents the Corps' determination that the activity was commenced or completed prior to December 18, 1968 and therefore does not require further permitting from the Corps under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

Please let me know if you need anything further.

Thank you,

Jennifer C. Thomason
Senior Project Manager
Nevada-Utah Regulatory Section
300 Booth Street, Room 3050
Reno, Nevada 89509

Ph: 775-784-5304
Cell: 775-686-9622- Primary number during COVID-19 Response

Regular Schedule Tuesday-Friday

Upcoming Leave: I will be out of the office May 24- June 1, 2021. I will return to remote work on June 2, 2021.

In response to COVID-19, Regulatory Division staff are teleworking from home or other approved location. We will do our best to administer the Regulatory Program in an effective and efficient manner. Priority will be given to health and safety activities and essential infrastructure. Action on your permit application or other request may be delayed during this emergency. We appreciate your patience over the next several weeks.

Let us know how we're doing. Please complete the survey at:
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Attachment E

July 20, 2020 Email from US Army Corps

Katherine Hangeland

To: Matthew Miller
Subject: RE: Buoy Permit - 1262 TAMARACK DR, Douglas County - APN 1418-34-210-017 (UNCLASSIFIED)

-----Original Message-----

From: Thomason, Jennifer C CIV USARMY CESPCK (USA) <Jennifer.C.Thomason@usace.army.mil>
Sent: Monday, July 20, 2020 11:34 AM
To: Matthew Miller <mmiller@trpa.org>
Cc: Tiffany Good <tgood@trpa.org>
Subject: RE: Buoy Permit - 1262 TAMARACK DR, Douglas County - APN 1418-34-210-017 (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Matt,

Yes, this would be a valid permit and unlike the grandfather letters, is an actual permit authorization for the structure.

That language you noted is the same language I am including in my letter for management review to provide to you as a reason that grandfather requests from us should not be considered as evidence of anything.

Thanks,

Jennifer C. Thomason
Senior Project Manager
Nevada Utah Section
Reno Regulatory Office
Office: (775) 784-5304
Mobile: (775) 525-0384

-----Original Message-----

From: Matthew Miller [mailto:mmiller@trpa.org]
Sent: Wednesday, July 15, 2020 10:32 AM
To: Thomason, Jennifer C CIV USARMY CESPCK (USA) <Jennifer.C.Thomason@usace.army.mil>
Cc: Tiffany Good <tgood@trpa.org>
Subject: [Non-DoD Source] Buoy Permit - 1262 TAMARACK DR, Douglas County - APN 1418-34-210-017

Jennifer,

I have a littoral applicant who has a USACE buoy permit from the 1980's. I know we have discussed the grandfathering letters extensively, but this is a permit to place a buoy. I believe it meets the burden of proof for for TRPA to approve.

Does USACE consider this permit valid? Would USACE have any objections to TRPA accepting this for the purposes of permitting a buoy to a littoral owner?

I did note this language is include:

That this permit does not convey any property rights, either real estate or material, or any exclusive privileges; and that it does

not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it

obviate the requirement to obtain State or local assent required by law for the activity authorized herein

Feel free to call me to discuss,

Matt Miller, CESSWI

Senior Environmental Specialist

(775) 589-5234

Please include registration number, parcel number, and/or address in email correspondence.

CLASSIFICATION: UNCLASSIFIED

2021 QUARTERLY REPORT

TAHOE REGIONAL PLANNING AGENCY

Third Quarter: July – September 2021



TAHOE
REGIONAL
PLANNING
AGENCY



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Sept 30, 2021

The last quarter tested the resilience of the lake, our community, and the Tahoe Regional Planning Agency. Remarkably, we accomplished a great deal this quarter despite the circumstances. The majority of the work presented in this report was performed by a staff spread to the four winds by the Caldor Fire. In all, nearly 75 percent of the agency's employees were forced to evacuate from homes in the basin and all others were impacted by the turmoil or by the critical levels of smoke that inundated communities for many weeks.

While relocating critical equipment and setting up offices in hotel rooms and RVs, staff members were also helping one another evacuate, sharing places to stay, and offering to harbor pets and precious items. Our team willingly overcame hardships to deliver our services as seamlessly as possible and quickly pivoted to be of service to partner agencies working to keep us safe. Under extreme circumstances, TRPA staff displayed an unrelenting spirit and exemplified the agency's core values of high-performance and collaboration.

Caldor is also providing a reflection on TRPA's work that stretches far beyond the confines of this report. The collaborative foundations of the Environmental Improvement Program can be seen in the multi-jurisdictional forest fuel reduction projects that helped firefighters protect Lake Tahoe communities. Our work since the 2007 Angora Fire to harmonize policies and streamline project delivery has helped the Tahoe Fire and Fuels Team reduce fuels on more than 67,000 acres of forest. Even now as the incident turns to post-fire rehabilitation, our long-standing emphasis on protecting water quality is shining through in the actions of post-fire recovery partners.

On behalf of the Leadership Team, I want to express how proud we are of the perseverance and professionalism our staff has shown through multiple crises and how grateful we are for their dauntless spirit. We also owe a debt of gratitude to the women and men who put themselves at risk to protect us all. May our work going forward honor them.

Sincerely,



Julie W. Regan, APR
Acting Executive Director & External Affairs Chief
Tahoe Regional Planning Agency

TRPA STRATEGIC INITIATIVES

TRPA is moving forward with strategic initiatives the Governing Board identified as major priorities for the agency. These initiatives align directly with the objectives in the agency's Strategic Plan.

BUILDING RESILIENCY: CLIMATE CHANGE STRATEGIC INITIATIVE

Every TRPA initiative includes strategies to strengthen the resilience of Tahoe's environment, communities, and economy to the emerging stresses of climate change and to improve the region's sustainability. TRPA's Climate Change Strategic Initiative is harmonizing the goals of both states and local governments in the Tahoe Region while maintaining the region's reputation as a global leader in sustainability.

Climate Resiliency

During this quarter, TRPA staff worked with regional partners, including the California Tahoe Conservancy, to submit funding requests to the State of California for priority climate resiliency projects. In total \$5.25 million was awarded to the Conservancy to invest in climate resiliency in the Tahoe Basin. Projects will advance regional climate goals.

KEEP TAHOE MOVING: TRANSPORTATION & SUSTAINABLE RECREATION STRATEGIC INITIATIVE

This initiative includes an update of the Regional Transportation Plan/Sustainable Communities Strategy, which encompasses greenhouse gas (GHG) reduction, the Bi-State Consultation on Transportation Action Plan, sustainable recreation planning, and ongoing transportation corridor planning.

Linking Tahoe Regional Grant Program

In September, Tahoe Regional Planning Agency (TRPA) awarded \$11 million to seven transportation projects within the Tahoe Region that will reduce congestion, expand regional trails, provide free transit, support sustainable recreation and tourism, improve lake clarity, and create climate resiliency. TRPA's Linking Tahoe Regional Grant Program helps fund and implement projects that create additional transportation options, improve safety, and provide social and environmental benefits. The seven projects awarded include two complete streets projects, two active transportation projects, one corridor plan, vehicle purchase, and commitment to free-to-the-user transit. Projects funded through the Linking Tahoe Regional Grant Program advance implementation of the 2020 Lake Tahoe Regional Transportation Plan.

Sustainable Funding for Transportation Priorities

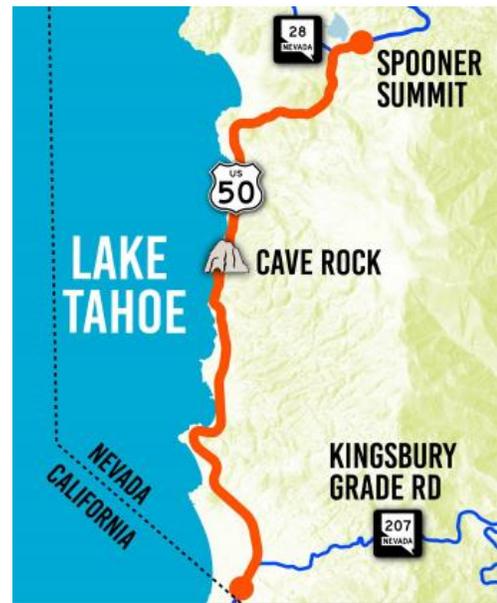
TRPA has worked with the Bi-State Consultation on Transportation Committee, local partners, and the Tahoe Transportation District (TTD) to engage in a collaborative approach to developing sustainable funding for transportation priorities in the Regional Transportation Plan. TRPA and TTD staff are cooperatively leading the initiative for new

sustainable funding along with newly hired Regional Government Services consultants with more than thirty years of experience helping regions around the globe find the right transportation funding solutions.

The Environmental Improvement Program, Transportation, and Public Outreach Committee of the TRPA Governing Board has been providing important policy guidance in the development of a sustainable transportation funding proposal. Next steps include additional stakeholder engagement, legal and financial analysis of potential funding mechanisms, and transportation data analysis. This work will be summarized in a white paper for decision makers.

US 50 East Shore Corridor Management Plan

The Nevada Department of Transportation launched development of the US 50 East Shore Corridor Management Plan earlier this year. The plan will develop alternative designs to improve roadway safety, transit, trails, and innovative mobility options between Spooner Summit and Stateline on the South Shore. This quarter, the corridor plan team completed a listening tour beginning the Fourth of July holiday weekend and continuing into the Fall. The tour collected concerns and opportunities for the 13-mile corridor from people who live, work, commute, and recreate along it. Key takeaways are safety concerns, including speed, access to recreation, limited transit, and interest in extending the Tahoe Trail bicycle and pedestrian path through the corridor. The next phase of work will develop potential solutions to corridor needs and receive additional public and stakeholder input.



Map of the US 50 East Shore Corridor Management Plan.

State Route 89 Trail Feasibility Study

Implementation of the State Route 89 Corridor Plan continued to move forward this quarter. TRPA and partners completed background research including meeting with land managers, California Department of Transportation (Caltrans), the Washoe Tribe, and other key stakeholders, as well as field visits to fully understand the existing conditions, challenges, and potential for implementing a paved multi-use path along this popular 11-mile-long corridor. The trail feasibility study will result in the final section of the West Shore Trail, connecting people to recreation sites without the need for a personal vehicle.

Transportation Equity

Building on the environmental justice assessment included in the recently adopted 2020 Regional Transportation Plan (RTP), TRPA staff formed an internal team to begin



development of a regional transportation equity study. The study will expand on the RTP environmental justice assessment, review best practices for equity and inclusion, propose an equity framework to guide TRPA transportation planning and climate resilience planning, and prepare recommendations and action steps for TRPA's transportation system. The goal of the study is to improve TRPA planning and implementation practices to advance equity in the Tahoe Basin.

Future of Tourism Shared Vision and Implementation Roadmap Request for Proposals (RFP)

The Tahoe-Truckee Sustainable Recreation and Tourism partnership is seeking professional services of leading visitor and destination management consultants to develop a long-term shared vision and implementation roadmap for Tahoe's sustainable future. Interviews for the RFP will occur this Fall. Vested partners in the planning work include Lake Tahoe Visitors Authority, Incline Village Crystal Bay Visitors Bureau, Visit Truckee Tahoe, Washoe County, Tahoe Fund, and TRPA. The agency is actively seeking additional funding to match existing contributions and welcomes partner agencies to join the conversation.

The partnership continued regular coordination meetings with a focus on responding to the Caldor Fire by sharing information, ensuring consistent messaging, and management during forest closures and evacuations.

TAHOE LIVING: HOUSING & COMMUNITY REVITALIZATION STRATEGIC INITIATIVE

This initiative addresses strategies for implementing affordable and achievable workforce housing as a key component of healthy, sustainable communities in the region. The Tahoe Living initiative implements the Regional Plan, the housing needs identified in the Regional Transportation Plan/Sustainable Communities Strategy, and the Regional Housing Needs Allocation.

Tahoe Living Working Group

In July, the TRPA Governing Board approved the Phase One Housing Amendments, which were developed under consultation with the Tahoe Living Working Group. The approved amendments included:

- Modifying the bonus unit boundary to align with the Regional Transportation Plan, 2012 Regional Plan updates, and multi-family zones. The boundary was modified to

include a half-mile buffer from town centers and areas zoned multi-family, in addition to the half-mile buffer from transit.

- Allowing non-conforming tourist density to be used onsite for residential projects.
- Allowing up to two accessory dwelling units per residential parcel regardless of parcel size (this applies only on the California side).
- Removing the public noticing requirement for accessory dwelling unit projects.

The approved amendments will further incentivize and remove barriers for the development of housing in the Tahoe Region.

RESTORATION BLUEPRINT: ENVIRONMENTAL IMPROVEMENT PROGRAM

This initiative includes implementing transportation and community revitalization projects of regional significance, seeking additional funding sources for the Environmental Improvement Program (EIP), creating forest health implementation tools based on the results from the Lake Tahoe West landscape-scale restoration project, implementing the Aquatic Invasive Species Control Action Plan Agenda, and focusing on areawide stormwater management projects with multiple benefits. EIP restoration programs will be responsive to climate adaptation and resilience measures as they are developed under the Climate Change Strategic Initiative.

Tahoe Fire and Fuels Team

In September, TRPA staff and agency partners delivered a comprehensive presentation to the Governing Board on the Caldor Fire. The California Department of Forestry and Fire Protection (CAL FIRE) and the USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU) joined staff in updating the Board and the public on incident management, long-term Caldor Fire recovery and restoration, and repair work happening in the burn area and on suppression lines within the basin. The presentation included information on funding opportunities for current and future resilience work.

Staff is working collaboratively with the Tahoe Fire and Fuels Team on SNPLMA Round 19 funding nominations for the Tahoe Basin as well as long-term post-fire recovery and restoration.



Caldor Fire bulldozer line repair.

Code of Ordinance Changes in Support of Vegetation Protection and Management

With the severity of wildfires growing season over season, forest managers and fire agencies at every level of government have been looking hard at the efficiency of forest management practices. TRPA has been streamlining, removing redundancy, and adding best practices to vegetation provisions of the Regional Plan to support the work of Tahoe Fire and Fuels Team partners to keep Lake Tahoe communities safe and reduce the threat of catastrophic wildfire.

In July, staff presented to the TRPA Governing Board an initial analysis associated with the use of mechanical equipment on steeper slopes ranging from 30 to 50 percent slope. The University of Idaho and USDA Forest Service Pacific Southwest Research Station presented their initial modeling results regarding a variety of treatments on a range of slopes under varying conditions.

Staff this quarter has been working internally to produce the analysis necessary to support a code change regarding mechanical ground-based equipment on slopes 30 to 50 percent as well as draft code language.

Vegetation Thresholds Update

Staff is working across divisions to identify potential updates to the vegetation threshold that will foster forest resilience and help achieve future desired conditions. These threshold updates will pull from the resilience work related to the Lake Tahoe West Restoration Project and Landscape Resilience Assessment.

Tahoe Keys Weed Management Environmental Documentation

Aquatic weeds in the Tahoe Keys lagoons are the highest priority aquatic invasive species control threat in the Tahoe Region. In response to the need to control and prevent the spread of the abundant growth of non-native and nuisance aquatic weeds, the Tahoe Keys Property Owners Association (TKPOA) worked with agencies and key stakeholders to develop a permit application for the Tahoe Keys Lagoons Aquatic Weeds Control Methods Test. The proposed control methods test will evaluate a range of aquatic weed control methods independently and in combination in the Tahoe Keys lagoons.

The Lahontan Regional Water Quality Control Board (Lahontan) reached a significant milestone this quarter with the release of the Draft National Pollutant Discharge Elimination System (NPDES) permit and the associated antidegradation analysis. The Draft NPDES permit package is open for a 45-day public comment period which will end on November 1, 2021.

TRPA and Lahontan continue to work with environmental consultants responding to comments received on the Draft Environmental Impact Report/Statement and preparing for the release of the final environmental document later in 2021. The Tahoe Science Advisory Council completed the peer review of the comprehensive monitoring plan developed by TKPOA this quarter, which received supportive feedback for the plan.

Test ultraviolet light treatments started this quarter in the Tahoe Keys west lagoon and will continue through October 2021. Preliminary results for these treatments are expected later in 2021. Low water levels and water conditions have presented challenges for this work however solutions are being developed to overcome these challenges allowing work to continue. Additional surveys and post-treatment work will resume in spring 2022.

Ski Run “Mountain to Marina” Green Infrastructure Project

Area-wide projects like this one that elevate the role of natural infiltration strategies are a centerpiece of regional approaches to meeting water quality standards and achieving multiple-benefit adaptations to climate change. During this quarter, TRPA Geographic Information System (GIS) staff created a collector map to allow field collection of GIS data for this project. This includes collecting existing conditions (erosion, unpaved parking, undersized basins, etc.) as well as potential opportunities such as installation of sidewalks, safe routes to schools, and recreation opportunities like community parks.

Tahoe Keys Green Infrastructure Project

TRPA continues to pursue funding opportunities for the Tahoe Keys Green Infrastructure Project. This project involves implementation of innovative regional stormwater technologies in the Tahoe Keys subdivision such as modular floating treatment wetlands. This regional treatment approach with public and private partnerships will help improve water quality, enhance wildlife habitat, and help protect investments in aquatic invasive species control within the Tahoe Keys lagoons. This quarter, TRPA solicited consultants to produce an illustrative conservation landscape design idea book for properties within the subdivision. The firm Design Workshop is now under contract to do this work and held a kickoff meeting on September 28.

Lower Kingsbury Area-Wide Treatment Project

The Lower Kingsbury Area-Wide Water Quality Treatment project (EIP # 01.01.04.0087) will remove coverage in a stream environment zone and install water quality improvements using low-impact development techniques. The project will provide area-wide stormwater treatment while promoting floodplain expansion in a constrained tributary of Edgewood Creek.

This quarter TRPA staff met in the field with property owners and representatives, Nevada Tahoe Conservation District engineers, and US Environmental Protection Agency and Douglas County staff to discuss requirements and design options for the project. Information obtained will inform draft plans.



ONGOING INITIATIVES AND ANNUAL ACTIVITIES

LONG RANGE & TRANSPORTATION PLANNING DIVISION

Meeks Bay Restoration Project

This quarter, the Meeks Bay planning team gained support for a range of environmental and design alternatives developed through a robust public engagement and stakeholder process. The consultant team is in the process of completing the draft environmental analysis, anticipated for release this winter.

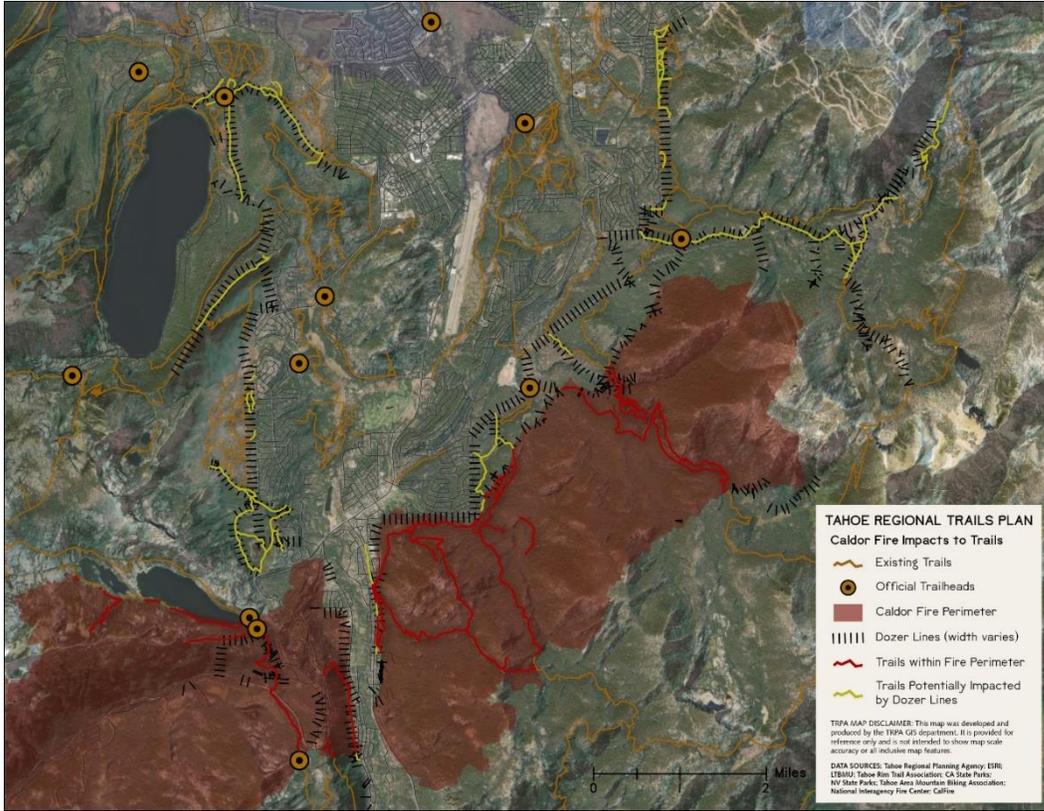
In addition to public engagement, the planning team began coordination to ensure that the West Shore trail design is consistent with the objectives of both the State Route 89 Corridor Plan and the Meeks Bay Restoration Project. The California Department of Transportation (Caltrans) also showed its support for the Meeks Bay project, formalizing its participation as a planning partner by entering into a participatory agreement with the USDA Forest Service. Caltrans will continue to play an important role in implementing the bridge replacement project necessary to restore Meeks Creek, improve safety, and bicycle and pedestrian accessibility.



Tahoe Regional Trails Plan

Last winter, TRPA and a steering committee made up of land managers and trail stewards began work on the Tahoe Regional Trails Plan that will create a shared vision for a world-class trail network in Tahoe. The plan will link Tahoe's backcountry, front country, and urban trail systems. This will be the first time regional partners have come together to consider a trails network and connections between land managers at this scale and in such a comprehensive way.

The Caldor Fire has had a significant impact on many high-use trails in the South Shore. According to public survey responses TRPA collected this year, the Corral Trail near Meyers was the most popular trail in the Tahoe Basin. The Corral Trail received significant damage from the Caldor Fire and protective bulldozer suppression lines. TRPA and the trails plan steering committee are working to address short- and long-term impacts of the fire in the Regional Trails Plan.



CURRENT PLANNING DIVISION

Hearings Officer Meetings

The Hearings Officer approved 11 project applications this quarter, including:

- Approved the special use findings required for the expansion of an existing single-family residence in Incline Village, NV.
- The reconstruction of a single-family dwelling on a lakefront parcel in Crystal Bay, NV.
- The expansion and remodel of a commercial building in Incline Village, NV.
- The installation of up to 30 real-time water quality data collection stations within Lake Tahoe to allow the University of Nevada, Reno to monitor nearshore water quality.
- Seven land capability challenge applications.

Permit Application Review

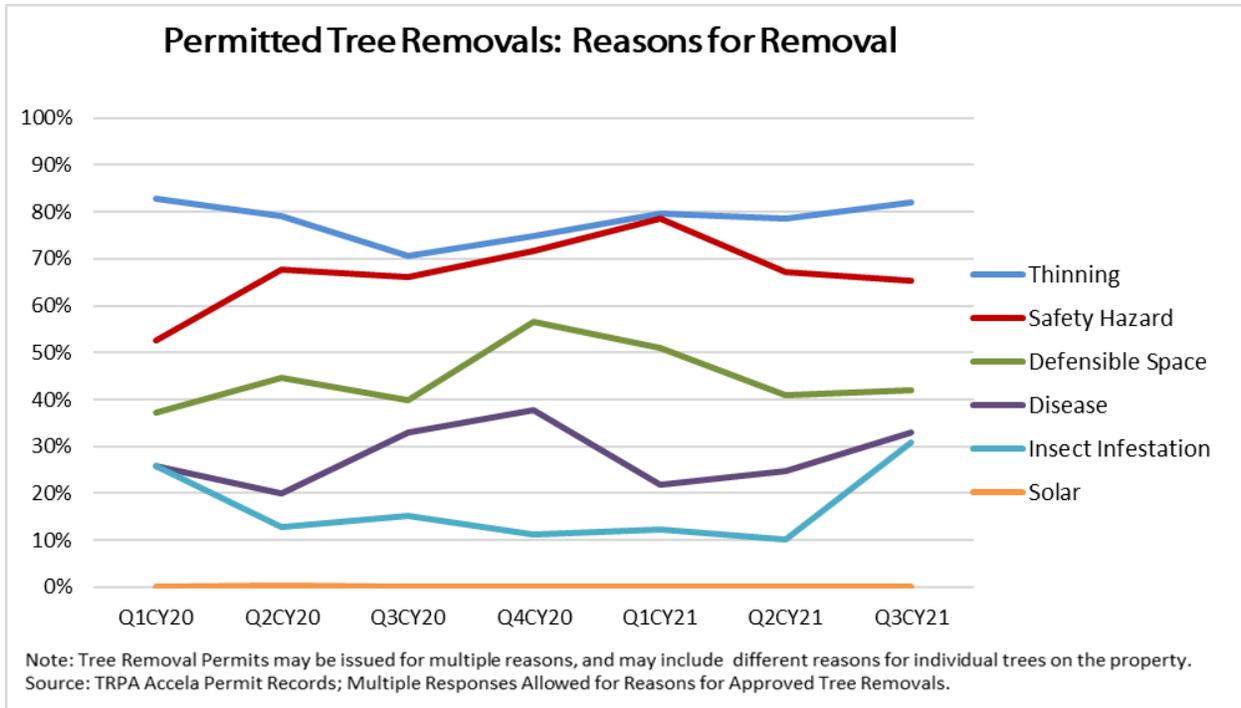
Despite the interruptions from the Caldor Fire this quarter, applications to TRPA continue to track higher than last year's record volumes. Year to date, applications are up 12 percent from the same period in 2020. Online application submittals continue to increase with more than 82 percent of applications during the third quarter submitted electronically.

Summary of TRPA Project Applications Received Quarter 3 2020 through Quarter 2 2021					
	Q3 CY2020	Q4 CY2020	Q1 CY2021	Q2 CY2021	Q3 CY2021
Applications Received¹	275	214	263	341	250
Residential Projects ²	71	41	71	74	53
Commercial Projects ²	5	0	4	4	1
Recreation/Public Service Projects ²	7	8	8	16	13
Environmental Improvement Construction Projects	3	1	5	4	2
Shorezone/Lakezone Projects ²	15	6	12	17	13
Grading Projects	15	3	7	13	12
Verifications and Banking ³	106	109	76	132	103
Moorings	20	19	16	17	8
Transfers of Development	10	3	26	18	8
Other ⁴	23	24	38	46	37
Notes: (Data is sourced from TRPA Accela Permit Records)					
1 Does not include Exempt projects, Qualified Exempt declarations, Tree Removal applications, or Administrative applications					
2 Includes New Development and Additions/Modification					
3 Includes Soils/Hydrology Verifications, IPES, Land Capability Verifications, Land Capability Challenges, Verifications of Coverage, Verifications of Uses, Site Assessments and standalone Banking Applications					
4 Includes Historic Determinations, Lot Line Adjustments, Temporary projects, Scenic, Underground Tank Removal, Subdivision of Existing Uses, Signs, Allocation Assignments, and other miscellaneous project types					

Urban Forestry/Tree Removal Permits on Private Property

TRPA forester Bruce Barr is part of a network of forestry and fire professionals in the Tahoe Basin who help private landowners keep their property safe and defensible from wildfire. He provides expertise in tree risk assessment and serves property owners with thorough tree evaluations. In the third quarter of 2021, TRPA processed 466 tree removal applications. TRPA permitted the removal of 2,125 individual trees during the third quarter with thinning and safety hazard being the primary reasons for removal. These numbers do not include trees removed as part of a construction project, trees under 14 inches diameter at breast height (dbh), nor trees on private property marked for removal for defensible space reasons by fire safety partners under their agreements with TRPA.

Summary of TRPA Tree Removal Applications & Permitting Activity Quarter 3 2020 through Quarter 3 2021					
	Q3 CY2020	Q4 CY2020	Q1 CY2021	Q2 CY2021	Q3 CY2021
Tree Removal Applications Received	557	238	200	532	466
Number of Trees Permitted for Removal	2,390	1,022	887	2,181	2,125
Percent Applications Submitted Online	92%	90%	92%	95%	95%
Source : TRPA Accela Permit Records					



ENVIRONMENTAL IMPROVEMENT PROGRAM DIVISION

Stormwater Management Program

Best Management Practices (BMP) Certificates Issued: TRPA, in partnership with the states and federal government, establishes water quality programs for the region and looks to implementers in every sector to carry out those programs. The Stormwater Management Program at TRPA targets priority properties for BMP compliance in coordination with local jurisdictions to achieve required pollutant load reductions to improve Lake Tahoe’s impaired water quality. TRPA itself issues BMP certificates to private property owners to recognize a parcel’s compliance with stormwater management requirements in TRPA’s Code of Ordinances. The agency currently concentrates its BMP compliance resources on commercial and large multi-family (six units or more) properties. Compliance in that type of development has been shown to reduce more pollutant load than other property types.

This quarter, TRPA issued 68 BMP certificates: 66 for single-family residential parcels, one for a multi-family residential parcel, and one for a commercial parcel. Of the total, 22 were source control certificates. Cumulative year-to-date BMP certificates issued for 2021 are shown in the table below:

BMP Certificates issued from January 1 through September 30 2021

	Land Use	Total Certificates Issued Year to Date	Certificates Issued Through Permitted Projects	Certificates Issued Through Voluntary Compliance	Certificates Issued Through Enforced Compliance
California	Single-Family Residential	87	60	27	0
	Multi-Family Residential	2	2	0	0
	Commercial	12	3	9	0
	California Total	101	65	36	0
	Single-Family Residential	30	15	13	2
Nevada	Multi-Family Residential	3	0	2	1
	Commercial	1	0	1	0
	Nevada Total	34	15	16	3
	Total Certificates Issued	135	80	52	3

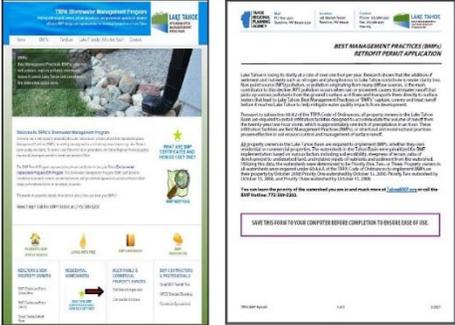
Reissued Certificates: During this quarter, TRPA reissued eight BMP certificates following verification of BMP maintenance and effectiveness. Six of these were for single-family residential parcels, one for a multi-family residence, and one for a commercial parcel.

Online BMP Retrofit Application: As part of TRPA’s Digital First initiative to streamline processes, TRPA stormwater program staff activated an electronic version of the BMP Retrofit Permit Application and created an e-permit information sheet for the public.

HOW TO APPLY FOR A FREE BMP RETROFIT PERMIT ONLINE

Step 1: Visit [TahoeBMP.org](https://www.tahoebmp.org)

<https://www.tahoebmp.org/> and chose **BMP Retrofit Application**



SAVE THE APPLICATION FORM TO YOUR COMPUTER BEFORE COMPLETION TO ENSURE EASE OF USE

Step 2: Create/login to your account at: [TRPA Citizen Access Database \(https://www.trpa.org/CitizenAccess/Default.aspx\)](https://www.trpa.org/CitizenAccess/Default.aspx)

If you need help creating a Citizen Access account, visit <https://www.trpa.gov/apply-online/>

Step 3: After creating your file within the TRPA Citizen Access Database, attach your completed permit application and all supporting documents and Save. Once completed, the BMP Team will be notified of your submission and will contact you to discuss your project. The BMP Team can be reached at 775/589-5200 or bmp@trpa.gov if you need assistance.

Aquatic Invasive Species Program

Prevention: Boat inspection stations continued to operate this summer, however, to protect staff and the public from hazardous air quality conditions due to smoke, station closures were ordered by TRPA and Tahoe Resource Conservation District managers on several occasions. All inspection stations closed during the Caldor Fire crisis. The Alpine

Meadows inspection station reopened September 1 and will operate through October 10. Winter operations are scheduled to begin October 1 as usual, with inspection services moving to Cave Rock (NV) and Lake Forest (CA) boat ramps.

This quarter, boat inspectors intercepted 55 boats with AIS detected, nine of which had invasive mussels present. Each of these boats was decontaminated in coordination with state wildlife officials. Inspectors performed over 3,300 inspections and 2,100 decontaminations.

Control: As project manager for the Taylor Tallac AIS control project, TRPA has been coordinating with Lahontan Regional Water Quality Control Board (Lahontan) and US Army Corps of Engineers partners to finalize necessary permits for implementation. Staff received the Lahontan permit this quarter and expect final determination on the US Army Corps permit in October. Work to control the over 17-acre infestation is expected to begin in October.

Ultraviolet light treatment continued at Lakeside Marina and Beach this quarter. This approximately 2-acre infestation is proving difficult to treat due to low and warm water conditions. The work will be evaluated in spring 2022 to determine if additional treatment is necessary.

AIS control work resumed in the lake outside of the Tahoe Keys this quarter, continuing work that began last fall. This work had been postponed due to hazardous air quality and the Caldor Fire crisis and is expected to continue through October. Divers are focusing on areas with dense plant populations lakeward of the Tahoe Keys east channel.

RESEARCH & ANALYSIS DIVISION

Caldor Fire Science

The Caldor Fire started on August 14, 2021, near the community of Grizzly Flats in El Dorado County, approximately 30 miles from the Tahoe Basin. By September 1, the catastrophic fire had entered the Tahoe Basin and burned approximately 10,000 acres inside the basin. While the fire as of September 30 is still not completely contained or extinguished, managers and researchers are working to better understand the impacts of the fire and how to better prepare for the next fire. Coordinated by the Tahoe Science Advisory Council, the partnership has identified a suite of opportunities:

- **Impacts of Smoke and Ash on the Lake:** Even before the fire entered the Tahoe Basin, it sent ash and charred leaves to fall from the sky and created hazardous air quality conditions for weeks. Council scientists began additional sampling in mid-August to assess how smoke and ash impact lake health.
- **Enhancing Tributary Monitoring:** Building on decades of monitoring Lake Tahoe tributaries for the Lake Tahoe Interagency Monitoring Program, partners will expand sampling in the fire impacted streams to better quantify the impacts of burned areas on water quality.

- **Effectiveness of Forest Treatments:** Lake Tahoe’s forests have benefited from extensive fuels management work (over a third of the area the Caldor Fire burned within the basin had been treated). Council researchers will work with Tahoe Fire and Fuels Team partners to assess how the vegetation in treated areas fared in comparison to untreated forest lands.
- **Restoration Effectiveness:** Well before the fire was out, the USDA Forest Service and CAL FIRE were working to rehabilitate the landscape impacted by the fire or fire suppression activities. Researchers will investigate the relative performance of different restoration techniques to better understand performance over the longer term and which methods best protect water quality and the health of the Lake Tahoe.

Parcel Tracker Updates

The Lake Tahoe Info Parcel Tracker (<https://parcels.laketahoeinfo.org/>) is the best source of detailed public information about the land use characteristics of properties in the Lake Tahoe Region and provides development histories upon which property owners and realtors have come to rely. TRPA staff reviewed and updated information on 293 parcels in the tracker during the quarter. TRPA responded to 156 unique requests from property owners, real estate agents, and local government partners for updated permitting information on parcels.



Geographic Information Systems (GIS) Updates

TRPA’s operating goal is to be the region’s best source of GIS information and services. During this quarter, staff made several updates to the agency’s geographic information systems. Specifically:

GIS Mapping and Maintenance

- **Smoke Map:** The TRPA smoke map was viewed approximately 72,000 times this quarter, helping to give members of the public and the media information on smoke impacts from the Tamarack and Caldor Fires. Staff modified the information on the ‘About’ page and changed the basemap.
- **Forest Closure Map:** Created a new web map that shows the multiple, changing forest closures in one consolidated location.
- **Caldor Incident Support:** Acquired Caldor spatial data to support the work of TRPA’s internal Caldor Fire Recovery Team including backcountry closures, Caldor Fire cleanup closures, bulldozer lines, incident boundary, and soil burn severity. This information will be used to create a GIS analysis of fire impacts.
- **Purple Air Sensor:** Configured outside air quality sensor to transmit to the online PurpleAir map (<https://www2.purpleair.com/>).
- **ESRI Contract and Licensing:** Reviewed updated terms and conditions and coordinated with the TRPA Finance Department on a new three-year contract. Relicensed all servers and developer licensing. Added Business Analyst to Enterprise GIS for additional reporting capabilities.

- **Tahoe Open Data:** Ongoing maintenance and improvements occurred throughout this quarter. Added new layers, removed obsolete ones, and renamed layers for clarity.
- **Tahoe Boating App:** Released version 2.2 of the Boating App to both the Android Store and the iOS store. Staff updated the Aquatic Invasive Species/Eyes on the Lake information. Added open/closed status to regional boat ramps shown in the app. Removed out-of-date content and added active AIS control projects in the No Wake Zone layer to inform the public and to improve safety conditions for teams working in those areas.
- **Community Profile Report:** Generated a basinwide report of population trends and forecasted demographic changes
- **GIS Server Support:** Updated GIS web servers and databases through evacuation-related server move
- **Meeks Bay Restoration Project Support:** Created a static map of the Meeks Bay area for a Regional Plan Implementation Committee (RPIC) meeting presentation.
- **Ski Run Mountain to Marina Green Infrastructure Project Support:** Created a Collector map to collect GIS data which focused on opportunities (sidewalks, safe routes, parks, etc.) and existing conditions (erosion, unpaved parking, undersized basins, etc.) across the project area.
- **Lake Tahoe West Restoration Project Support:** Reviewed analysis results of the proposed action with the project team, developed data to capture alternatives, updated the project dashboard and print maps with new alternatives, and updated map services.
- **Mobile Data Collection:**
 - *Osprey Survey:* Created an annual survey using Survey123 and Collector applications to monitor osprey population sites. Collaborated with California State Parks to collect data for the summer of 2021.
 - *Noise Monitoring:* Created an annual survey using the Survey123 application to monitor noise levels in the Tahoe Basin.
 - *Calcium Survey:* Created a Collector map for dive contractors Marine Taxonomic Services to help TRPA sample calcium in the lake.
 - *Trails Survey:* Assisted with in-person surveys on both the North and South shores for the Tahoe Regional Trails Plan.

EXTERNAL AFFAIRS

TRPA supports a culture committed to public education, outreach, and community engagement to implement the Regional Plan. The External Affairs team leads public engagement initiatives in collaboration with a variety of agency and nonprofit stakeholders. This quarter, in addition to communications, public outreach, and legislative support to advance the agency's Strategic Initiatives, the team also provided crisis communications support throughout the Caldor Fire incident. As containment of the fire grew and TRPA staff

returned from evacuations, External Affairs pivoted to supporting post-fire-recovery work and setting priorities for strategic communications going forward.

Caldor Fire Communications and Legislative Support



The Caldor Fire's march into the Tahoe Basin required crisis communications support.

- Responded to media calls and on-the-spot interview requests as the ferocity of the Caldor Fire turned the nation's attention to Lake Tahoe, passing accurate information and key messages to media outlets as far afield as the [Wall Street Journal](#).
- Virtually attended daily Caldor Fire Incident Command briefings and daily City of South Lake Tahoe Emergency Operations Center calls.
- Provided a steady stream of information from Incident Command and other sources to the TRPA Executive Leadership team, which were shared in reports to staff and Governing Board and Advisory Planning Commission members.
- Worked with Governor Sisolak on an emergency declaration that assisted transportation management on Nevada roadways during evacuations.
- Worked with Tahoe Fire and Fuels Team (TFFT) public information officers on press releases and clear, consistent messaging during the fire. Developed a messaging guidelines document regarding fuels treatments and defensible space for TFFT partners to use in communications during and after the fire.

Legislative Affairs:

- Assisted US Senator Alex Padilla (D, Calif.) and partners in hosting the 25th annual Lake Tahoe Summit in August, which was [broadcast online](#) and has been viewed more than 2,000 times. The team worked with the senator’s office to produce collaterals and manage promotions, and assisted California State Archives in the creation of a [virtual exhibit](#) for the Summit as an historic retrospective to commemorate 25 years of partnership.



US Sen. Alex Padilla (D-Calif.) presenting on August 17 at the 25th Annual Lake Tahoe Summit.

- Brought EIP partners and Lake Tahoe’s federal delegation together for a policy briefing ahead of the Summit. The annual briefing aids elected officials in Washington DC to establish legislative priorities and funding requests in support of Lake Tahoe’s restoration.

- Presented the first-ever [Dianne Feinstein Lake Tahoe Award](#) at the Summit. The inaugural award was bestowed upon US Senator Dianne Feinstein (D-Calif.) for her years of tireless support for Lake Tahoe restoration initiatives. This auspicious award will be reserved going forward to recognize individuals or organizations displaying outstanding leadership and support for this national treasure. The senator’s staff member Caitlin Meyer accepted the award.



Deputy Director Julie Regan presenting the inaugural Dianne Feinstein Lake Tahoe Award.

- Immediately following the Summit, participated a roundtable convened by US Senator Catherine Cortez Masto (D-Nev.) with legislative and implementation partners to discuss solutions and challenges to improving Lake Tahoe’s transportation system and implementing the 2020 Regional Transportation Plan.



Posters for the Lake Tahoe Summit in both English and Spanish.

- Worked with California Tahoe Alliance partners to bring the Lake Tahoe Caucus of the California Legislature together to present on fuels reduction and community wildfire protection in the Tahoe Basin. Members of the caucus noted the progress in the basin and considered the partnership to be a model for other parts of the state, this just weeks before fuel reduction projects helped firefighters save Lake Tahoe communities from the Caldor Fire.
- Assisted the agency in hosting the annual TRPA Governing Board retreat in July. The retreat was professionally facilitated and gave agency staff and board members an opportunity to engage on multiple levels, strengthen relationships, and discuss collaborative policy making.

Education, Outreach, and Engagement

- Maintained social media engagement and continued community engagement activities.
- Surveyed hundreds of residents and visitors about the Tahoe Regional Trails Plan at farmers markets and by canvassing community priority zones identified in the Regional Transportation Plan.
- Collected a remarkable \$1,500 in donations this quarter from staff and Governing Board members to the TRPA Environmental Scholarship Fund. These funds support local high school students who are poised to become environmental leaders. TRPA has awarded nearly \$12,000 in scholarships since 2004.
- Continued to host weekly Sustainable Recreation and Tourism working group calls to coordinate tourism management and communications strategies to raise environmental stewardship among outdoor recreators and visitors.
- Led the Sustainable Recreation public information team during the Caldor Fire and subsequent forest and trail closures to curb visitation during the crisis and to guide recreators to safer areas afterward.

FINANCE, INFORMATION TECHNOLOGY, & FACILITIES

Finance

TRPA has completed one quarter of Fiscal Year 2021/22. The agency has received payment from both California and Nevada for the annual general fund contributions. Planning revenues remain strong. Finance staff continues to close the Fiscal Year 2020/2021 books in preparation for the annual audit of financial statements. Thanks to strong communications and a reliable staff, all finance operations continued as planned during the Caldor Fire crisis. Staff members have voiced appreciation that payroll deposits were unaffected, offering some stability during a difficult time for all.

Facilities & Information Technology (IT)

The agency's IT infrastructure was proactively relocated outside of the basin in response to the Caldor Fire crisis and brought back online as quickly as possible to maintain the online services upon which staff, the public, and many partner agencies rely. This massive effort was completed seamlessly by our IT staff in a matter of hours and services were restored in less than two days. Key operations including Accela permitting, GIS, network drives, and

certain databases came back online after the systems were set up in a safe, temporary location in the Carson Valley. Other software products were cloud based and were not disrupted.

Many agency vehicles were also taken to locations outside of the evacuation area and the TRPA Watercraft Team managed to get to the agency's two boats moored on South Shore to safe moorings on the North Shore.

Physical access to the office was limited during the Caldor Fire and customer response times were delayed agency-wide while staff and infrastructure were being relocated, but the agency was able to continue to provide services throughout the incident, including holding a scheduled Hearings Officer meeting virtually while the South Shore and TRPA's offices were under mandatory evacuation orders. Facilities staff used mobile technology to keep an eye on the building and sent critical building updates to staff and managers through mobile messaging. Air filters in the building were replaced and general building cleanup and visual inspections took place upon re-entry.

HUMAN RESOURCES

The Caldor Fire crisis both tested and strengthened the bonds between staff members and teams this quarter. The fire ultimately forced almost 75 percent of the agency's staff from their homes, submerged many others in extremely poor air quality, and shuttered its offices. The Human Resources team worked to support individual staff members throughout the crisis and to connect those in need to the right resources. After many tense weeks, evacuation orders lifted and the crisis subsided, allowing everyone to return home and children to start their school year although a little late. The Human Resources team will continue to offer support to staff post-crisis as people continue to settle back in and take stock of recent events.

TRPA welcomed new staff members this quarter. Bryn McKillop joined the Current Planning team as an Assistant Planner. Bryn recently graduated from the University of Colorado – Denver with a master's degree in Urban and Regional Planning and has a bachelor's degree in history from Scripps College. Zach Davis also joined TRPA's Current Planning team as Shoreline Planning Technician, replacing Brenden Phillips, who was promoted to Associate Environmental Specialist in the Code Compliance team. In that role, Brenden replaces Taylor Currier, who has relocated to Utah.

Several promotions occurred this quarter: Melissa Uppendahl (Finance) was promoted to Assistant Controller, Adele Gerz (Research and Analysis) to Senior Research Technician, Brenden Phillips (Current Planning/Code Compliance) to Associate Environmental Specialist, and Tom Boos (Environmental Improvement/AIS Prevention) to Senior Environmental Specialist.

The Equity Team, sponsored by Joanne Marchetta and Julie Regan, has hosted several events over the past several months designed to surface and address unconscious bias. The team hosted two optional lunch seminars for staff. The first session invited Lake Tahoe

Community College Director of Equity Laura Salinas to speak about DEI initiatives at the college and successful tactics she's seen within the community. The second seminar explored the concept of privilege and reviewed the history of ADA laws. About a third of staff and a quarter of staff respectively attended the two discussions, and the committee is planning to continue these optional seminars into 2022.

Additionally, the regular "Leader-Manager Foundations" series wrapped up a three-part set of workshops on "Systems Thinking" this quarter.



STAFF REPORT

Date: October 20, 2021
To: Regional Plan Implementation Committee
From: TRPA Staff
Subject: Mobility Mitigation Fee Program Update

Purpose:

Discussion and possible recommendation on Update to the Mobility Mitigation Fee including amendments to the TRPA Rules of Procedure to update the fee Amount.

Summary and Staff Recommendation:

In April 2021, the Governing Board approved changes to the Code of Ordinances regarding project impact assessment for transportation to implement the new Vehicle Miles Travelled (VMT) Threshold at the project level. What remains is the need to update the Mobility Mitigation Fee (MMF) program to fully align it with the new threshold by focusing on VMT mitigating projects from the recently adopted 2020 Regional Transportation Plan (RTP).

Staff recommends using a fee rate of \$218 per VMT. The rate is based on the 25-year timeframe of the RTP for both VMT mitigating project costs and projected VMT from added development.

Staff will provide a summary and technical analysis for the recommendation and seek policy guidance from the Committee. The guidance will inform a final MMF recommendation to be brought to the Operations and Maintenance Committee in November and the Advisory Planning Commission in December for recommendation to the Governing Board for potential action in December.

Background:

TRPA has long charged mitigation fees for environmental impacts from increased automobile trips associated with development. Fees are then used by the region's jurisdictions and implementing agencies to leverage larger monies, typically as matching funds for federal grants, to provide the transportation infrastructure necessary to implement the policies and achieve the goals of the TRPA Regional Plan and Regional Transportation Plan (RTP). Those goals include concentrating development in town centers, incentivizing affordable housing in those centers, promoting mobility, reducing mobile source greenhouse gas emissions, and reducing reliance on private automobiles. Fees that link land use and transportation also further the regulatory intent of executive order and legislation from both California (SB 375 and SB 743) and Nevada (SB 256 and Executive Order 2019-22) to address climate change.

The adopted Regional Plan for the Lake Tahoe Region contains a detailed Implementation Element that includes developing a fee to offset impacts from development and redevelopment. TRPA established the Air Quality Mitigation (AQM) fee for this purpose. The AQM fee was calculated by estimating the cost of needed improvements over a four-year period and dividing that cost by anticipated growth. The AQM fee was last updated in 2007: \$362.04 per average daily trip end. It has not been adjusted for inflation since 2006.

At its April 2021 meeting, the Governing Board approved revising the AQM fee to the MMF, basing the fee on average daily VMT instead of average daily trip ends, and providing for annual inflation adjustments based on the Consumer Price Index for the San Francisco region. Now, the MMF needs to be set using the current RTP constrained project list.

The VMT mitigating projects are drawn from the 2020 RTP constrained project list and represent both transportation system and transportation demand management projects.

RTP Focus Area	Project Examples	2045
Transit	Microtransit, Water Taxi, and Mobility Hubs	\$185,651,396
Trails	Multi-Use Paths & Pedestrian Improvements	\$156,761,335
Technology	Smartphone App, Parking Management, Adaptive Traffic Management	\$17,611,931
Communities	Corridor Planning and Implementation	\$190,456,381
Total		\$550,481,043

The timeframe of VMT mitigating projects and the proportional share of future VMT from development is based on the 2020 RTP 25-year constrained project list and modeled VMT from development. The full-plan approach is the most common used to develop transportation impact or mitigation fees, most equitably distributes costs across development years, and is the most supportive of implementing the VMT per capita threshold, which will largely be achieved through implementation of the 2020 RTP.

Timeframe	VMT Project Costs Minus Secured Funding	Development Share of Projected Future Average Daily VMT	New Development Proportion of VMT Reducing Projects
25-year: 2045	\$550,481,043	6.8%	\$37,432,711

Next, the fee is calculated by dividing the VMT mitigating project costs by the future average daily VMT from added development. The final step is to adjust for the standard practice for project level analysis, which assumes full occupancy of all projects (where the regional projected VMT forecast includes a blend of unoccupied and occupied, similar to current development), and for TRPA’s approach to apportioning trips between projects that generate trips and attracts trips. Adjusting for these differences results in a recommended fee rate of \$218 per VMT.

Fee Approach	New Development % of VMT Reducing Project Costs	Total Average Daily VMT from Development	Maximum Fee per VMT	Fee Recommendation
25-year: 2045	\$37,432,711	95,476	\$392.06	\$218.00

Several considerations can influence fee setting, including fees charged by peer communities, transportation grant matching funds requirements, adjustments for inflation, and fee variations by trip generating (bed base) or trip attracting (in-basin attractions) land uses.

Considering peer community fees is valuable and addresses the potential unintended consequence of incentivizing desired development in lower fee jurisdictions. However, fee purpose (e.g., mitigating VMT, offsetting roadway impacts from development, or some combination of the two) and transportation goals differ across jurisdictional and regional boundaries (e.g., peer communities do not have an equivalent VMT per capita threshold). Further, transportation projects and programs, associated costs, and funding available to implement them can vary by jurisdiction. Therefore, it is not recommended that the MMF be set to match peer communities' fees. However, comparing the equivalent fee rates of peer communities to the recommended MMF finds them to be reasonably close to one another.

For decades Tahoe's transportation improvements have largely been funded by federal grants and limited jurisdictional and implementing agency funds. Grants, jurisdiction, and agency funds for transportation are becoming more competitive, less reliable, and are on the decline. Using a maximum fee based on matching funds requirements could result in more successful federal transportation grants in the region because applications with larger matching funds are typically more competitive. More successful transportation grants would in turn advance the implementation of the 2020 RTP and attainment of the VMT per capita threshold. However, this approach would increase the share of average daily VMT that development and redevelopment would mitigate to a proportion greater than its impact, i.e., 9.3% weighted average matching funds requirements versus 6.8% of future VMT.

One approach to fee setting could be to adjust the MMF to reflect inflation from 2006 to 2020. However, this approach would continue to be based on a four-year project list from 2002. As a result, the fee would not fully align with implementing the new VMT per capita threshold standard at the project level through implementation of the 2020 RTP and would not represent development's proportional share for reducing its future average daily VMT. Therefore, it is not recommended.

Varying the MMF by project location, with projects in lower VMT generating areas such as town and regional centers charged a lower fee than projects in more remote locations, could further incentivize development in locations that have a greater mix of land uses and more transportation options. This incentive is inherent to the project impact assessment process. Recent VMT data from the TRPA model recognizes that fewer vehicle trips and shorter trip distances are made in town and regional centers. This results in lower average daily VMT for projects in those locations. For example, a single-family home in a lower VMT neighborhood, such as Al Tahoe in the City of South Lake Tahoe, generates less than half the VMT of the same development in a higher VMT neighborhood, such as Glenbrook in Douglas County: 23.71 VMT/residential unit versus 58.79 VMT/residential unit, respectively.

Recommendation:

The proposed fee rate reflects the proportional share of average daily VMT from added development in the region and should be the basis for the MMF rate. This would align with implementation of the VMT per capita threshold at the project level and supports attainment of that threshold. Therefore, the recommended MMF rate is \$218.00 per VMT.

Consistent with the AQM fee, staff proposes to attribute 90 percent of the impact to VMT generators (i.e., increases in the bed base via new residential units, Tourist Accommodation Units (TAU), and campgrounds) and 10 percent to VMT attractors (all other uses). The final proposed per VMT MMF then becomes \$196.20 /VMT for VMT generators and \$21.80/VMT for VMT attractors

Issues and Concerns:

The fee recommendation will result in higher fees for all types of development. The tables below provide an example of the likely range of fees for residential and TAU projects. The tables illustrate that fees increase marginally for some and significantly for others because: (1) inflation, (2) overall costs of RTP project costs, and most significantly, (3) location.

Use: Residential	Old Trip-Based Fee (Inflation Adjusted fee)	Proposed VMT-Based Fee
Low VMT Area	\$3,258 (\$4,673)	\$3,738
Average VMT Area		\$6,478
High VMT Area		\$13,127

The average fee a residential unit would pay increases by 47% from the AQM fee, a third of which is attributable to inflation since 2006. The proposed fee recognizes location matters and so projects in lower VMT areas would pay lower fees and projects in higher VMT areas would pay higher fees.

The following table summarizes the estimated per unit fee for a TAU project and compares the fee to the AQM fee.

Use: Tourist Accommodation (TAU)	Old Trip-Based Fee (Inflation Adjusted Fee)	VMT-Based Fee
Low VMT Area	\$2,724 (\$3,907)	\$6,020
Average VMT Area		\$9,597
High VMT Area		\$15,780

The average fee for a TAU would increase significantly, 17% of which is attributable to inflation since 2006. The higher fee for TAUs is due to the fee calculation recognizing longer trip lengths (i.e., VMT) associated with these land uses.

Fees paid by commercial development are more difficult to estimate because of the large variation in VMT generated by different types of commercial development (e.g., a high-turnover restaurant has a significantly different impact than an apparel store), project size, and location. With new commercial development representing only 2.2% of projected VMT growth by 2045 and the influence of these variables, an estimate of average costs for commercial development was not undertaken.

The project impact assessment process evaluates a project's net-VMT impact, meaning redevelopment is assessed and charged a fee only when it generates a net increase in VMT. Additionally, the process recognizes and encourages projects located in low-VMT areas, such as town centers, and VMT reducing strategies, such as project design, VMT mitigations, and jurisdiction VMT credit programs, which can further reduce a project's VMT effect. These VMT reductions will be reflected in lower MMF fees.

Public Comment:

Comments received through stakeholder outreach with members of the development and affordable housing development communities, local jurisdictions, and the League to Save Lake Tahoe expressed a range of support and concerns, from the impact a higher fee would have on development, and more specifically affordable, moderate, and achievable housing development (i.e., workforce housing), to the fee's ability to incentivize development in and near to town centers. Most of these concerns have been addressed in the above discussion, except fees for workforce housing.

Staff explored options to reduce or waive the MMF for workforce housing but could not advance a recommendation to do so because of the requirements for mitigation fee programs and the lack of replacement funding for any reduced or waived fee amount.

Staff recommends deferring to the Tahoe Living Housing Initiative process, which has identified evaluating mitigation fees as an action item in the "Long-Term" phase. The Tahoe Living Working Group is examining the opportunities and challenges to developing affordable, moderate, and achievable housing, including fees charged to these types of development, and whether existing fees capture VMT reductions tied to size of unit and parking. That initiative will make recommendations on fees and these will inform future updates to the mobility mitigation fee program.

Contact Information:

For questions regarding this agenda item, please contact Melanie Sloan, Senior Transportation Planner, at (775) 589-5208 or msloan@trpa.gov.

Attachments:

- A. Mobility Mitigation Fee Program Update Policy Paper

Attachment A

Mobility Mitigation Fee Program Update Policy Paper



**TAHOE
REGIONAL
PLANNING
AGENCY**

ATTACHMENT A:
MOBILITY MITIGATION FEE PROGRAM
UPDATE POLICY PAPER

OCTOBER 19, 2021

1

Background

Mitigation and impact fees ensure that added development contribute their fair share to promote regional mobility and reduce vehicle miles travelled (VMT) but cannot be imposed to address existing deficiencies except where they are worsened by added development.

TRPA is authorized to charge mitigation fees per 65.2.5 (C) Standards for Changes in Operation – Required Offsets in the TRPA Code of Ordinances. Fees are used by the region’s jurisdictions and implementing agencies to leverage larger monies, typically as matching funds for federal grants, to provide the transportation infrastructure necessary to implement the policies and achieve the goals of the TRPA Regional Plan and Regional Transportation Plan (RTP). Those goals include concentrating development in town centers, incentivizing affordable housing in those centers, and promoting mobility, reducing mobile source greenhouse gas emissions, and reducing reliance on private automobiles.

Additionally, mitigation fees abate a project’s environmental impacts through actions identified in an adopted plan’s Environmental Impact Report (EIR), such as the Regional Transportation Plan’s EIR.

Under Federal case law findings, mitigation fees require (a) a nexus between the impact and fee charged (Nollan v. California Coastal Commission¹), and (b) rough proportionality between the burden created and the fee charged (Dolan v. City of Tigard²).

In California, mitigation fees attributed to added development are subject to the Mitigation Fee Act (Government Code §§ 66000-66025³, commonly referred to as “AB 1600 requirements”). In Nevada, NRS 278B⁴ defines the methodology for charging mitigation fees.

Updating the TRPA mitigation fee requires a revision of the TRPA Rules of Procedure and Governing Board action at a public hearing.

Air Quality Mitigation Fee Program

The adopted Regional Plan Goals and Policy for the Lake Tahoe Region contains a detailed Implementation Element.

Policy 2 of Goal #4 of the Development and Implementation Priorities Sub-element states:

ALL PROJECTS SHALL OFFSET THE TRANSPORTATION AND AIR QUALITY IMPACTS OF THEIR DEVELOPMENT

The implementing Ordinances for the Regional Plan will define stationary sources of air pollution that may locate in the Region and define what constitutes a significant environmental impact on air quality from stationary sources. Commercial and residential developments both contribute indirect impacts to air quality by increasing the number of vehicle trips in the Region. The cumulative impacts of such trips are significant.

The Ordinances will establish a fee to offset the impacts from minor projects. The fee will be assessed on both commercial and residential development. The ordinances will also define what

¹ [Nollan v. California Coastal Commission | Case Brief for Law School | LexisNexis](#)

² [Dolan v. City of Tigard | Case Brief for Law School | LexisNexis](#)

³ [Codes Display Text \(ca.gov\)](#)

⁴ [NRS: CHAPTER 278B - IMPACT FEES FOR NEW DEVELOPMENT \(state.nv.us\)](#)

projects have significant environmental impacts; these projects will be required to complete an EIS and mitigate air quality and traffic impacts with specific projects and programs.

In addition to this, Goal #1 of the Financing sub-element states:

In cooperation with other agencies, provide funds to carry out the capital improvements program and other programs of the Regional Plan, provide for the revenue sources that distribute costs equitably among users of the basin, meet performance objectives, and attain environmental thresholds.

Mitigation of development impacts is often financed through fees imposed at the time of project approval.

TRPA established the Air Quality Mitigation (AQM) fee to address these policies.

Rate Determination

The AQM fee was calculated by estimating the cost of needed improvements over a defined time period and dividing that cost by anticipated growth.

The TRPA EIP estimated that, between fiscal year 2002 and fiscal year 2006, approximately \$94.0 million would be needed to implement transit, bicycle, and pedestrian projects and programs from the EIP project list that provide both transportation and air quality benefits. Vehicle trips for 2006 were forecasted to identify future demand. The growth rate of the proportion of trips that were internal to the TRPA region was then applied to the estimated project costs to determine the total costs attributed to added development.

Charging the Fee

The AQM fee was calculated using the average daily vehicle trip ends (DVTE), determined by multiplying the appropriate ITE Trip Generation Manual land use trip rate by the size of the project (e.g., number of residential units, thousand square feet of commercial floor area, number of bowling lanes, etc.).

Each trip has an origin and a destination. The origin is the production of the trip, and the destination is the attraction of the trip, with each being responsible for a proportional share of the trip's impact to transportation. Since 1987, TRPA has weighted the origin/production of a vehicle trip at 90 percent, and the destination/attraction end of the trip at 10 percent. Within this framework, "beds" account for the origins/productions (e.g., houses, hotel/motel rooms, campgrounds) and commercial, recreation, public service, and other uses as the destinations/attractions.

AQM Fee Rate

The AQM fee rate was last updated in 2007 to \$362.04 per DVTE. It was charged based on a project's land use and calculated DVTE⁵:

- Residential \$325.84 per DVTE
- Commercial \$36.20 per DVTE
- Tourist Accommodation Unit \$325.84 per DVTE
- Campsites & RV sites \$325.84 per DVTE

⁵ Per the TRPA-Mitigation Fees (03/08).

- Other \$36.20 per DVTE

Inflation

Section 93.6 of the Code of Ordinances also states:

As part of the biennial revisions to the Regional Transportation Plan, TRPA shall review the fee schedules in 93.3D and 93.4 D in light of the costs of needed improvements and the funds available to support those improvements, and recommend adjustments to the fee schedules as appropriate.

In 2007, the AQM fee program was updated by the TRPA Governing Board using the California Construction Cost Index through 2006 as an inflationary index. However, the fee has not been adjusted for inflation since and so is not indexed to the current RTP constrained project list.

Mobility Mitigation Fee

The Governing Board, at its April 28, 2021, approved changes to the Code of Ordinance project impact assessment process to implement the new VMT Threshold at the project level. The changes included renaming the AQM fee to the Mobility Mitigation Fee (MMF), basing the fee on average daily VMT instead of average daily trip ends, and providing for annual inflation adjustments based on the Consumer Price Index for the San Francisco region⁶.

These updates further the approach of the Regional Plan to concentrate development in town centers and incentivize affordable and achievable housing in those centers; the vision and goals of the RTP for promoting mobility, reducing mobile source greenhouse gas emissions, and reducing reliance on the private automobile through implementing the priority transportation projects from the Bi-State Consultation; and the sustainable revenue planning process that seeks to fill the gap in transportation funding needed to fully implement the RTP vision.

Finally, charging the MMF based on a development project's net generated VMT furthers the land use and transportation connection regulatory intent of executive order and legislation from both California (SB 375⁷ and SB 743⁸) and Nevada (SB 256⁹ and Executive Order 2019-22¹⁰) to address climate change.

What remains is the need to update the MMF program to fully align with the new VMT threshold by focusing on VMT mitigating projects from the recently adopted RTP constrained project list.

Mobility Mitigation Fee Program

There are three elements to the MMF program:

1. Fee structure: identifying impacts to transportation that are subject to the fee
2. Fee amount: the fee to be charged based on quantifying the identified impact, and

⁶ 65.2.4.D of the TRPA Code of Ordinances

⁷ [Bill Text - SB-375 Transportation planning: travel demand models: sustainable communities strategy: environmental review. \(ca.gov\)](#)

⁸ [Bill Text - SB-743 Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento. \(ca.gov\)](#)

⁹ [SB256 Overview \(state.nv.us\)](#)

¹⁰ [Executive Order 2019-22 Directing Executive Branch to Advance Nevada's Climate Goals \(nv.gov\)](#)

3. Fee use: identifying projects that are eligible to use fees

The following sections discuss each of these three elements and provides the background and reasoning for the scenario analysis and fee recommendation sections that complete this report.

Fee Structure

The April 2021 Governing Board approved Code of Ordinance updates to the project impact assessment process to implement the VMT per capita threshold at the project level.

The updated process requires all projects mitigate their impacts to transportation through paying the MMF and, for projects that produce significant VMT per defined levels based on a project's land use type(s)¹¹ and location, do more at the project level.

An applicant determines a project's net generated VMT, and significant VMT if applicable, by conducting a VMT assessment (described in the TRPA Project Impact Assessment Guidelines¹²). For many projects, the online project impact assessment tool¹³, developed by TRPA staff, can be used to calculate the net VMT generated by the project and the MMF amount.

Fee Use

TRPA's Mitigation Fund Release Policy Guidelines detail how collected mitigation funds can be used. These will be updated to stipulate that MMF funds may be used for VMT mitigating transportation projects.

Use of the fees will continue to require approval by the TRPA Governing Board to ensure funds reduce VMT in the region.

Similar projects to those included in the MMF VMT mitigating project list ([Attachment A](#)), or projects that provide substantial evidence of VMT mitigation benefits, may be eligible for use of collected mobility mitigation funds upon approval of TRPA staff and the TRPA Governing Board. The project list is not exhaustive but is representative of the types of projects that could use mobility mitigation funds.

Fee Amount

There are two steps to determining an updated MMF. The first calculates the MMF amount by selecting the timeframe of VMT mitigating projects and determining the proportional share of future VMT for which development and redevelopment (i.e., added development) is responsible. The second step is setting the MMF, which can be any amount up to, but not over, the calculated fee. The following two sections detail the background and reasoning for each step.

Calculated Fee

VMT Mitigating Projects

The VMT mitigating projects are drawn from the 2020 RTP constrained project list. The projects are part of a larger system of transportation improvements that includes transportation demand management and transportation system management programs. Projects range from construction of sidewalks to micro-transit and are supplemented by travel-demand management programs such as employee

¹¹ Chapter 65: Air Quality / Transportation of the TRPA Code of Ordinances details the defined levels

¹² Found at TRPA.gov under Permitting à Applications & Forms à General

¹³ https://trpa.shinyapps.io/PIA_Tool/

shuttles and end of trip facilities to encourage walking and biking to work. Each of these contribute to achieving and maintaining the VMT per capita Threshold and result in fewer VMT in the region from added development.

Where project costs include non-VMT reducing elements, for example relocating existing utility lines underground, the project costs are adjusted to remove those elements. Secured funding and associated project and program operating costs are also not included in the project cost calculations. Further, the MMF will not duplicate costs associated with local jurisdiction VMT mitigation fee program(s), transportation improvements required for project mitigations, or those provided as project benefits.

[Attachment A](#) lists the VMT mitigating projects used for calculating the MMF.

Timeframes

Only one approach to both VMT mitigating project costs and apportioning development’s share of projected future VMT is advanced: the 25-year (2045) timeframe of the 2020 RTP (Table 1). This approach is based on the 2020 RTP 25-year constrained project list. The full-plan approach is the most common used to develop transportation impact or mitigation fees, most equitably distributes costs across development years, and is the most supportive of implementing the VMT per capita threshold, which will largely be achieved through implementation of the 2020 RTP.

Table 1: 25-Year VMT Mitigating Project Costs from the 2020 RTP

	VMT Project Costs Minus Secured Funding
25-year: 2045	\$550,481,043

VMT Reducing Project Types

Table 2 summarizes the VMT mitigating project costs by RTP Focus Areas (Transit, Trails, Technology, and Communities).

Table 2: Project Costs by Type

RTP Focus Area	Project Examples	2045
Transit	Microtransit, Water Taxi, and Mobility Hubs	\$185,651,396
Trails	Multi-Use Paths & Pedestrian Improvements	\$156,761,335
Technology	Smartphone App, Parking Management, Adaptive Traffic Management	\$17,611,931
Communities	Corridor Planning and Implementation	\$190,456,381
Total		\$550,481,043

VMT from Added Development

The same approach to apportioning projected average daily VMT from added development is used: 25-year projected VTM from development (2045), which represents 6.8% of all total projected VMT by 2045 (Table 3).

Table 3: Average Daily VMT from Development by 2045

	Total VMT in the Region in 2045	VMT from New Development	Development Share of Projected Future Average Daily VMT
25-year: 2045	1,410,202	95,476	6.8%

Average Daily VMT by Land Use Type

New average daily VMT from added development were quantified by land use type for the 25-year timeframe. (Table 4)

Table 4: Average Daily VMT from Development

Residential Units				
	Base Year (2018)	Average Daily VMT¹⁴ (2018)	Annual Rate of Development	New Units/New VMT
				2045
UNITS	47,655	18.0	172	4,597/ 82,699
Tourist Accommodation Units (TAU)				
	Base Year (2018)	Average Daily VMT¹⁵ (2018)	Annual Rate of Development	New Units/New VMT
				2045
UNITS	11,107	11.3	35	945/ 10,721
Commercial Floor Area (CFA)				
	Base Year (2018)	Average Daily VMT¹⁶ (2018)	Annual Rate of Development	New Units/New VMT
				2045
UNITS	6,327,319	0.01	7,650	206,550/ 2,055
Total Average Daily VMT from Development				95,475

¹⁴ Includes trips from STRs, seasonal residents, and full-time residents. Commercial Trips from Full Time Residents, Seasonal Residents, and Visitors staying in STRs are assigned 90% of the trip length

¹⁵ Commercial Trips from Overnight Visitors Staying in TAUs are assigned 90% of the trip length

¹⁶ Average daily VMT From All Work, Shopping, Eating, Gaming, and Other Trips are assigned 10 % of the trip length

Development Share of Future VMT

To determine added development’s proportional share of VMT mitigating project costs, development’s proportional share of future VMT (6.8%) was applied to the 25-year VMT mitigating project costs from the 2020 RTP (Table 5).

Table 5: Proportional Cost to Mitigate Average Daily VMT of Future Development

Timeframe	VMT Project Costs Minus Secured Funding	Development Share of Projected Future Average Daily VMT	New Development Proportion of VMT Reducing Projects: Timeframe
25-year: 2045	\$550,481,043	6.8%	\$37,432,711

Maximum Fee

The calculated fee divides the VMT mitigating project costs by the future average daily VMT from added development. The final step is to revise this calculation to adjust for the standard practice for project level analysis, which assumes full occupancy of all projects (where the regional VMT forecast includes a blend of unoccupied and occupied, similar to current development), and for TRPA’s approach to apportioning trips between projects that generate trips and attracts trips (as described in the Charging the Fee section of this document). Adjusting for these differences results in a maximum fee of \$218 per VMT. (Table 6).

Table 6: Maximum Fees

Fee Approach	New Development % of VMT Reducing Project Costs	Total Average Daily VMT from Development	Calculated Fee per VMT	Maximum Fee per VMT
25-year: 2045	\$37,432,711	95,476	\$392.06	\$218.00

Setting the Fee

The MMF may be set up to the maximum fee, \$218.00. Several considerations may influence the decision for the fee amount, which are detailed in the next sections

Peer Communities

Similar fees charged within the Region and in nearby communities could be considered when setting the MMF to ensure that the fees are in line with those charged in nearby communities and to address the potential unintended consequence of incentivizing desired development in lower fee jurisdictions.

However, no communities in or near to the region charge a strictly VMT mitigating fee. Rather, all fee programs considered here also fund roadway improvements. This is important to consider when comparing the fees as the MMF is strictly for mitigating project impacts to transportation, while fees that include roadway improvements are revenue generating to offset the vehicular impacts of a project.

The scenario analysis section evaluates the maximum fee and the fees considered here.

Fees in the Tahoe Region

Placer County

Placer County is the only jurisdiction within the Tahoe region that charges a Traffic Impact fee¹⁷: \$5,440 per dwelling unit equivalent¹⁸ for both residential and commercial development. Placer County is in the process of updating its fee to one based on VMT (the fee will continue to include roadway improvements). Placer County’s fee update will be completed over the next several months and is anticipated to be effectively similar in rate to the current fee.

Fees Outside of the Tahoe Region

El Dorado County

The El Dorado County Traffic Impact Mitigation¹⁹ fee uses a dwelling unit equivalent¹⁸ to calculate the fee amount. In El Dorado County, fees vary by three defined zones. Zone A includes all rural areas of El Dorado County including those adjacent to the Tahoe region. Zone B includes Shingle Springs and Cameron Park areas. Zone C includes the El Dorado Hills area. The El Dorado County portion of the Tahoe region is not included in any zone and thus projects in Tahoe do not pay county traffic impact mitigation fees.

The Traffic Impact Mitigation fee varies by project size, with single-family residence ranging from \$7,882 to \$32,675, depending on the size of the residence and the zone, with smaller residences charged less than larger ones. To simplify the analysis, fees for an average single-family residence were calculated, assuming a size of 2,000 and 2,999 square feet. Fees for nonresidential uses range from \$.27 to \$10.18 per square foot depending on the land use type and zone. Fees for Tourist Accommodation Units (TAUs) range from \$302 to \$1,839 per room, depending on the zone. (Table 7)

Table 7: El Dorado County Traffic Impact Mitigation Fee

Land Use	Traffic Impact Mitigation Fee: Zone A (Rural)	Traffic Impact Mitigation Fee: Zone B (Cameron Park & Shingle Springs)	Traffic Impact Mitigation Fee: Zone C (El Dorado Hills)
Single Family Residential ²⁰	\$9,697	\$23,343	\$30,333
Multi-Family Residential ²⁰	\$5,749	\$13,715	\$16,931
Non-Residential Uses (per square foot)	\$.27 - \$1.69	\$1.18 - \$7.34	\$1.68 - \$10.41

¹⁷ [Traffic Impact Fee Program | Placer County, CA](#)

¹⁸ Dwelling unit equivalency uses the transportation impact of an average single-family residence as the uniform standard of measure of a project’s transportation impact.

¹⁹ [Traffic Impact Fees Schedule \(edcgov.us\)](#)

²⁰ Not age restricted

Tourist Accommodation Unit (per room)	\$305	\$1,326	\$1,880
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Placer County

Outside of the Tahoe Region, Placer County charges a Traffic Impact Fee¹⁷ using a dwelling unit equivalency¹⁸ based on the district where the project is located. Districts directly to the east and north of the Tahoe Region are charged \$3,993 per dwelling unit equivalent for both residential and commercial development (Placer East District) and \$5,393 per dwelling unit equivalent for residential development and \$2,805 per dwelling unit equivalent for commercial development (Foresthill District) (Table 8).

Table 8: Placer County Traffic Impact Fee

Land Use	Traffic Impact Fee	
	Placer East District	Foresthill District
All Types	\$3,993 per dwelling unit equivalent	
Residential		\$5,393 per dwelling unit equivalent
Commercial		\$2,805 per dwelling unit equivalent

RTC Washoe

RTC Washoe, covering Reno, Sparks, and Washoe County outside of Tahoe, charges a Regional Road Impact fee²¹. The fee is charged to development based on the VMT it generates. The fee is charged per dwelling unit for residential uses, gross floor area for commercial, retail, industrial, and office uses, except for lodging (which is charged per room) and regional recreation facility (which is charged per acre). The per VMT fee is \$328.34 per VMT for the North Service Area and \$320.63 per VMT for the South Service Area. This equates, depending on zone, to a single-family residence being charged \$4,559.36 to \$4,934.95, a multi-family residence being charged \$3,103.70 to \$3,358.92 per dwelling unit, land uses charged based on gross floor area paying from \$1.46 to \$46.90 per 1,000 GFA, depending on use, TAUs being charged \$1,035.63 to \$1,119.64 per room, and regional recreation facilities being charged \$705.39 to \$761.75 per acre (Table 9).

Table 9: RTC Washoe Regional Road Impact Fees

Land Use	Regional Road Impact Fee	
	North Service Area	South Service Area
Single Family Residential	\$4,934.95	\$4,559.36

²¹ [6th-Edition-RRIF-Brochure-Index-Year-1-2020.12.01.pdf \(rtcwashoe.com\)](https://www.rtcwashoe.com/6th-Edition-RRIF-Brochure-Index-Year-1-2020.12.01.pdf)

Land Use	Regional Road Impact Fee	
Multi-Family Residential	\$3,358.92	\$3,103.70
Commercial	From \$1.54 – \$46.90 per gross floor area, depending on use	From \$1.46 - \$44.37 per gross floor area, depending on use
Tourist Accommodation Unit	\$1,119.64 per room	\$1,035.63 per room
Regional Recreation Facility	\$761.75 per Acre	\$705.39 per Acre

Truckee

The Town of Truckee charges a Traffic Impact Fee²² on all development. Charges are per square foot for residential, commercial (except gas stations, which are charged per fueling station), industrial, and institutional (except for public parks, which are charged per acre) uses, and a per room fee for TAU. Fees vary by type of land use for all but residential land uses (Table 10).

Table 10: Town of Truckee Traffic Fee

Land Use	Traffic Fee	Exception
Residential (all types)	\$2.60 per square foot	
Commercial	\$9.46 - \$55.7 per square foot	Gas Station: \$11,363 per fueling station
Industrial	\$2.03 - \$6.16 per square foot	
Institutional	\$4.57 - \$12.89 per square foot	Public Park: \$1,270 per Acre
Tourist Accommodation Unit	\$4,444 per room	

Scenario Analysis

Single family residential development is the largest proportion of projected land use development in the Tahoe region (Table 4), and so is used as the example land use type for a fee setting scenario analysis.

The scenario analysis assumes an average single-family residence is 2,500 square feet, is fully occupied, and is represented by the region’s average daily VMT estimate for an occupied single-family residence: 28.9 VMT.

²² [637511399657500000 \(townoftruckee.com\)](http://637511399657500000.townoftruckee.com)

Comparison Fees

The calculated fee as shown in Table 6 in the [Maximum Fee](#) section of this document is compared to per VMT fee equivalents of fees discussed in the [Fee Setting Considerations](#) section of this report (Table 11).

Table 11: Fee Comparison

Fee Comparison (Average single-family residence: 2,500 square feet, fully occupied, 28.9 VMT)	Fee	Equation	Equivalent Fee per Average Daily VMT
Placer-Placer East	\$3,993	/28.9 VMT	\$138.37
RTC Washoe – South	\$4,559.36	/28.9 VMT	\$157.99
RTC Washoe – North	\$4,934.95	/28.9 VMT	\$171.01
Placer-Foresthill	\$5,393	/28.9 VMT	\$186.88
Placer – in Region	\$5,440	/28.9 VMT	\$188.51
Maximum Fee: 25-year Timeframe			218.00
Truckee	\$2.60 per square foot	* 2,500 square feet & /28.9 VMT	\$224.91
El Dorado - zone A (rural)	\$9,613	/28.9 VMT	\$333.11
El Dorado - zone B (Diamond Springs to Cameron Park)	\$24,062	/28.9 VMT	\$833.80
El Dorado - zone C (El Dorado Hills)	\$29,704	/28.9 VMT	\$1,029.31

Considering peer community fees is valuable and addresses the potential unintended consequence of incentivizing desired development in lower fee jurisdictions. However, fee purpose (e.g., mitigating VMT, offsetting roadway impacts from development, or some combination of the two) and transportation goals differ across jurisdictional and regional boundaries (e.g., peer communities do not have an equivalent VMT per capita threshold). Further, transportation projects and programs, associated costs, and funding available to implement them can vary by jurisdiction.

Setting the MMF to match those of peer communities is prone to overlooking these impactful variations. Therefore, it is not recommended that the MMF be set to match peer communities' fees. However, review of the equivalent fee rates (Table 11) finds the maximum fee to be reasonably close to those of peer communities

Other Considerations

A few additional considerations to peer community fees were analyzed. Those considerations are detailed below.

Matching Fees

For decades, Tahoe's transportation improvements have largely been funded by federal grants and limited jurisdictional and implementing agency funds. Grants, jurisdiction, and agency funds for transportation are becoming more competitive, less reliable, and are on the decline. Using a maximum fee based on matching funds requirements could result in more successful federal transportation grants in the region because applications with larger matching funds are typically more competitive. More successful transportation grants would in turn advance the implementation of the 2020 RTP and attainment of the VMT per capita threshold.

This approach recognizes the importance of mitigation funds to attaining additional funding for the total project costs.

Grant funding match requirements vary by state:

- California requires 11.47% local match
- Nevada requires 5% local match

This approach uses a weighted average of the two state's match requirements, based on the region being one-third in Nevada and two-thirds in California: 9.31%.

Table 12 shows the calculation of a maximum fee using this approach and compares it to the approach determined in the Maximum Fee section:

Table 12: Matching Funds Maximum Fee

Timeframe	VMT Project Costs Minus Secured Funding	Matching Funds Requirement	New Development Proportion of VMT Reducing Projects: Matching Funds	Total Average Daily VMT from Development	Maximum Fee per VMT
Matching Funds: 2045	\$550,481,043	9.31%	\$43,701,504	95,476	\$457.72
Maximum Fee:		6.8%	\$37,432,711		\$218.00

Though this approach links the proportion of VMT mitigating project costs to the role of the mitigation funds to leverage larger funding sources to implement the VMT reducing projects in the region it would increase the share of average daily VMT that added development would mitigate to a proportion greater than its impact, i.e., 9.3% weighted average matching funds requirements versus 6.8% of future VMT.

The TRPA led Transportation Sustainable Funding Initiative²³ is being undertaken in recognition of the need for additional transportation funding in the region to deliver the projects and programs of the 2020 RTP. The initiative is the appropriate avenue for identifying additional funding for more successful grant applications and to more fully support jurisdiction and implementing agency implementation of VMT mitigating projects without federal grant funds.

Because of the disproportionate impact this approach would have on added development and the ongoing Transportation Sustainable Funding Initiative, the matching funds maximum fee is not recommended.

Revenue Neutral

A revenue neutral approach to setting the MMF would ensure that the fee approximates the annual revenue received under the AQM fee.

A revenue neutral approach is calculated using the average daily VMT of an occupied single-family residence (28.9) to determine the fee amount. Dividing the average AQM fee paid by single-family residential development since 2007 (\$3,258.00) by 28.9 average daily VMT results in a per VMT fee amount of: \$112.73.

However, the AQM fee rate had not been adjusted for inflation since 2006, as discussed in the [Inflation](#) sub-section of the [Air Quality Mitigation Fee Program](#) section above. Therefore, this approach has significantly less purchasing power than was intended by the 2007 Governing Board’s approval of an annual inflation adjustment and so should not be advanced.

Inflation Adjusted

One approach to fee setting could be to adjust the AQM fee rate for inflation through 2020 using the Consumer Price Index for the San Francisco region²⁴, which equates to a per trip fee amount of \$522.37 (Table 13: Current Fee Rate Adjusted for Inflation).

Table 13: Current Fee Rate Adjusted for Inflation

Year	Inflation Rate	Inflation Adjusted Fee Rate	AQM Fee Rate
2007	3%	\$ 373.89	\$362.04
2008	3%	\$ 381.14	
2009	1%	\$ 397.66	
2010	1%	\$ 395.78	
2011	3%	\$ 425.84	

²³ [Sustainable Funding Initiative | Tahoe Regional Planning Agency — TRPA](#)

²⁴ CPI San Francisco Source:

https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS49BSA0,CUUS49BSA0

Year	Inflation Rate	Inflation Adjusted Fee Rate	AQM Fee Rate
2012	3%	\$ 432.56	
2013	2%	\$ 437.16	
2014	3%	\$ 449.84	
2015	3%	\$ 454.68	
2016	3%	\$ 466.46	
2017	3%	\$ 488.00	
2018	4%	\$ 508.23	
2019	3%	\$ 512.09	
2020	2%	\$ 522.37	

Since 1987, TRPA has weighted the origin/production of a vehicle trip at 90 percent, and the destination/attraction end of the trip at 10 percent. Within this framework, “beds” account for the origins/productions (e.g., houses, hotel/motel rooms, campgrounds) and commercial, recreation, public service, and other uses as the destinations/attractions.

To determine the equivalent fee for an average single family residential development the inflation adjusted fee is multiplied by 90% and then multiplied by the average DVTE in Tahoe for a single-family residential development: 9.98. Multiplying this rate by the inflation adjusted mitigation fee rate produces an equivalent inflation adjusted mitigation fee:

$$\$522.37 * .90 = \$475.11$$

$$\$475.11 \times 9.88 \text{ trips} = \$4,694.09$$

Dividing this fee by the average daily VMT for an occupied single family residence (28.9) results in a per VMT fee amount of: \$162.43.

However, this approach would continue to be based on a four-year project list from 2002. As a result, the fee would not fully align with implementing the new VMT per Capita Threshold at the project level through implementation of the 2020 RTP and would not represent development’s proportional share for reducing its future average daily VMT. Therefore, it is not advanced for consideration.

Variation Factor by Location

Varying the MMF rate by project location, with projects in lower VMT generating areas such as town and regional centers charged a lower fee rate than projects in more remote locations, could further incentivize development into locations that have a greater mix of land uses and more transportation options.

This incentive is inherent to the project impact assessment process. Recent VMT data from the TRPA model recognizes that fewer vehicle trips and shorter trip distances are made in town and regional centers. This results in lower average daily VMT for projects in those locations. For example, VMT for a single-family residential development in a lower VMT neighborhood, such as Al Tahoe in the City of South Lake Tahoe, generates less than half the VMT of the same development in a higher VMT neighborhood, such as Glenbrook in Douglas County: 23.71 VMT/residential unit versus 58.79 VMT/residential unit, respectively.

This variation would be reflected in the per VMT fees paid by these two developments, meaning the Al Tahoe residential development would pay less and, conversely, the Glenbrook residential development would pay more.

Therefore, a location-based adjustment to the MMF would duplicate the effect of the data and the project impact assessment process and so is not advanced for consideration.

Affordable Housing

Policies and programs are in place to encourage development of affordable and workforce housing, and with the support of those programs affordable and workforce housing units are forecasted to account for 35% of all new units and 30% of new VMT in the Region.

Staff explored options to reduce or waive the MMF for workforce housing but could not advance a recommendation to do so because of the requirements for mitigation fee programs and the lack of replacement funding for any reduced or waived fee amount.

Staff recommends deferring to the Tahoe Living Housing Initiative process, which has identified evaluating mitigation fees as an action item in the “Long-Term” phase. The Tahoe Living Working Group is examining the opportunities and challenges to developing affordable, moderate, and achievable housing, including fees charged to these types of development, and whether existing fees capture VMT reductions tied to size of a unit and to parking. That initiative will make recommendations on fees, and these will inform future updates to the mobility mitigation fee program.

Fee Recommendation

Maximum fees most accurately reflect the proportional share of average daily VMT from added development in the region and so should be the basis for the MMF rate. Therefore, the recommended MMF rate is \$218.00 per VMT. Consistent with the AQM fee, TRPA proposes to attribute 90 percent of the impact to VMT generators (i.e., increases in the bed base via new residential units, tourist accommodation units, campgrounds) and 10 percent to VMT attractors (all other uses). The final proposed per VMT MMF then becomes \$196.20 /VMT for VMT generators and \$21.80/VMT for VMT attractors.

The recommendation results in higher fees for all types of development. The project impact assessment process evaluates a project’s net-VMT impact, meaning redevelopment is assessed and charged a fee only when it generates a net increase in VMT. Additionally, the process recognizes and encourages projects located in low-VMT areas, such as town centers, and VMT reducing strategies, such as project design, VMT mitigations, and jurisdiction VMT credit programs, which can further reduce a project’s VMT effect. These VMT reductions will be reflected in lower MMF fees.

Fee Revenue Estimation

Average daily VMT generated by single family residential development varies based on the project’s location. To estimate fees charged using the fee recommendation, fees were calculated for a single-family residential development in various locations within the region, as projected in the TRPA Travel Demand Model for the 2020 RTP.

Example Project Costs

The average single-family residential AQM fee had been \$3,258. The tables below (Table 14 and Table 15) provide an example of the likely range of fees for residential and TAU projects and illustrate that fees increase marginally for some and significantly for others because: (1) inflation, (2) overall costs of RTP project costs, and most significantly, (3) location.

Table 14: Single Family Residential Fee Estimates

Use: Residential	Old Trip-Based Fee (Inflation Adjusted fee)	Proposed VMT-Based Fee
Low VMT Areas	\$3,258 (\$4,673)	\$3,738
Average VMT Areas		\$6,478
High VMT Areas		\$13,127

The average fee a residential unit would pay increases by 47% from the AQM fee, a third of which is attributable to inflation since 2006. The proposed fee recognizes location matters and so projects in lower VMT areas would pay lower fees and projects in higher VMT areas would pay higher fees.

The following table (Table 15) summarizes the estimated per unit fee for a TAU project and compares the fee to the AQM fee.

Table 15: Tourist Accommodation Unit Fee Estimates

Use: Tourist Accommodation Unit (TAU)	Old Trip-Based Fee (Inflation Adjusted Fee)	VMT-Based Fee
Min (low VMT areas)	\$2,724 (\$3,907)	\$6,020
Average		\$9,597
Max (High VMT areas)		\$15,780

The average fee for a TAU would increase significantly, 17% of which is attributable to inflation since 2006. The higher mobility mitigation fee for TAUs is due to the fee calculation recognizing longer trip lengths (i.e., VMT) associated with these land uses.

Fees paid by commercial development are more difficult to estimate because of the large variation in VMT generated by different types of commercial development (e.g., a high-turnover restaurant has a significantly different impact than an apparel store), project size, and location. With new commercial development representing only 2.2% of projected VMT growth by 2045 and the influence of these variables, an estimate of average costs for commercial development was not undertaken.

Attachment A

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Corridors	<u>03.02.01.0025</u>	NDOT Complete Streets Project	NDOT	2022	\$ 1,600,000
Corridors	<u>03.02.01.0017</u>	SR 28 Central Corridor Improvements – Sand Harbor to Spooner State Park	TTD	2022	\$ 67,096,109
Corridors	<u>03.02.01.0052</u>	Meeks Bay Highway Corridor Improvements	USFS	2023	\$ 1,500,000
Corridors	<u>03.01.02.0044</u>	State Route 89 Recreation Corridor Improvements	TRPA/USFS	2023	\$ 19,628,341
Corridors	<u>03.02.01.0041</u>	Tahoe City Downtown Access Improvements	Placer County	2023	\$ 1,200,000
Corridors	<u>03.02.02.0006</u>	Apache Avenue Pedestrian Safety and Connectivity Project	El Dorado County	2025	\$ 378,136
Corridors	<u>01.01.01.0168</u>	Kings Beach Western Approach	Placer County	2025	\$ 5,956,000
Corridors	<u>03.02.01.0007</u>	U.S. 50 South Shore Community Revitalization Project	TTD	2026	\$ 86,208,175
Corridors	<u>03.02.01.0024</u>	Tahoe City Complete Streets Highway Improvements	Placer County	2027	\$ 770,000
Corridors	<u>03.01.02.0017</u>	Tallac Historic Site, Valhalla, and the Visitor Center Improvements	USFS	2027	\$ 5,550,000
Corridors	<u>03.02.02.0087</u>	U.S. 50 Corridor Collision Reduction "Y" to Park Ave, lighting, crossing improvements, green bike lanes	Caltrans	2027	\$ -
Corridors	<u>03.02.01.0026</u>	Meyers Corridor Operational Improvement Project	El Dorado County	2030	\$ 569,620
Corridors	<u>03.02.01.0004</u>	SR 89/Fanny Bridge Community Revitalization Project Complete Street	Placer County	2031	\$ -
Technology	<u>03.02.01.0034</u>	Adaptive Traffic Management on SR 89 and SR 267 Phase 1A and 1B	Placer County	2021	\$ 9,550,000

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Technology	<u>04.02.02.0007</u>	Parking Lot Information and Guidance System Integration/Parking Lot Detection System	TTD	2021	\$ 236,931
Technology	<u>03.01.02.0102</u>	Improved Parking Management and Wayfinding in Tahoe City	Placer County	2023	\$ 2,000,000
Technology	<u>04.02.02.0010</u>	Tahoe Basin Smartphone Application Pilot	TTD	2025	\$ 350,000
Technology	<u>03.02.01.0047</u>	Adaptive Traffic Management on US 50	Caltrans	2040	\$ 5,000,000
Technology	<u>04.02.02.0011</u>	Transit Signal Priority Along South Shore	Caltrans	2040	\$ 475,000
Trails	<u>03.02.02.0077</u>	Lake Tahoe Boulevard Class 1 Bicycle Trail (Viking Way to South Wye)	City of South Lake Tahoe	2021	\$ -
Trails	<u>03.02.02.0030</u>	Pope Beach Bike Path	USFS	2021	\$ 500,000
Trails	<u>03.02.02.0075</u>	South Tahoe Greenway Shared Use Trail Phases 1b & 2	El Dorado County	2021	\$ -
Trails	<u>03.02.02.0058</u>	US Highway 50 Sidewalk Construction - Kingsbury Grade to Lake Parkway	Douglas County	2021	\$ 590,000
Trails	<u>03.02.02.0080</u>	Middle School SR2S Project - Rufus Allen Connector	City of South Lake Tahoe	2022	\$ 750,000
Trails	<u>03.02.02.0078</u>	Pioneer Trail Pedestrian Project - Phase II	City of South Lake Tahoe	2022	\$ 2,000,000
Trails	<u>03.02.02.0027</u>	Class I Bike Path: East San Bernardino - West San Bernardino	El Dorado County	2023	\$ 1,395,000
Trails	<u>03.02.02.0088</u>	Highway 89 Corridor Tahoe Trail Feasibility Study	USFS	2023	\$ 44,097
Trails	<u>03.02.01.0055</u>	Kahle Complete Street Project	NTRCD	2023	\$ 784,000
Trails	<u>03.02.02.0055</u>	Nevada Stateline to Stateline Bikeway Laura Drive to Stateline (Phase 1A)	TTD	2023	\$ 2,870,314
Trails	<u>03.02.02.0085</u>	South Tahoe Greenway - Upper Truckee Connector Middle Reaches Pedestrian Bridge	El Dorado County	2023	\$ 6,760,126

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Trails	<u>03.02.02.0089</u>	Tahoe City Lakeside Trail Missing Link	Placer County	2023	\$ 800,000
Trails	<u>03.02.02.0022</u>	Class I Bike Trail: Third Street/Tahoe Valley Elementary	City of South Lake Tahoe	2024	\$ 700,000
Trails	<u>01.01.01.0033</u>	Tahoe Valley Stormwater and Greenbelt Improvement Project	City of South Lake Tahoe	2024	\$ 2,420,929
Trails	<u>03.02.02.0072</u>	Class I Bike Trail along State Route 28 from Preston Field to Northwood Blvd.	Washoe County	2025	\$ 600,000
Trails	<u>03.02.02.0066</u>	Upper Truckee River Class I Trail Widening - Tahoe City to Squaw Valley	Placer County	2025	\$ 1,875,000
Trails	<u>03.02.02.0064</u>	Class I Bike Trail - Pine Boulevard to end of Linear Park Path	City of South Lake Tahoe	2026	\$ 120,000
Trails	<u>03.02.02.0065</u>	Class I Bike Trail Along US Highway 50 from City Limits to Sawmill Road	El Dorado County	2026	\$ 2,900,000
Trails	<u>03.02.02.0062</u>	Nevada Stateline to Stateline Bikeway - Crystal Bay to Incline	TTD	2026	\$ 20,000,000
Trails	<u>01.01.01.0124</u>	Camp Richardson Resort & Campground BMPs & Retrofit	USFS	2027	\$ 6,500,000
Trails	<u>03.02.01.0054</u>	Fallen Leaf Road Pavement Rehabilitation and Recreational Access Project	El Dorado County	2028	\$ 3,500,000
Trails	<u>03.02.02.0003</u>	North Tahoe Regional Bike Trail	Placer County	2030	\$ 10,850,000
Trails	<u>03.02.02.0076</u>	South Tahoe Greenway Shared Use Trail Planning and Future Phases	CTC	2031	\$ 6,244,474
Trails	<u>03.02.01.0032</u>	Nevada Stateline to Stateline Corridor Improvements - Glenbrook Entrance to Round Hill Pines Beach	TTD	2033	\$ 32,000,000
Trails	<u>03.02.02.0073</u>	Brockway Vista Multi-Use Trail	Placer County	2035	\$ 3,000,000
Trails		Regional Bicycle and Pedestrian Improvements from the Active Transportation Plan 2026-2035	Various	2035	\$ 20,256,180

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Trails		Regional Bicycle and Pedestrian Improvements from the Active Transportation Plan 2036-2045	Various	2045	\$ 29,301,215
Transit		Private community/microtransit	Public-Private	2025	\$ 1,029,350
Transit		TART Phase 2025 Transit Capital Enhancements and Fleet Replacement	Placer County	2025	\$ 4,730,714
Transit	<u>03.02.01.0039</u>	TTD Phase 2025 Transit Capital Enhancements and Fleet Replacement	TTD	2025	\$ 1,669,625
Transit	<u>03.02.01.0043</u>	Mobility Hub and Transit Center Capital	TRPA	2030	\$ 33,161,068
Transit	-	Private community/microtransit	Public-Private	2035	\$ 5,362,820
Transit		TART Phase 2035 Transit Capital Enhancements and Fleet Replacement	Placer County	2035	\$ 2,420,000
Transit	<u>03.02.01.0013</u>	TTD Maintenance & Administration Facility	TTD	2035	\$ 66,161,684
Transit	<u>03.02.01.0050</u>	TTD Phase 2035 Transit Capital Enhancements and Fleet Replacement	TTD	2035	\$ 12,180,265
Transit		Private community/microtransit	Public-Private	2045	\$ 6,665,870
Transit	<u>03.02.01.0046</u>	Regional Water Taxi Service Capital	Public-Private	2045	\$ 6,400,000
Transit	<u>03.02.01.0046</u>	Regional Water Taxi Service Capital - Phase 2035/2045	Public-Private	2045	\$ 7,000,000
Transit		TART Phase 2045 Transit Capital Enhancements and Fleet Replacement	Placer County	2045	\$ 920,000
Transit	<u>03.02.01.0040</u>	TTD Phase 2045 Transit Capital Enhancements and Fleet Replacement	TTD	2045	\$ 37,950,000



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Contact

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Date: October 20, 2021
To: TRPA Operations Committee
From: TRPA Staff
Subject: Quarterly Treasurer's Report

Requested Action: No Action Required – Information only.

Discussion:

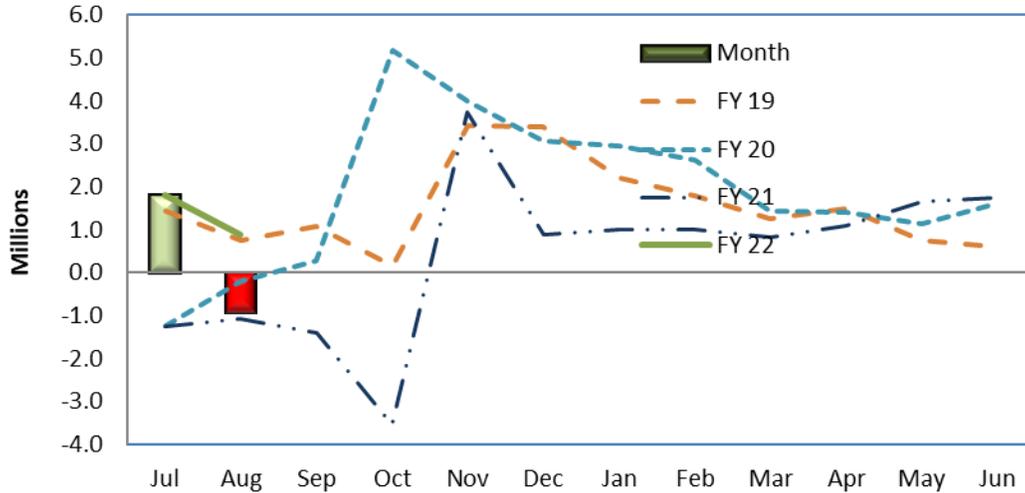
The primarily Treasury events for the first quarter of Fiscal Year 2022 was the receipt of our state funding. Both California and Nevada have given us the funds to carry out our activities throughout the year. Planning revenues remain high, providing additional cash flow.

The attachment shows our investments broken down by investment type and maturity. It also lists each individual investment in the Wells Fargo (Principle) pool. I've also included comparable returns. On a monthly basis, the Wells Fargo pool is competitive with LAIF and LGIP but has lagged over the year. It still is superior to short term CDs. Overall, the yield curve is very flat and requires investment terms over 2 years to move significantly.

Cash Flow

Cash flow was a positive \$5.6M for the quarter, reflecting receipt of the California funding \$5.0M and Nevada funding of \$2.1M. The month of September was a positive \$4.7M due to the California receipt. Disbursements for the first quarter were \$4.8M, slightly above recent years, but not notably so. Disbursements for September were \$1.6M. That's above average but made up for July and August being below average.

Monthly/Cumulative Cash Flow



Investments:

TRPA Investments total \$27.7M, unchanged from last month, and up \$1M for the quarter due to the Nevada contribution. The California contribution was received at the end of the month and was still in our operating account at the time of this report. Those funds have been transferred to LAIF for drawdown through the balance of the year. The average maturity of the Wells Fargo pool is up 19 days to 395 days, or 13 months.

During the last month, there were three maturities or in the Wells Fargo pool in September, totaling \$1.1M. There were two new acquisitions, totaling \$0.4M. As a result, the Money Market portion of the pool has increased to \$1.3M. That's temporary and most of those funds will be invested. Total commercial notes are still only 5% of the pool, well within our investment policy.

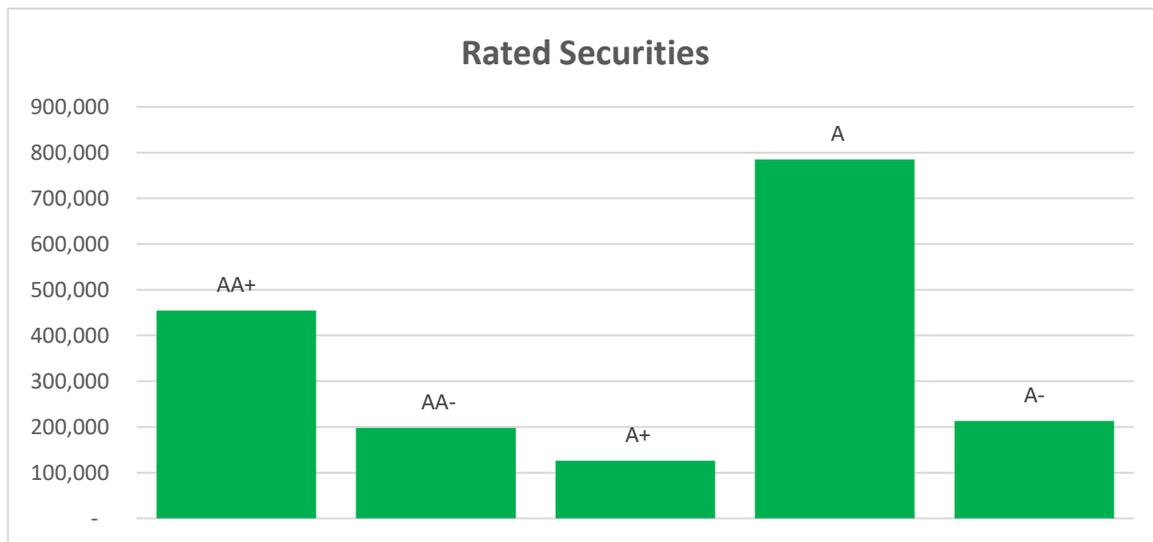
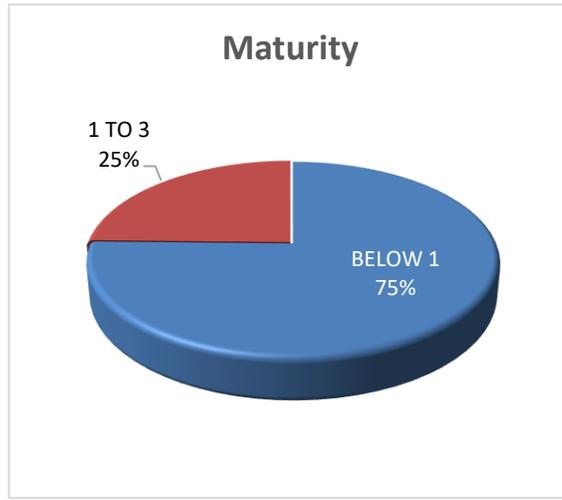
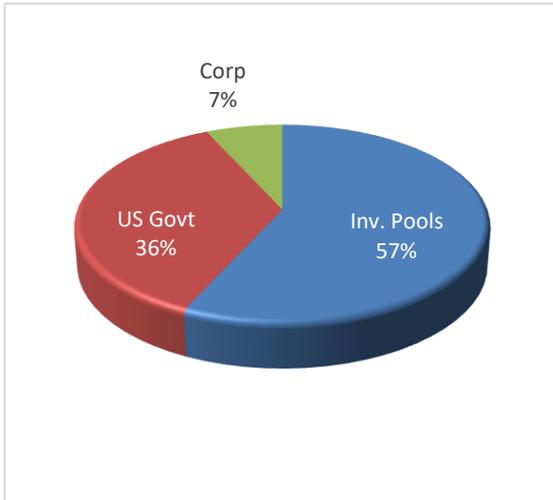
There were no rating changes during the month. In fact, none of our investments have seen rating changes for the quarter. We are heavily invested in Treasuries, so only 7% of the pool has ratings (including Federal Agencies but excluding Treasuries), with the balance in Treasuries or investment pools (LAIF, LGIP, and the WF Money Market Fund). All securities in the portfolio meet the rating and term requirements of our Investment Policy. All securities are at least A- (S&P) or A3 (Moody's). The only security with those ratings will mature at the end of this month.

The current breakdown by type and maturity is:

	BELOW 1	1 TO 3	3 TO 5	Total	% of Pool	Policy
CA State Investment Pool	13,695,267			13,695,267	51%	No Limit
NV State Investment Pool	1,151,022			1,151,022	4%	No Limit
Fed Agency	454,320	-	-	454,320	2%	< 50%
Treasuries	3,194,945	5,653,011	-	8,847,956	33%	< 75 %
Corporate	376,868	945,813	-	1,322,681	5%	< 20%
Money Market Fund	1,281,450			1,281,450	5%	< 20%
Totals	20,153,871	6,598,825	-	26,752,696	100%	
% of Pool	75%	25%	0%			

If you have any questions, please contact Chris Keillor at (775) 589-5222 or ckeillor@trpa.org.

TRPA Quarterly Treasurer's Report
As Of 9/30/21



Security	Yields		
	Return	Date	Basis
1 Month Bill	0.020%	10/8/21	Spot Rate
3 Month Bill	0.051%	10/8/21	Spot Rate
6 Month Bill	0.062%	10/8/21	Spot Rate
1 Year Note	0.092%	10/8/21	Spot Rate
2 Year Note	0.314%	10/8/21	Spot Rate
MMKT	0.070%	10/8/21	Spot Rate
WF	0.134%	9/30/21	Full Year
LAIF	0.377%	9/30/21	12 Month Average
LGIP	0.365%	9/30/21	11 Month Average

Securities Held by TRPA

As Of 9/30/21

Investment	Market Value	Unrealized Gain(Loss)
CA LAIF	13,695,267	
NV LGIP	1,151,022	
WF Money Market	1,281,450	
	16,127,739	
US TREASURY NOTE	250,975	(5,051)
FED HOME LN BK	454,320	(12,402)
US TREASURY NOTE	465,138	(8,680)
US TREASURY NOTE	379,658	(7,003)
US TREASURY NOTE	248,655	(4,728)
US TREASURY NOTE	911,178	(13,045)
US TREASURY NOTE	660,667	(11,068)
US TREASURY NOTE	278,674	(3,480)
US TREASURY NOTE	646,309	(9,452)
US TREASURY NOTE	648,403	(6,747)
US TREASURY NOTE	504,415	(6,885)
US TREASURY NOTE	335,570	(3,814)
US TREASURY NOTE	582,380	(7,436)
US TREASURY NOTE	335,917	(3,339)
US TREASURY NOTE	589,817	48
US TREASURY NOTE	612,654	(4,409)
US TREASURY NOTE	580,733	(3,472)
US TREASURY NOTE	407,860	(2,124)
US TREASURY NOTE	408,952	(2,345)
	9,302,276	(115,432)
EMERSON ELECTRIC CO	250,455	(3,390)
COSTCO WHOLESALE COR	126,413	1,084
HERSHEY COMPANY	183,167	(1,320)
TORONTO-DOMINION BAN	150,882	(404)
CHEVRON CORP	198,052	(1,075)
BANK OF AMERICA CORP	213,222	(942)
CATERPILLAR FINL SER	200,490	38
	1,322,681	(6,009)
	26,752,696	(121,441)

