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**Sent:** 4/17/2023 4:34:01 PM  
**To:** John Marshall <jmarshall@trpa.gov>  
**Cc:** Louisa I. Rogers <lrogers@rmmenvirolaw.com>;  
**Subject:** Homewood - draft findings  
**Attachments:** [Lot 5 findings \(clean\) \(4.17.23 draft\) \(00669160xB0A85\).docx](#)

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Confidential Communication

John,

Following up on our call – attached are draft findings for approval of Lot 5 for the Homewood project. Please let me know if you have any thoughts, concerns or recommend any changes at your earliest convenience. My client is hoping that we can file these with the application and checklist this week. Feel free to give me a call if there is anything you would like to discuss about the findings or the project. Thank you.

Best Regards,

**Chip Wilkins**  
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## 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 project consists of Phase 1B (Lot 5) of the Homewood Mountain Resort Ski Area Master Plan (“Master Plan”). The TRPA Governing Board previously approved the Master Plan and determined that it was consistent with the Regional Plan. (TRPA Staff Report (Dec. 6, 2011), Attachment B2 (“Master Plan Approval Findings”), pp.86–87.) As explained more fully in Chapter 4 of the Master Plan EIR/EIS (“EIR/EIS”) certified by TRPA in 2012, the Master Plan, including this project, is consistent with the Regional Plan for the following reasons:*

- *The Master Plan helps restore, maintain, and improve the quality of the Lake Tahoe Region for visitors and residents by restoring the Stream Environment Zone (“SEZ”), rehabilitating disturbed areas within the Master Plan area, and promoting recreation. (EIR/EIS, p. 4-4.)*
- *The Master Plan land uses conform with environmental threshold carrying capacities and other Tahoe Regional Planning Compact goals because transfer units and development rights have been purchased or requested to accommodate any increases in population. Further, the Master Plan does not include land divisions that would indirectly create new development. (EIR/EIS, pp. 4-5 through 4-7.)*
- *The Master Plan conforms to applicable Coefficients of Allowable Land Coverage because it will relocate existing land coverage to higher capability lands. (EIR/EIS, p. 4-7.)*
- *The Master Plan’s land distribution ensures the social, environmental, and economic well-being of the region by diversifying the types of land uses in the area while promoting water quality improvements. Additionally, the Master Plan will not endanger the public health, safety, and welfare. (EIR/EIS, pp. 4-7 through 4-8.)*
- *The Master Plan’s land uses are consistent with those in the entire region and surrounding areas, as environmental review has been coordinated by TRPA and Placer County. As a result, the Master Plan includes measures to mitigate adverse impacts within and outside of the Master Plan area. (EIR/EIS, p. 4-8.)*
- *The Master Plan complies with applicable noise standards by imposing limits on construction noise and timing, and by including measures to mitigate operational noise. (EIR/EIS, pp. 4-9 through 4-10.)*
- *The Master Plan minimizes risks from natural hazards. This project, specifically, is not located within a 100-year floodplain or an avalanche path area. The Master Plan includes fire protection devices as required by the Placer County Building Code and incorporates fuel reduction and forest*

*management strategies reviewed by NTFPD and CALFIRE for consistency with state and local standards. (EIR/EIS, p. 4-10.)*

- *The Master Plan includes measures to mitigate air quality impacts from ground disturbance and operational pollutants. (EIR/EIS, pp. 4-10 through 4-11.)*
- *The Master Plan complies with applicable water quality standards and includes installation of new stormwater treatment systems, SEZ restoration, low impact development strategies, water quality BMPs, removal and restoration of land coverage, and measures to mitigate impacts to groundwater from excavation and fill activities. (EIR/EIS, pp. 4-11 through 4-12.)*
- *The Master Plan helps to reduce sediment and nutrient loads to Lake Tahoe and restore disturbed lands in the region. Wastewater from the Master Plan area will be disposed of through local sewer facilities and will not be discharged to waterways. The Master Plan also includes BMPs, landscape restoration, new stormwater treatment systems, land coverage removal, SEZ protection and restoration, and a landscape and fertilizer management plan approved by TRPA and Placer County. Additionally, the Master Plan includes measures to minimize VMT, aid in transportation and roadway improvements, and payment of funds to regional traffic and air quality mitigation programs. (EIR/EIS, pp. 4-13 through 4-14.)*
- *The Master Plan helps to reduce other pollutants that may affect Tahoe Basin water quality. Specifically, the Master Plan complies with TRPA standards for snow treatment and fuel storage, includes a permitted sewage collection system, and does not include solid waste disposal or the use of road salt within the Master Plan area. (EIR/EIS, p. 4-14.)*
- *The Master Plan helps to preserve and enhance the natural features and qualities of the region while providing public access to scenic views and enhancing the quality of the built environment. The Master Plan improves the layout and visual characteristics of the Master Plan area and includes the construction of new buildings and landscaping that will improve the scenic quality ratings. The Master Plan includes Environmental Improvement Plan (“EIP”) projects to improve visual quality, such as landscape improvements and utility undergrounding. (EIR/EIS, pp. 4-14 through 4-15.)*
- *The Master Plan includes building and design criteria to improve scenic quality ratings. This project, specifically, incorporates an appropriate architectural style that includes substantial landscaping and buffering, use of BMPs, appropriate placement per land use, underground parking, and appropriate lighting and signage. The project incorporates natural features to buffer views of buildings. The project structures have been designed to comply with all applicable height, bulk, scale, lighting, and signage limits. (EIR/EIS, pp. 4-15 through 4-16.)*
- *The Master Plan helps to promote a safe, efficient, and integrated transportation system which reduces reliance on private automobiles and*

*provides for alternative modes of transportation, while serving basic transportation needs for the region, supporting the regional economy, and minimizing adverse environmental and human impacts. The Master Plan includes improvements to public transit and new transit facilities, improvements to the West Shore Bike Trail, and measures to mitigate the intersection at SR 89 and Granlibakken Rd. The Master Plan includes a diverse mix of amenities that will keep visitors and residents on site and reduce day trips. (EIR/EIS, pp. 4-16 through 4-21.)*

- *The Master Plan complies with applicable TRPA vegetation management standards. The Master Plan area is not within an old growth forest ecosystem or a sensitive or uncommon plant community. Additionally, the Master Plan includes SEZ restoration and deed restrictions for surrounding areas to promote plant species richness and diversity. (EIR/EIS, pp. 4-22 through 4-24.)*
- *The Master Plan provides for a wide mix and increased diversity of plant communities in the Tahoe Basin by including SEZ restoration, restoration of disturbed areas, landscaping, and forest management practices to prevent fire, reduce storm water runoff, and maintain a healthier forest floor. (EIR/EIS, pp. 4-24 through 4-25.)*
- *The Master Plan helps to maintain and restore unique ecosystems by including SEZ restoration to improve riparian communities. (EIR/EIS, pp. 4-25 through 4-26.)*
- *The location of the Master Plan area will not interfere with sensitive plant communities or old growth forest. (EIR/EIS, p. 4-26.)*
- *The Master Plan maintains an appropriate level and distribution of snags and coarse woody debris to provide important habitat by including a forest management plan. (EIR/EIS, pp. 4-26 through 4-27.)*
- *The Master Plan complies with applicable TRPA standards related to special interest wildlife species and habitats of special significance. The Master Plan area does not include populations of special interest species, but the Master Plan nevertheless includes measures to protect any that may occur. The Master Plan will improve habitat by improving the SEZ. (EIR/EIS, pp. 4-27 through 4-28.)*
- *The Master Plan complies with applicable TRPA standards related to fish species, instream flows, and stream and lake habitat. The Master Plan includes SEZ improvements. It will not change creek flows or interfere with fish species. (EIR/EIS, pp. 4-28 through 4-29.)*
- *The Master Plan complies with applicable TRPA standards related to soils. The Master Plan will remove excess impervious land coverage or include mitigation fees if necessary. The Master Plan includes BMPs to reduce erosion and improve water quality, seasonal limits on ground disturbing construction activities, and SEZ improvements. (EIR/EIS, pp. 4-29 through 4-31.)*

- *The Master Plan complies with applicable TRPA standards related to scenic resources. The Master Plan will maintain and restore the scenic qualities of the natural landscape and includes a scenic impacts analysis. The Master Plan will improve the scenic quality of the area by addressing scenic degradation caused by lack of landscaping, poor architecture, and overhead utilities. (EIR/EIS, pp. 4-31 through 4-32.)*
- *The Master Plan is located in an area that will not interfere with conservation and protection within open space areas. (EIR/EIS, p. 4-32.)*
- *The Master Plan helps to preserve and restore SEZs because it includes stream restoration and SEZ improvements. The Master Plan does not include groundwater development or new land coverage in the SEZ. (EIR/EIS, pp. 4-32 through 4-33.)*
- *The project promotes energy conservation because it has been designed to meet LEED certification for neighborhood development (“LEED ND”). (EIR/EIS, p. 4-33; Final Conditions of Approval for Homewood Mountain Resort Ski Area Master Plan Project Conditional Use Permit/Vesting Tentative Subdivision Map (Dec. 2011), pp. 60–62 [conditions 187 and 188].)*
- *The Master Plan provides opportunities for high-quality recreation while protecting environmental values and natural resources. The Master Plan area has opportunities for skiing, hiking, and biking. The Master Plan includes the expansion of various maintained trails and restoration of informal trails. This project, specifically, includes enhancement of existing bike trails. (EIR/EIS, pp. 4-33 through 4-34.)*
- *The Master Plan includes upgrades to and expansion of existing public services and facilities. The expansion will include new water and sewer infrastructure designed on an appropriate scale to meet the needs of the project, and water conservation devices that meet LEED HD certification. The Master Plan also includes payment of development impact fees. (EIR/EIS, p. 4-37.)*
- *The Master Plan includes a water supply assessment, which was approved by Placer County in 2012, and new sewer services. The Master Plan relies on Tahoe-Truckee Sierra Disposal Company for solid waste disposal and recycling. The Master Plan does not impact school capacity and includes a development impact fee to offset any additional demand for law enforcement services. (EIR/EIS, pp. 4-38 through 4-39.)*

Finding 4.4.1.B:

The project will not cause the environmental threshold carrying capacities to be exceeded.

Rationale:

*The Master Plan, which includes this project, will not cause TRPA’s environmental threshold carrying capacities for water quality, air quality, scenic resources, soils conservation, vegetation, fish habitat, wildlife habitat, noise, or recreation to be exceeded (Master Plan Approval Findings, pp. 88–91), as follows:*

- *As explained more fully in Chapter 15 of the EIR/EIS, the Master Plan includes a TRPA-approved Erosion and Sediment Control plan with measures to reduce water quality impacts by controlling erosion, containing runoff and erosion on-site during construction activities, and stabilizing disturbed areas following construction activities. The Master Plan includes a Landscaping Plan with measures to protect and conserve water by controlling erosion, improving fire safety, and minimizing nutrient contamination of surface or groundwater. The Master Plan is designed and will be maintained to minimize surface water quality impacts through atmospheric deposition. The Master Plan includes a new stormwater system and new or improved snow and fuel storage areas to prevent water contamination. These features and measures, which apply to this project, will protect water quality in compliance with TRPA requirements. (EIR/EIS, pp. 15-48 through 15-127.)*
- *As explained more fully in Chapter 12 of the EIR/EIS, the Master Plan includes BMPs that will effectively reduce pollutant emissions during construction to a compliant level. With respect to operations, the Master Plan includes a contribution to TRPA's Air Quality Mitigation Program to offset air quality impacts through VMT reduction. Additionally, the Master Plan does not include new wood-burning appliances and prohibits wood-burning appliances within the Master Plan area. These measures will reduce and offset this project's impacts to air quality in compliance with TRPA requirements. (EIR/EIS, pp. 12-24 through 12-68.)*
- *As explained more fully in Chapter 10 of the EIR/EIS, the Master Plan is designed to comply with applicable TRPA lighting, signage, and height standards and visual resource goals. Additionally, the Master Plan improves scenic quality through landscaping, undergrounding utilities, and its architectural style. Further, the Master Plan complies with TRPA requirements for tree removal to ensure that the character of the area is maintained and off-site view of structures are minimized. These features and measures, which apply to this project, help maintain or improve the area's existing scenic quality in compliance with TRPA requirements. (EIR/EIS, pp. 10-33 through 10-81.) Similar to the TRPA approved project for Lot 3, the architectural style for this project, specifically, has shifted from the traditional "old Tahoe" designs that were popular in 2011 when the Master Plan was approved to a "mountain modern" design. Importantly, the proposed design for this project incorporates natural colors and materials such that it conforms to the requirements of the Tahoe Basin Area Plan. (County of Placer, Determination of Substantial Conformance - Homewood Mountain Resort Ski Area Master Plan Project (PGPA 20110329) | Phase 1B –Residential Project (PLN20-00164), February 7, 2023). The revised design is consistent with the scenic analysis of the EIR/EIS in terms of mass, scale, height, building materials, site placement, and coloring. Most importantly, the mountain modern architectural style is more sustainable, as it emphasizes a higher degree of energy efficiency, a lighter footprint on the*

*landscape, less site excavation and grading, and building materials that are specified for longevity and to compliment the natural environment. Thus, like the Master Plan generally, this project will not exceed TRPA's threshold carrying capacities relating to scenic resources.*

- *As explained more fully in Chapter 14 of the EIR/EIS, the Master Plan incorporates construction BMPs, stockpiling and vehicle staging areas, landscaping, and construction dewatering plans and complies with local grading, erosion, sediment control, and blasting requirements. These measures, which apply to this project, help to reduce erosion, topsoil loss, and unstable soil conditions to ensure soil conservation in compliance with TRPA requirements. (EIR/EIS, pp. 14-37 through 14-83.)*
- *As explained more fully in Chapter 8 of the EIR/EIS, the Master Plan area does not contain sensitive plant communities. However, the Master Plan nevertheless includes measures to reduce or eliminate populations of noxious weeds and to protect sensitive plant habitats and individuals from potential infestation and construction impacts. Additionally, the Master Plan includes a landscape/revegetation plan and fertilizer management plan reviewed and approved by TRPA to protect native species and regulate the use of fertilizers. Similarly, the Master Plan includes a forest plan and tree protection plan reviewed and approved by TRPA. These plans and measures, which apply to this project, will protect vegetation on the project site in compliance with TRPA requirements. (EIR/EIS, pp. 8-61 through 8-74.)*
- *As explained more fully in Chapter 8 of the EIR/EIS, the Master Plan includes SEZ restoration which will enhance fish habitat in compliance with TRPA requirements. (EIR/EIS, pp. 8-54, 8-57 through 8-58.)*
- *As explained more fully in Chapter 8 of the EIR/EIS, the Master Plan requires pre-construction monitoring to identify active raptor nest sites, migratory bird nests, mammal den sites, and bat roost sites in construction areas, and includes measures during construction to prevent interference with nearby wildlife species. Other wildlife species will either not be adversely impacted or do not occur within or migrate through the Master Plan area. These measures, which apply to this project, will protect wildlife in compliance with TRPA requirements. (EIR/EIS, pp. 8-54 through 8-61.)*
- *As explained more fully in Chapter 13 of the EIR/EIS, the Master Plan includes measures to reduce noise from construction, traffic, and operations. Additionally, the Master Plan is designed to reduce interior noise for residences and comply with local noise standards. These features and measures, which apply to this project, will reduce project noise in compliance with TRPA requirements. (EIR/EIS, pp. 13-18 through 13-40.)*
- *As explained more fully in Chapter 18 of the EIR/EIS, the Master Plan includes new recreation facilities and payment of fees to help maintain public beach access points and other nearby recreation sites, and thus will increase recreation opportunities while remaining compatible with existing*

*recreation in the project vicinity, in compliance with TRPA requirements. (EIR/EIS, pp. 18-12 through 18-20.)*

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 project will meet the strictest applicable air quality standards and implement water quality improvements over and above the strictest applicable water quality standards. Applicable federal, state, or local air and water quality standards, whichever are strictest, were used to generate significance criteria for each resource in the EIR/EIS. (Project Approval Findings, pp. 92–93.) As explained more fully in Chapters 12 and 15 of the EIR/EIS, the project will meet all applicable air and water quality standards and will result in significant water quality improvements.*

#### **Chapter 21: Permissible Uses**

Finding 21.2.2.A: The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located.

Rationale: *As explained more fully in Chapter 6 of the EIR/EIS, the project proposes multi-family residential units within the Master Plan area that will encourage visitation to nearby recreational uses, improve land values, provide environmental benefit, provide neighborhood benefits, and compliment the urbanized area along SR 89. The project is consistent with Plan Area goals to improve the local economy. The project’s multi-family residential dwellings and density are consistent with the land classification of the Plan Area. Confinement of these higher density dwellings to the resort property prevents changes to the overall residential character of the Plan Area. By keeping multi-family dwellings within the urban area, higher density use is appropriately placed within a more developed area, instead of within the recreational open space area. (EIR/EIS, pp. 6-26 through 6-27.) Notably, the project’s density has been reduced since the project’s original approval.*

Finding 21.2.2.B: The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of the surrounding property owners; and

Rationale: *As explained more fully in Chapter 6 of the EIR/EIS, the Master Plan layout reflects the current use of the area and the surrounding neighborhood. The removal of substandard structures and large expanses of surface parking and the addition of landscaping will improve the visual appearance of the area. The*



*incorporation of ground and water transit, water quality improvements both on and off-site, land coverage restoration throughout the site, and extensive forest fuels reduction will substantially improve the environment of the Master Plan area, and will improve the public health and safety of surrounding urbanized areas. As this project, specifically, includes construction of housing units close to recreational opportunities within and near the Master Plan area, the project will result in fewer vehicle trips during peak winter operations. (EIR/EIS, p. 6-28.)*

Finding 21.2.2.C:

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

Rationale:

*As explained more fully in Chapter 6 of the EIR/EIS, the ski resort next to the project site has a large impact on the character of the residential neighborhood. The project's multi-family residential development will support the ski resort and enhance its year-round use as a recreational facility. The project's inclusion of adequate on-site parking located primarily underground, in addition to other designated structures included in the Master Plan, will result in fewer land use conflicts (e.g., from noise, congestion, glare from parked cars) with adjacent uses during ski resort operations. New summer operations would occur in the Master Plan area and would benefit from improved access and parking. Replacement of surface parking and off-site street parking with a parking structure and underground parking will improve access and safety throughout the neighborhood. Further, the addition of improved transit options, neighborhood serving commercial, year-round recreation, and other accessory facilities will contribute positively to the character of the residential and tourist-oriented community. (EIR/EIS, pp. 6-28 through 6-29.)*

**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 project will comply with all TRPA land coverage requirements. As explained more fully in Chapter 14 of the EIR/EIS, relocation of land coverage within the Master Plan area will be to an equal or superior portion of the area as follows: (1) The Master Plan area, including the project site, is currently disturbed, covered by hard land coverage or crossed by existing dirt access roads. (2) There is little natural vegetation within the Master Plan area, including the project site, because of land coverage. (3) Consistent with the Master Plan, the project will remove and relocate land coverage to higher capability lands within the project site, which, by definition include less fragile soils, and are thus more suitable for land coverage or disturbance. (4) The redevelopment of the Master Plan area appropriately fits the scheme of use of the area, which is operated as a ski resort with supporting commercial and residential uses and winter and summer recreation opportunities. The project, consistent with the Master Plan, includes multi-family residential development within an area that is already more urban. (5) The Master Plan reduces encroachment into SEZ. The project site does not contain SEZ. (6) The Master Plan complies with TRPA's land coverage mitigation program through reducing on- and off-site coverage, paying excess coverage mitigation fees, parcel consolidation or line adjustment, or any combination of these options. (EIR/EIS, pp. 14-61 through 14-62, 14-64.)*

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:

*As explained more fully in Chapter 14 of the EIR/EIS, restored areas within the Master Plan area, including the project site, will be landscaped, stabilized and revegetated, used for bioretention, or converted to forest lands, consistent with TRPA requirements. (EIR/EIS, p. 14-62.)*

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:

*As explained more fully in Chapter 14 of the EIR/EIS, relocation within the Master Plan area will occur between lands within the same land capability district or, if adequate land coverage cannot be relocated within the same land capability district, existing land coverage will be relocated from lower capability lands to higher capability lands. (EIR/EIS, p. 14-62.) This specific project site does not contain any 1a, 1b, 1c, 2, or 3 lands.*

30.4.4.D

Relocation Within Stream Environment Zone

*The project site does not contain any land classified as SEZ. Thus, no findings are necessary regarding land coverage within the SEZ.*

30.5.1

Exceptions to Prohibition in Land Capability Districts 1a, 1c, 2, and 3

*The project does not include relocations to these land capability districts. Thus, findings regarding the applicability of these exceptions are not necessary.*

30.5.2 Exceptions to Prohibition in Land Capability District 1b (Stream Environment Zone)

*The project does not include relocation to the SEZ. The project site does not contain SEZ. Thus, findings regarding the applicability of these exceptions are not necessary.*

**Chapter 32: Basic Services**

32.3.1 Paved Roads

*The project is served by paved roads. Thus, no findings justifying a waiver of this requirement are necessary.*

32.4.2 Water Supply

*As explained more fully in Chapter 16 of the EIR/EIS, the Master Plan, including this project, is designed to meet fire flow requirements based on the California Fire Code and TRPA and Placer County fire prevention standards. Thus, no findings justifying a waiver of this requirement are necessary. (EIR/EIS, p. 16-30.)*

**Chapter 33: Grading and Construction**

33.3.6 Excavation Limitations

Finding 33.3.6.2: TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:

- a. Excavation is required by the International Building Code (IBC) or local building code for minimum depth below natural ground for above ground structures;
- b. Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
- c. Drainage structures are necessary to protect the structural integrity of an existing structure;
- d. It is necessary for the public safety and health;
- e. It is a necessary measure for the protection or improvement of water quality;
- f. It is for a water well;
- g. There are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow, and any groundwater that is interfered with is rerouted in the ground water flow to avoid adverse impacts to riparian vegetation;
- h. It is necessary to provide two off-street parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow;
- i. It is necessary to provide below grade parking for projects that qualify for additional height under subsection 37.5.4 or 37.5.9 to achieve

environmental goals, including scenic improvements, land coverage reduction, and area-wide drainage systems. Measures shall also be included in the project to prevent ground water from leaving the project area as surface flow and that any groundwater that is interfered with is rerouted into the groundwater flow to avoid adverse impacts to hydrologic conditions, SEZ vegetation, and mature trees; or

- j. It is necessary for a marina expansion approved pursuant to Chapter 14: *Specific and Master Plans*; and the environmental documentation demonstrates that there will be no adverse effect on water quality.

Rationale:

*The project qualifies for additional height, which is necessary to reduce land coverage and provide underground parking. (Master Plan Approval Findings, pp. 103–114.) As explained more fully in Chapter 14 of the EIR/EIS, the project’s underground parking structures have been designed to minimize groundwater interception; however, the project requires some excavations that exceed five feet to accommodate appropriate depths for the structures. A preliminary construction dewatering plan has been prepared to assure that groundwater intercepted during construction activities can be captured and infiltrated or spread within the project area and that no groundwater exits the project area as surface flows. The project also includes an operational dewatering plan for long-term mitigation of groundwater interception to assure that groundwater intercepted during long-term operations is not significantly impacted. Measures will be implemented to prevent groundwater from leaving the project area as surface flow and that groundwater is rerouted into groundwater flow to avoid adverse impacts to hydrologic conditions, SEZ vegetation, and mature trees. (EIR/EIS, pp. 14-77 through 14-79.)*

**Chapter 34: Driveway and Parking Standards**

34.3

Driveways

Finding 34.3.2.B:

In the application of subsection 34.3.3 through 34.3.5, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

Rationale:

*The project includes two shared driveways that will serve 32 multi-family residential units. Therefore, findings regarding separate driveways are not necessary.*

Finding 34.3.2.E:

Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that the construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as requires in Section 60.4, In no case shall the driveway exceed 15 percent slope.

Rationale:

*The project does not include driveways with a ten percent or greater slope.*

## Chapter 35: Natural Hazard Standards

### 35.4.2 Prohibition of Additional Development, Grading, and Filing of Lands Within the 100-Year Floodplain

*As explained more fully in Chapter 15 of the EIR/EIS, the project site is not located within a FEMA designated 100-year floodplain. Thus, no findings regarding activities within the 100-year floodplain are required. (EIR/EIS, pp. 15-12 through 15-19; see also id. at p. 8-69.)*

## Chapter 36: Design Standards

### 36.5.4 Setback Standards (for parcels abutting roadways rated in TRPA's Scenic Resource Inventory)

*The project site does not abut a roadway included in TRPA's Scenic Resource Inventory. Thus, these setback standards do not apply, and no findings regarding building setbacks are required.*

## Chapter 37: Height

### 37.5 Additional Height for Certain Buildings

Additional Height for Roof Pitch up to 5:12 (requires Finding 1)

Finding 37.7.1: Finding 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: *As explained more fully in Chapter 10 of the EIR/EIS, the Master Plan area, including the project site, is not located within the shoreland. Visual simulations of the project demonstrate that project buildings will not extend above the forest canopy or a ridgeline as viewed from a distance of 300 feet. (EIR/EIS, p. 10-39.)*

Additional Height for Roof Pitch Greater than 5:12 (requires Findings 1, 2, and 8)

*Roof pitch for the project will be 1.75:12. Because Roof pitch is not greater than 5:12, additional findings related to greater roof pitch are not necessary for the project.*

## Chapter 61: Vegetation and Forest Health

### 61.1.4 Old Growth Enhancement and Protection

Finding 61.1.5.B: Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

Rationale: *As explained more fully in Chapter 8 of the EIR/EIS, the project includes a Forest Plan that identifies and details trees for removal. The Forest Plan complies with TRPA Code of Ordinances and incorporates a Fire Suppression and Management Plan. The Forest Plan was produced by a Registered Professional Forester and submitted to TRPA for review and approval. The Forest Plan and Fire Suppression Management Plan complies with the CA Forest Practices Act and requires a Timberland Conversion Permit from Cal Fire. In addition, the project includes a Tree Protection Plan with measures to prevent damage to trees that are proposed to remain. A Certified Arborist Registered Professional Forester has developed specific measures to ensure adequate protection to trees slated for retention near the project site. Mortality of any of the retained trees shall require replacement. The Tree Protection Plan has been submitted to TRPA for review and approval and is updated annually. (EIR/EIS, pp. 8-73 through 8-74.)*

Finding 61.1.7.G: Tree Removal for Solar Access  
*The project does not include the removal of trees for solar access. Thus, no findings regarding tree removal for solar access are required.*

## **Chapter 67: Historic Resource protection**

### 67.7 Projects Relating to Historic Resources

*As explained more fully in Chapter 9 of the EIR/EIS, the Master Plan area, including the project site, does not contain any mapped historic resources that are listed or eligible for listing pursuant to TRPA's Code of Ordinances. Thus, no findings regarding projects relating to historic resources are required. (EIR/EIS, pp. 9-6 through 9-10.)*

**From:** Howard Wilkins III <cwilkins@rmmenvirolaw.com>  
**Sent:** 4/28/2023 6:07:35 PM  
**To:** John Marshall <jmarshall@trpa.gov>  
**Cc:** Paul Nielsen <pnielsen@trpa.gov>; John Hester <jhester@trpa.gov>;  
**Subject:** RE: Homewood - draft findings  
**Attachments:** [image001.jpg](#), [Response letter to Marshall re Privatization Claims \(4-28-23\) \(00670233xB0A85\).pdf](#)

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John,

Attached is a preliminary response to your e-mail below. As we have discussed and indicated in the attached letter, we will provide separate substantive responses to your comments regarding how the proposed HMR's Lot 5 and gondola plans are consistent with the Regional Plan and other TRPA plans. If you have any questions in the interim, please let me know. Thank you and have a great weekend.

Best Regards,

**Chip Wilkins**  
[cwilkins@rmmenvirolaw.com](mailto:cwilkins@rmmenvirolaw.com)

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**From:** John Marshall <jmarshall@trpa.gov>  
**Sent:** Friday, April 21, 2023 2:56 PM  
**To:** Howard Wilkins III <cwilkins@rmmenvirolaw.com>  
**Cc:** Paul Nielsen <pnielsen@trpa.gov>; John Hester <jhester@trpa.gov>  
**Subject:** Re: Homewood - draft findings

Chip,

Thank you for your email and your attached draft findings for an anticipated application for plan revision for the Lot 5 portion of the Homewood Mountain Resort (HMR) project. The draft findings focus on the consistency of the already adopted HMR Ski Area Master Plan (Master Plan) with TRPA's Regional Plan. This focus is misguided. The major finding facing HMR is how the proposed Lot 5 plan revisions are "consistent with and will not adversely affect implementation of the Regional Plan . . . and other TRPA plans [i.e. the HMR Master Plan] and programs." TRPA Code Section 4.4.1.A. As outlined in Paul Nielsen's February 4, 2023 letter to Art Chapman of JMA Ventures LLC, a number of HMR Master Plan policies are relevant to the revised project proposed by JMA Ventures. The draft findings you submitted do not address how your revised project fits within these policies that set the central and essential character and nature of the HMR development. In particular, JMA Ventures needs to explain how the loss of public serving space and building design and function – in both the Lot 5 and gondola plan revisions and the described overall direction change – reflects the significant public access and use described and assumed in the HMR Master Plan.

Furthermore, as a CEP project, the HMR received a panoply of incentives from the TRPA Governing Board when approved in 2011—all premised on a project maintaining and in some instances increasing public access and use of the ski area and off-mountain spaces. These incentives included additional height, changes in allowed uses, reservation of commercial floor area, tourist accommodation and multi-residential bonus units, and exceptions for below grade parking. Use of these incentives are dependent upon HMR status as a CEP project. See e.g., TRPA Code Section 37.5.9.A (Only proposals designated as "Special Projects" [e.g. CEP projects] may qualify for additional height).

Finally, all of these benefits and approval of the project and Master Plan were granted to HMR in reliance on the certification of an Environmental Impact Statement (EIS) that assumed levels of public use and access inconsistent with JMA Ventures' proposed plan revisions. For example, the EIS concluded that closing the ski resort would result in significant and unavoidable impacts to recreation. The findings would need to address how the necessary environmental findings could be made in light of the EIS conclusions and JMA Ventures' plans to privatize HMR.

In short, the draft findings do not satisfy TRPA Code requirements. If you wish to discuss this matter further, please contact me.

John

**John L. Marshall**  
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REMY | MOOSE | MANLEY

T.L.P.

Howard "Chip" Wilkins III  
cwilkins@rmmenvirolaw.com

April 28, 2023

**Via E-Mail Only**

John Marshall  
General Counsel  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449  
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Re: Preliminary Response to April 21, 2023, E-mail on Homewood Draft Lot 5 Findings

Dear John:

Thank you for your comments on my client JMA Ventures' draft findings for Lot 5 of the Homewood Mountain Resort (HMR) project. On behalf of my client, I provide this preliminary response to address the inaccurate statement in your e-mail that "JMA Ventures' plans to privatize HMR." My client further requests that Tahoe Regional Planning Agency (TRPA) refrain from repeating the false claims and rumors that HMR plans to privatize or close HMR to the public. Not only are these claims false, as explained below, but they are also damaging my client's goodwill and jeopardize my client's ability to retain the capital needed to implement the HMR Master Plan approved by TRPA in 2011.

Initially, as recognized in the HMR Master Plan approved by TRPA in 2011, HMR is a privately owned business and operates all of its core operations on privately owned-land. (HMR Master Plan, p. 9.) There is no public ownership of HMR. Unlike most ski areas in the Tahoe region, there are no Forest Service leases required for the core operations of the resort, and HMR receives no public subsidies.

Assuming your statement regarding privatization refers to HMR's plans for future resort operations, it is also false. As stated in the Purpose and Need Section of the HMR Master Plan, "the costs of construction, and the capital cost of acquiring the resort requires substantial additional capitalization that sale of lift tickets alone cannot begin to cover." (HMR Master Plan, p. 3.) As the Master Plan also expressly states: "If Homewood is to remain as a viable public recreational amenity, a new plan must emerge that limits peak skier visits, attracts visitors who will stay at the resort for several days, thereby reducing daily traffic, and continues to offer a convenient and quality skiing experience to local, west shore residents." (HMR Master Plan, p. 2.) While implementation of the Master Plan has been delayed due to litigation, recession, COVID, and changing market conditions, this reality is unchanged. Therefore, to attract the necessary capital to fund implementation of the Master Plan and its associated environmental improvements, HMR has developed a more broad and layered resort operations plan that combines for-sale residential homes, membership passes, hotel units, and a local Westshore resident component for skiing. The community amenities and improvements that were contemplated in the HMR Master Plan approved in 2011 remain unchanged, including a new grocery store, craft fairs and art festivals, public access to



hiking on the mountain, a new amphitheater, public retail offering bike rentals, electric charging stations, ice cream, coffee, pastries and other food and beverage items, a new bus stop, and gondola rides — all of which are contemplated in North Base and mid-mountain phases of development. In sum, HMR's current business plan is consistent with the Master Plan approved in 2011 and claims of privatization of the HMR lack any foundation. My client remains concerned that community dissent based on misinformation is unduly influencing TRPA's positions on the Homewood project and my client expects to demonstrate to you in the coming days why the proposed project remains substantially in conformance with both the spirit and legal requirements of the 2011 approved HMR Master Plan.

Finally, we note that the Governing Board rejected continuing the status quo as the long-term project opponents press on with their false mantra of 'Keep Homewood Public.' As Governing Board found in approving the Master Plan, as a CEP project, maintaining the status quo was not the environmentally superior or preferred alternative:

As the Draft EIR/EIS states, “[s]election of the No Project Alternative 2 would avoid the adverse impacts generated by construction activity and residential and tourist growth resulting from the CEP action alternatives; however, the water quality and soil restoration benefits would not occur and according to HMR, the long-term economic viability of the ski resort would be in doubt. Consequently, the No Project Alternative is not considered to be environmentally superior or environmentally preferred.” (Draft EIR/EIS, p. 20-21.) Therefore, the Governing Board finds that environmental, economic, and social considerations make Alternative 2 infeasible.

(TPRA Findings, p. 59.) Not only is the status quo not the environmentally superior or preferred alternative, it is not financially sustainable. If implementation of the Master Plan continues to be delayed, there is a substantial risk that the current commitments of investment capital will be lost and HMR will close. As your e-mail correctly points out, the EIS certified by TRPA concluded that closing the ski resort would result in significant and unavoidable impacts to recreation. To avoid this risk, my client requests that TRPA refrain from spreading the false claims of project opponents that JMA Ventures and its partners intend to privatize HMR. We will provide separate substantive responses to your comments regarding how the proposed HMR's Lot 5 and gondola plans are consistent with the Regional Plan and other TRPA plans. If you have any questions regarding the foregoing, please contact me at your earliest convenience.

Very truly yours,



Howard “Chip” Wilkins III

cc: Paul Nielsen  
John Hester  
Art Chapman

Confidential Communication

John,

Following up on our call – attached are draft findings for approval of Lot 5 for the Homewood project. Please let me know if you have any thoughts, concerns or recommend any changes at your earliest convenience. My client is hoping that we can file these with the application and checklist this week. Feel free to give me a call if there is anything you would like to discuss about the findings or the project. Thank you.

Best Regards,

**Chip Wilkins**  
[cwilkins@rmmenvirolaw.com](mailto:cwilkins@rmmenvirolaw.com)

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