

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

GoToWebinar

September 30, 2020

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 12:45 p.m.

Members present: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Mr. Hicks, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Members absent: Ms. Berkbigler

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Mr. Cashman moved approval of the August 26, 2020 minutes as presented.
Ms. Aldean abstained
Motion carried.

V. TRPA CONSENT CALENDAR

1. August Financials
2. State of Good Repair Project Lists for TART and TTD
3. Allocation of Local Transportation Funds of \$75,000 to TRPA for Administration and Planning of the Transportation Development Act Program
4. Recommend approval of Release of City of South Lake Tahoe Operations and Maintenance Funds (\$20,000) for Stormwater Treatment Facilities Operations and Maintenance
5. Bussey/Hughes/Thompson New Multiple-Parcel Pier 3105, 3115, & 3125 West Lake Blvd., Placer County, APNs 085-280-042, -043, & -044, TRPA File Number ERSP2020-0125
6. Molsby/Willey/Kohlmann New Multiple-Parcel Pier 1050, 1048, & 1040 Skyland Drive/Douglas County APNs 1318-03-110-018, -019, & -020 TRPA File Number ERSP2020-0124
7. Resolution to act as Co-Sponsor for a Homekey grant from the State of California on behalf of the Tahoe Coalition for the Homeless, in partnership with the City of South Lake Tahoe
8. Resolution of Enforcement Action: Beach Club Development; Direct Discharge to the Waters of Lake Tahoe and Failure to Maintain Temporary BMPs, 300 Eugene Drive, Stateline, NV, APN 1318-22-002-001

Ms. Aldean said the Operations and Governance Committee recommended approval of item numbers, one, two, three, four, and seven.

Mr. Bruce said the Legal Committee recommended approval of item number eight.

Board Comments & Questions

Mr. Yeates said there was a letter of opposition received for consent calendar item number five. The commenter is a nearby neighbor of the proposed project who feels that the location of Hurricane Bay is inappropriate for this proposed pier.

Ms. Aldean asked if this neighbor received proper notification and had an opportunity to weigh in while the project was being reviewed. It's curious that they didn't express their opposition earlier in the process.

Ms. Good said the letter of opposition came from a property owner within the noticing area but upland from the project area. They submitted a comment letter within the noticing period and staff has contacted the property owner and provided them the link to the staff report and supporting materials.

Ms. Aldean asked if they've withdrawn their opposition after receiving the material.

Ms. Good said this information was sent to the neighbor last week and they were also notified that this item would be heard at today's Governing Board meeting. They said that they probably wouldn't call into the meeting and stated that they were not supportive of the project but didn't indicate that they were going to object further.

Public Comments & Questions

None.

Ms. Aldean moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Berkgigler

Motion carried.

VI. PLANNING MATTERS

A. Climate Resiliency Initiative Briefing

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said we've seen over the last several months with the wild fires in California and west coast a lot of smoke in Lake Tahoe. Normally when he provides a presentation, he has animations of computer models that are projecting what is happening 80 to 100 years in the future. Unfortunately, today he has photos of what's happening now. We've also seen

unprecedented closures of national forests throughout California including the Tahoe Basin this summer.

It's not just wild fires that are showing their climate change. The high lake levels over the past few years have caused damage to the Alta Mira property owned by the California Tahoe Conservancy in which they have had to do extensive rehabilitation work to the shoreline. Under future climate scenarios flooding from high lake level and winter precipitation will only increase.

In 2015, just down the street from the Alta Mira building, they had one of the worst droughts ever, reducing recreation access to the Lake and having impacts to the Lake from warming such as algae and impacts to the clarity.

Climate change needs to be thought about in three buckets. When climate change brings impacts such as extreme wild fire to the environment, we are talking about mitigation; reducing those impacts by reducing the greenhouse gas emission, adaption, and changing how we adapt the Code of Ordinances. This will allow us to better take advantage of changing climates in order to reduce risk of wild fire. Then there's the resiliency during the Covid and wildfires and how the communities are holding up to those impacts.

There's already a lot going on around climate change planning even globally with the United Nations and both states. Nevada will be releasing their first ever climate strategy in December 2020 and TRPA has been participating in those stakeholder groups. Regionally, there's the award winning Sustainable Communities Action Plan from 2014 and more recently, the California Tahoe Conservancy completed a vulnerability assessment and has been looking at adaptation actions with the partners. Locally, Placer County has an adopted climate action plan and the City of South Lake Tahoe currently has a draft climate action plan out.

Climate change and sustainability is one of TRPA's operations workplan strategic initiatives adopted by the Governing Board. It is also connected with all the other TRPA initiatives such as the Environmental Improvement Program implementation of the Lake Tahoe West project which is taking climate modeling into account as they plan for future forest treatments. Under transportation, today, you'll be hearing from the Regional Transportation Plan team about one of the key greenhouse gas reduction strategies of electrification. For housing, there is more housing near town centers and therefore, reducing vehicle trips. Climate change connects with everything that this agency is working on.

From those three buckets, the most work in progress has been made locally on mitigation. Looking at the greenhouse gas emissions from the states and the Tahoe Basin, transportation is the number one source of emissions at each level and connects directly to the Regional Transportation Plan and those greenhouse gas targets. Electricity is also listed in all three buckets and is a combination of items but comes from the built environment. The Regional Plan encourages environmentally beneficial redevelopment that promotes sustainable practices such as LEED that reduces that electricity usage.

The enabling vehicle for this agency to address climate change exists in what we already have from the Bi-State Compact, by mandating this agency to protect this natural resource that is changing because of climate change. It's through transportation and land use planning with the

Regional Plan and Regional Transportation Plan, the Sustainability Action Plan, and implementing all of this on the ground through the Environmental Improvement Program.

As we look towards the adaptation and resiliency buckets, we need to have new ways of approaching planning in looking at the entire Truckee River watershed versus just the Tahoe Basin. They are also looking at how they can work with other communities like Truckee in the mountains to become more resilient but how are they connecting to those urban centers to the east and west and addressing climate impacts.

This is where the strategic initiative and TRPA have their value add and leverage in the Bi-State Compact and collaborative partnership skill set to bring together all of the plans around climate. How do you bring those together with taking what the states are doing and work to make that a regional level, actionable, and implementable and put the Tahoe flavor on it? At the same time, support the local jurisdiction partners who are already going above and beyond to address climate impacts and feed their strategies into the regional strategy with TRPA's support from the top down and the bottom up.

The next key step is to identify the gaps in climate action. There are a variety of state wide plans, vulnerability assessments, the California Tahoe Conservancy's adaptation portfolio, and global best practices to look at for where the actions should be directed. They also know that there are some key information gaps that need to be filled. TRPA is currently undergoing a regional greenhouse gas inventory update. The Desert Research Institute through a California Tahoe Conservancy grant is doing some additional scaled down sub watershed hydro simulations looking at the changes in precipitation and the impacts on the Basin through each individual watershed. There are also questions around high lake levels and modeling the impacts of flooding during the winter. TRPA has submitted a letter of interest to the Bureau of Reclamation for that project. The key item is what information actions and implementation gaps exist for Tahoe and how as a partnership can we identify and prioritize actions to fill those gaps.

Since the award winning Sustainability Action Plan in 2014, there's been a lot of new science and best practices in climate developed since then. Updating that to become a new climate resiliency strategy, by taking input from existing plans, state plans, the gap analysis, and creating a strategy among the partners at the California Tahoe Conservancy and the State of Nevada who are supportive towards a collaborative process and achieving common goals. Again, as they program that and put it on the ground, it's shown through their infrastructure, through development, and resource management.

They'll need to monitor success and adjust as they go to achieve the goals and targets. They currently have a sustainability dashboard on the Lake Tahoe Info platform, and it could be updated to have a more real time and informative score card to track progress in the region.

Presentation can be found at:

[Agenda-Item-No.-VI.A-Climate-Initiative.pdf](#)

Board Comments & Questions

Mr. Lawrence said he appreciated their outreach to Dr. Averyt. He wanted to take a moment to pass along some of Dr. Averyt's comments primarily regarding the gap analysis. Internally to the

Basin, there are a lot of them that struggle to keep up with all of the different processes, committee's, and the work that's going on in the Basin across all fronts, not just climate. It's important to identify that gap analysis and clearly articulate what is being done and what the next steps are. He assumes that as a climate strategy is developed that they will be leveraging the Tahoe Science Advisory Council to help fill in some of the scientific questions and answers to develop this and urges that to occur as well.

Mr. Middlebrook agreed with Mr. Lawrence's comments. The Tahoe Science Advisory Council has that work order to look at the impacts of climate change on the Lake clarity. We'll continue to be a partner as we move forward.

Public Comments & Questions

Steve Teshara asked for further information on what the relationship was between this initiative and some of the items going on at the local government level. The Chamber recently submitted a ten page letter to the City of South Lake Tahoe on their draft climate action plan.

Mr. Middlebrook said there's a lot of detail that we could go into on the exact intricacies but instead provided a metaphor for other planning processes at TRPA. He views this updated bi-state climate strategy as you would look at the Regional Plan with area plans and local plans underneath where the regional strategies support local jurisdictions and their goals. It would provide an overall framework and direction for the Basin but allow each local jurisdiction to customize based on their communities needs. Right now, there's Placer County and the City of South Lake Tahoe with climate action plans and would be great to have those themes and ideas rolled up into a Basin wide strategy and have the basin and the impacts be factored into how locals are implementing. It's also how they've gone with the Regional Transportation Plan to corridor plans, to short range transit plans where they go from Basin wide strategy down to local implementation. TRPA's transportation department has been working with the City on many of the transportation initiatives that are identified in the Climate Action Plan. Implementation through the Stormwater Program through transportation is where TRPA will support local jurisdictions in achieving their goals.

Board Comments & Questions

Mr. Yeates said all of this will overlap into our land use and water quality decisions, and transportation system.

B. State Route 89 Recreation Corridor Management Plan

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said corridor planning and framework is applied Basin wide and has become a part of how they're implementing the Regional Transportation Plan. The corridors are playing a larger role in the Regional Transportation Plan.

Corridor plans fit into that Regional Transportation Plan through the communities bucket and are that implementation mechanism for the RTP.

The steering committee consisted of the Forest Service-Lake Tahoe Basin Management Unit, the Tahoe Transportation District, TRPA, and a consultant team led by Design Workshop.

The involvement within this plan is through several different layers. Immediately under the steering committee was the project development team which included many agencies, non-profits, businesses within the corridor, and public safety officials. They also did extensive outreach to stakeholders through focus groups, surveys, workshops, open houses, and one on one meetings.

The vision for the corridor is to preserve this icon of Lake Tahoe by increasing the options in travel choices people have to enjoy it.

When they were considering recommendations through the corridor plan, they wanted to ensure that they were balancing natural and cultural resources, the visitor experience, and the infrastructure and operations in order to achieve the end result. That balance through this corridor is one of those key pieces. There is a variety of recreation resources and activities along with private neighborhoods and residences throughout the corridor.

Highlighted throughout the plan is the importance of two implementation tools. The need for interconnected strategies is they don't want to just add a transit route and call it good because it won't change anything if you're not also restricting parking, adding congestion pricing, and have technology to let people know what travel options are available. That includes adaptive management and being able to adjust the plan as you go. For example, congestion through the Pope to Baldwin corridor which has different phases of implementation and recommendations. If the congestion reduction goals are reached in only implementing three of the four phases of recommendations, that's good. If you're not meeting the goals by the end of the third phase, you can implement the fourth phase and build on that success or change if you're not seeing success.

The corridor plan provides a set of overall corridor recommendations that are consistent throughout the corridor which are the completion of the Tahoe Trail for the last 11 miles along the west shore. This would connect the Y to Tahoe City with a paved shared use path. Other items are a transit and reservation system, restricting roadside parking, winter and off season access for back country and recreation needs, but commuting, and public safety throughout the corridor as well. As climate changes and extends the summer, the access and demands for traditional summer recreation spots will expand to longer times of the year. We also need to address operational resources and coordinated management in the corridor. We don't want to build a bunch of infrastructure and forget it, they want to ensure that it has the proper resources to be operated and maintained into the future.

The recommended travel framework that was developed and based around transit and the systems capacity to move people. When we talk about removing roadside parking and building the Tahoe Trail, that roadside parking is being relocated not necessarily within the corridor, but those folks are being relocated to other modes of transportation. At full buildout, the plans recommendation would have the corridor mode share at 44 percent transit, 10 percent bicycle, 5 percent water taxi, and reducing vehicle use by almost 60 percent. This represents 37,400 fewer cars in the corridor every summer month. It could accommodate a five percent increase over the 2018 visitation baseline, but the adaptive management outlined in the plan is not a guaranteed increase. Rather, it's about dialing up or back based on resources and conditions on the ground

and having the ability to manage reservations, and the transit routes give land managers more tools to manage the visitation than they have.

Throughout this planning process there's been extensive outreach and they hosted the final webinar last week. There were around 500 viewers over the course of the webinars and around 20 presentations to homeowner associations.

There was a general excitement that there was action taking place in this corridor. People recognize that how it's being managed now is not sustainable and we need change. A lot of people also wanted to see quick wins. The full buildout of the system and moving that many people by alternate modes is big task and will take years to accomplish. They've also identified areas where they can have quick wins and projects that were already planned prior to this corridor plan. There were a lot of comments about transit, the Tahoe Trail, and visitor management which is a key piece with not only what tools there are but what are the appropriate types of recreation activities. They've seen through transportation that funding and financing the system can be difficult. Partnerships will continue to be key, there were a lot of private businesses, tour operators, and resorts who reached out during the comment period and said they were interested in helping the plan be implemented. The best example was the water taxi which was added to the plan based on interest from private businesses.

Based on that feedback they expanded the discussion of public and private transit, micro shuttles, and new mobility options. There were a lot of comments and questions amongst homeowners in the corridor about the Tahoe Trail and its location, design, the path it will take, privacy, trash, and operational concerns. That isn't answered by this corridor plan but rather will be answered by a feasibility study of that trails path. TRPA through partnership with the Forest Service have secured funding for this study and it will be worked on this winter and into 2021. Based on feedback they've identified several projects to be moved to earlier phases. They've identified the need for those adaptive management tools to be flushed out more and additional visitor studies based on individual recreation sites. In the State Route 28 corridor they used the beaches and desired recreation levels of those beaches as a core tenant for their study. There should be more of those conducted at specific sites throughout this corridor. They also enhanced the discussion for implementation of funding. It's important to have that revenue source, not only for the corridor but regionally for the Basin to support projects like this. This will all be implemented through the interlocal or similar agreement. They added more meat on the bone around how policy discussions and decisions will be made. They heard from a lot of the homeowners throughout the corridor that there needs to be a balance between recreation access and corridor neighborhoods. Just as Waze has provided all the back ways to get out of town during the winter and cause congestions, trail apps have shown and put all of the neighborhood trails on the internet. We need to ensure that we have a quality of life and neighborhood concerns considered while they're looking at increasing or enhancing recreation access.

It's been highlighted several times, the importance of the management corridor team who were involved in developing the plan and worked in a coordinated manner to implement the plan. That's where there's some sort of agreement established and outlines those working relationships at the corridor level. That team will identify and discuss projects and priorities, how we're operating and maintaining, what the next planning questions to be answered are, and implementing the technology. For example, if they're using parking reservations and a parking app, they don't want a west shore parking app and an east shore parking app, rather a Lake Tahoe

parking app. Year round access and how avalanche control is done still needs to be discussed. Emergency and evacuation planning were another comment heard from the public. While this isn't a fire, emergency, or an evacuation plan it does recognize the transportation systems role and identifies opportunities where that can support evacuation planning. The corridor team will also be able to elevate items to the executives for guidance on key topics.

Within the Bi-State memorandum of understanding there is an outline for corridor planning and that framework is being developed. This plan is following along those agreements in how it's being rolled out. The State Route 89 corridor was identified as one of the top bi-state priorities and shows the collaborative effort to creatively implement and fund these priority projects.

Presentation can be found at:

[Agenda-Item-No.-VI.B-SR89.pdf](#)

Board Comments & Questions

Ms. Aldean said she's assuming because of the confining nature of the roadway in question that there will not be an opportunity for carpool lanes.

Mr. Middlebrook said that's one of the biggest challenges through this corridor. While there are not opportunities for a carpool lane through the entire corridor, there are opportunities through the Pope to Baldwin segment to potentially add additional transit lanes, turn pockets, etc. There's also the need for additional bicycle capacity so there's the potential for a cycle track.

Ms. Aldean asked if some of these options will be incorporated into the plan.

Mr. Middlebrook said those ideas and recommendations are already listed as possible actions in the plan. Then as the corridor management team moves towards implementation, those are the discussions that will take place for what will be implemented, what considerations are needed, identifying additional planning or environmental analysis, and project lead for implementation. Caltrans has also expressed some of these same desires to improve traffic flow through highway improvements.

Mr. Lawrence said the public outreach must be very successful because some of the comments he's received are a tremendous amount of excitement to tackle this important area. One question he's been asked about the transit and shuttles is the vision for more larger public buses as opposed to a smaller or medium sized public or private fleet.

Mr. Middlebrook said one of the challenges they've had with the switchbacks at Emerald Bay is it limits a full size bus being used. As a result of comments particularly from the League to Save Lake Tahoe they did enhance the discussion in the final plan around public private transit, microtransit, and other opportunities. The plan identifies transit hubs and park and ride locations outside of the corridor which would plug in with the existing Tahoe Truckee Area Regional Transit and Tahoe Transportation District main lines that are on those larger buses. It will be a mix. The geography throughout the corridor especially Emerald Bay is one of those major limiting factors.

Public Comments & Questions

Steve Teshara said there's a lot to like about this plan. In his comment letter from the Sustainable Community Advocates he stated that the plan is well designed, easy to follow, and logical. He asked if the items that were adjusted in the plan were actually shown as changes in the plan for comparison.

Mr. Middlebrook said yes, they have a document that they use to track comments. It was not finished in time for the meeting packet and can make it available on the project page at www.trpa.org\sr-89.

Board Comments & Questions

Ms. Gustafson commended Mr. Middlebrook for the incredible efforts on this plan. Many of the public comments and ideas that have been received echoes many of the efforts we've take on and tried in a piecemeal fashion in the past. She looks forward to this comprehensive look at the corridor and hopefully to be able to find a way be begin implementation on these strategies.

Ms. Gustafson made a motion to pass a resolution to approve the State Route 89 Recreation Corridor Management Plan.

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Berkgigler

Motion carried.

VII. PUBLIC HEARINGS

- A. Proposed Amendments for TRPA Code of Ordinances Chapter 61, Section 61.3. Vegetation Protection and Management

Team member Ms. McIntyre provided the presentation.

Ms. McIntyre said the code update is focusing on facilitating and promoting increased pace and scale of vegetation management while promoting forest health, community safety, resilient landscapes, and protecting the environment. The majority of code amendments to date have been focusing on building a more user friendly Code of Ordinances, are mostly clerical, and reorganizing to facilitate clarity.

Section 61.3 covers protections for old growth, stream environment zones, wildlife habitat, sensitive plant species, and historical resource protection. The recommended areas for amendment and code language have been developed collaboratively through conversations with partner agencies within the Tahoe Fire and Fuels Team. These amendments are focused on updating the code language to reflect current practices and make it easier for implementors to get work done on the ground while protecting the landscapes.

The first recommended area of amendments focuses on the historical and cultural resource protection. These are minor edits for streamlining and clarifying language and can be found on page 504 of the staff packet.

The table on slide 7 provides a summary of the changes. The biggest one is the deletion in subparagraph 61.3.8.B which is redundant with code language in 67.3.1.

Another area of potential amendments looks at standardizing various references throughout 61.3. For example, in subsections referring to old growth tree removal, the current code language varies between referencing cut versus felled, treated, or removed. In consultation with the Tahoe Fire and Fuels Team they felt that it was important to standardize the language throughout each subsection to state felled, treated, or removed. Additionally, under removal of old growth for ecosystem management goals, they changed the language to focus on approval by a “qualified forester” and not a “qualified interdisciplinary team.” Primarily because a “qualified forester” is the individual that will be on the ground making those decisions of what types of old growth can be removed. The summarized changes can be found on pages 500 – 502 of the staff packet.

At the Regional Plan Implementation Committee meeting today, there was a suggestion to replace the word “cut” with felled, treated, or removed in subsection 61.3.7.A. The committee felt that it was important to go back to the original language of “cut.”

Another area of recommendations focused on tree cutting within stream environment zones. Currently the Code of Ordinances allows trees to be cut within a stream environment zone for over snow activity. Partners felt that it was important to add frozen ground operations as well. The proposed code language suggested tree removal not only over snow but also frozen ground. She worked closely with the Lahontan Regional Water Quality Board which allows work to occur on frozen ground with frozen soil conditions. It’s often more stable than snow and less environmentally impactful. These edits can be found on page 496 of the staff packet.

The last area of potential amendments is innovative technologies and equipment used in stream environment zones. Currently tree cutting within stream environment zones requires innovative technologies to be piloted and proven environmentally safe. Partners would like to see that once an innovative technology is properly demonstrated to TRPA, piloted, and proven environmentally safe that it should become a viable option for all partners in the Basin. Under the current process, every time an innovative technology is used, it needs to be piloted. These edits can be found on page 497 of the staff packet.

There have been some other changes that have occurred since this was reviewed by the Forest Health and Wildfire Committee. The committee originally approved text including references to the Regional Water Board exemptions regarding over snow operations. This text said that if the Regional Water Board found that it was exempt that we would follow suit. The Advisory Planning Commission suggested that the language should be broadened to accommodate agencies on both sides of the Basin. After staff review of potential language, it was determined that it would need significantly more work to craft that language appropriately. They’ve omitted those edits and will address in a later round of amendments.

Before the Regional Plan Implementation Committee meeting there were several changes and clarifications that were brought to staff’s attention. These are not in the packet but were

approved by RPIC and are proposed for approval today. On pages 495 – 496 of the staff packet there has been reorganization of current code language within 61.3. This is not highlighted, but under 61.3.3, there is 61.3.3.C for tree cutting within stream environment zones. This was moved from 61.3.10 with the intention to consolidate all productions for stream environment zones under one subsection.

Another change from the Regional Plan Implementation Committee was on page 496 of the staff packet there was a suggestion to change the language for clarity purposes. The language was changed to show that for TRPA approved reasons for removal of trees over 30 inches dbh on the west side and larger than 24 inches dbh on the east side which are defined as old growth within a stream environment zone. The reasons for those tree removals are exactly the same for reasons for old growth tree removal listed in subsections 61.3.7.A.1 and 61.3.7.A.10. It's a way to keep all of the stream environment zone protections all in one area and point people to the appropriate reasons for old growth tree removal without having to duplicate the list. On page 497 of the staff packet, the Regional Plan Implementation Committee recommended a change in language for clarity. "Projects shall be monitored to ensure that the stream environment zone has not sustained any significant damage to soil function or beneficial vegetation. Upon further staff review, they realize there isn't a very clear definition of what is considered beneficial vegetation. The new proposed language states "Projects shall be monitored to ensure that the stream environment zone has not sustained any significant damage to soil or vegetation function." Staff in conjunction with the partner agencies felt that soil function is the better measurement if an SEZ has sustained significant damage.

Presentation can be found at:

[Agenda-Item-No.-VII.A-ForestHealth-Code-Amendments.pdf](#)

Board Comments & Questions

None.

Public Comments & Questions

None.

Board Comments & Questions

Ms. Aldean made a motion to approve the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary subject to the replacement of the words "felled", "treated", or "removed" with the word "cut" in paragraphs 61.3.7.A. In addition, the motion includes the additional changes as articulated by staff during today's presentation.

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Berkgigler

Motion carried.

Ms. Aldean made a motion to adopt Ordinance 2020 - ___, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A and as amended to incorporate those additional changes as articulated by staff during today's presentation.

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Berkbigler

Motion carried.

Mr. Lawrence made a motion to convene the TMPO Board simultaneously with the TRPA Governing Board.

Motion carried

VII.B/VIII.A 2045 Linking Tahoe: Draft Regional Transportation Plan

TRPA team member Ms. Glickert provided the presentation.

Ms. Glickert said this Regional Transportation Plan is oriented to climate action; meeting the greenhouse gas goals, reducing the mobile source emissions, and reducing dependency on the automobile and the associated vehicle miles traveled. This RTP and Sustainable Communities Strategy goes beyond the California Air Resources Board greenhouse gas reduction target for the Tahoe Region and delivers additional greenhouse gas and vehicle improvements. This is your plan, this was developed with locals, illustrating the power of collaboration. This plan is helping us moved forward to reaching our goals in collaboration.

The RTP is Tahoe's Transportation Blueprint. This plan has a 25 year planning horizon, that sets the comprehensive vision for the transportation system, it includes, goals and specific strategies (some physical projects and some programs) to reach those goals. It also lays out potential funding for the programs and projects.

This RTP satisfies three distinct transportation authorities: 1) TRPA Compact: requires development of the Transportation Plan as part of the Regional Plan. 2) As a federally recognized metropolitan planning organization, the RTP is a core planning document that each MPO must complete every four years to satisfy Federal transportation planning and funding requirements. 3) As the California designated regional transportation planning agency, this RTP satisfies California transportation planning and funding requirements necessary to utilize California state funding.

The RTP contains a regional vision for transportation, it identifies potential funding to implement programs and projects, and provides a unified direction to improving transportation at Lake Tahoe. The development of the RTP involves collaborating with the public, both states, local governments, and other implementation partners such as the Tahoe Transportation District and the US Forest Service. The plan stitches together the needs into a regionally integrated transportation blueprint for the region.

Slide 2 illustrates the how TDM, Trails, Transit, Technology, and Communities (the organizing framework for the transportation program) as well as the plan. The Plan details through various planning and partnership efforts. These detailed plans like the long-range transit plan are an influencer to the RTP as well as those plans are influenced by RTP policy and approaches, all making the RTP contemporary.

The plan's transportation vision stresses connectivity and a focus on reducing auto use by expanding options for residents and visitors.

To kick the plan development off, they worked closely with the several committees. First being the Environmental Improvement, Transportation, and Public Outreach Committee. They've been the steering committee, getting through those tough topics like funding and transit. They've also been working with the collaborative Bi-State Consultation. They convened again to achieve alignment through their leadership from the two states including local and the private sector who has been tackling funding and project Priority Setting to identify those transformative projects. The Tahoe Transportation Commission is an advisory Committee to the Governing Board. They held early briefings with them on transit services and will be soliciting their input along with the public next month.

The Tahoe Transportation Implementation Committee has been meeting for over two years. The group is made up of local agency public works staff, the two states departments of transportation, transit agencies, and non-profit agencies. They're also adding in the two travel management associations and their representatives. These are the implementors of transportation projects and programs. They've been folding in their feedback on the RTP over the past year and they looked extensively at the projects and the policies of the RTP as well as funding.

The Tahoe Technical Advisory Committee started working on the RTP over a year ago guiding modeling upgrades and developing the forecast for the RTP. The Regional Plan Implementation Committee will be reviewing the goals and policies which will be amended into the TRPA Regional Plan.

This is the community's plan! The RTP elevates public desires and needs and builds in that public input with a coordinated implementation strategy developed with those implementors. It's not a wish list. They kicked off the public engagement last summer with the Governing Board adoption of a Public Participation Plan that spelled out the approach, identified who and how to solicit input, and established a tracking process to evaluate our effectiveness in communicating information and receiving input.

Last winter they made presentations and asked for feedback at associations and board meetings of partner organizations. They received that input that shaped the plan today. They met with Rotary's, Soroptimist International, Cafecito's & Family Resource Center, Incline Crystal Bay Visitors Bureau, the Social Services Technical Advisory Committee, Transportation Management Associations, Bike Advisory Committees, just to name a few. They met with multiple groups also representing disadvantaged communities. This platform substantially increased the ability to reach people and get feedback from our constituents.

In March of 2020, the world changed pretty quickly and so they had to as well. They transitioned nicely to an online environment seeing participation unlike any before. They hosted five live webinars focused on the strategy areas and one final panel on innovation which brought together collaboration and innovation to get to implementation. They reached 483 people with the webinars and an additional 2,383 people watched the webinar video posted on YouTube and the RTP website.

Most recently the outreach has been utilizing the draft plan content, they've developed fact sheets for each of the strategies in both English and Spanish. Given the state of affairs, they've utilized social media and local bulletin boards. Next month, they'll be hosting yet another webinar.

This time around they are making the plan more contemporary. The plan provides a regional approach to mobile source greenhouse gas reduction and incorporates new greenhouse gas goals of California and Nevada. Climate change is at the forefront and transportation is part of the solution. There is broad agreement that new funding is needed for transportation and through the coordination among the Bi-State consultation, the Tahoe Transportation District, and local government there is significant momentum toward realizing new funding options.

The plan includes project priorities that have been identified by the Bi-State Consultation, working with implementation partners, private sector and local governments. They'll leverage new technology and service models in providing transportation options, including travel apps, on-demand microtransit and recognizing the private sector provided transportation services. Recreation travel and access were enhanced through corridor planning work and included new data sources to better understanding behavior and is built within the analysis and forecast for the plan.

The approach to planning is to understand who is moving around in Tahoe. At the end of the day they need to address everyone. Each traveler has a unique pattern and travel choices need to be designed for them. Part of that approach and framework for transportation planning is looking at all of those users; because we are a recreation destination we don't have typical weekday commute to work congestion, we see our congestion during heavy recreation times, winter access to the ski resorts, and in summer months getting to the recreation hot spots.

Visitors coming in from outside the region: 96 percent arrive by car. This plan will lay out how to increase the four percent that they would like to see in a non auto mode share with regional park and rides, regional bus connections, and laying the foundation for free and frequent transit once people are here. The Discover Tahoe user is the internal travel to all of the recreation destinations. This is not doing to bad with over 34 percent getting around by bike, foot and transit. Everyday Tahoe are the residents, employees of the region who make those work and school trips. It's 90 percent by car, there's work to be done with better transit and connecting trails.

The Visit Tahoe Group: In order to understand external pressures on the Basin, they must evaluate and monitor external growth and associated travel to Tahoe by monitoring those Basin entry points to understand travel behavior. Slide 10 shows a map of an average day in July 2019; yellow being the heaviest indicates that Spooner and Echo Summit carry half of the trips, the remainder of the entry points range from 10 percent to 17 percent.

The plan is organized similar to the last RTP. There's a broad approach on what they need, what they are focused on, and how they want to achieve it.

The elements of the plan build on projects like the recent trail connecting Incline Village to Sand Harbor which is a hot spot recreation destination that's now accessible by bike and bus.

Transit: Modernizing the system to continue free, frequent and even FUN.

Technology: Capitalizing on technology tied to travel options whether it be when the next bus or shuttle will be arriving or letting a person know that the parking lot at Sand Harbor is full prior to their arrival.

Corridors & Communities: Is where land use and transportation come together for multimodal planning not at just a single problem spot but along an entire corridor. This comprehensive planning helps to align the priorities.

Existing projects such as State Route 89, the Main Street Management Plan, the Resort Triangle Plan are all discussed in detail in the plan. Also, in the plan is the Transportation Demand Management.

The plan includes programs marketed towards employees and visitors. Parking Management includes dynamic pricing of spaces, real time information, cohesive and coordinated programs so that the user doesn't have to be a forensic scientist to figure out how much it is and where it is available. This is focused in the town centers and recreation sites.

The plan also highlights transit in travel management. New on demand services are included and of course free transit and can increase ridership as demonstrated pre pandemic on the north shore.

This is an implementation focused plan. They've outlined in the plan projects and implementation goals in three increments or phases. That first phase represents initial priority projects that are either underway, in development, or will begin implementation between 2020 and 2025. In 2035, is the mid stage where projects emerge to strategically advance the transportation system and 2045 is the full plan build out. The plan illustrates the gaps in the trail system as shown on this map on slide 13. All of these projects are in the plan.

Trail gap closures include critical connections in Kings Beach and Incline Village, East Shore where they've seen some great successes and Emerald Bay; south shore focus. As well as projects on the south shore like the Greenway across town, connections along US Highway 50 to Meyers and Meyers back to the Greenway, also the new Complete Street from the South Y to Vikings Way. A full list of projects is in the appendices.

The goal for transit is to continue free local services, enhance connections to town centers and recreation areas, new regional connections to Reno, Carson, Sacramento, getting service all around the lake and via the Lake. Also, proposing on demand shuttles in neighborhoods, and a system of services that provides options for residents, commuters and visitors.

This plan utilizes technology to maximize efficiency and improve user experience. With improved data collection, signal coordination, and managed travel lanes they can maximize the efficiency of the transportation system. Having access to information to help people make better travel decisions is where technology comes in, finding available parking, and knowing when the next shuttle is arriving.

Communities is where transportation and land use converge. In this plan community revitalization projects on the South and North shores are complete. In 2045, have corridors that are universally managed to help improve safety and access to recreation. Communities is where they connect land use, transportation planning, and development. This is an important approach in the Regional Plan and reinforced here along with housing goals and initiatives, the Basin is actively developing affordable achievable housing.

They're finishing off many of the more regionally significant projects such as the US 50 South Shore Community Revitalization Project and finishing the project in Tahoe City for the North Tahoe Wye.

This plan supports and implements the 2012 TRPA Regional Plan that focused on making town centers more transit friendly, walkable and bikeable by enabling higher density, mixed-use development and redevelopment, and adds emphasis on achieving seamless region-wide connectivity between neighborhoods, town centers, and recreation destinations. The strategies for serving all users include managing demand on the system through both traditional and non-traditional mechanisms including changing those densities and the mix of land uses and how it can be mutually supportive of transportation.

They are meeting our California Air Resources Board goals despite estimated growth around us. The plan is both reducing both per capita greenhouse gas in 2035 to 12.4 percent reduction off a 2005 baseline and in 2045 just over 13 percent reduction. The plan over the 25-year horizon curbs vehicle miles traveled with managing to keep growth at just 1.2 percent over a 2018 baseline.

In order to understand how the region is progressing they monitor numerous performance measures to ensure they are on track. For example, non-auto mode share is a metric they track to evaluate the effectiveness of improvements in increasing bike, bus and walking trips. The performance measures in the plan include federally required metrics like crashes and injuries, and state required metrics like greenhouse gas reduction. This plan includes a new measure relevant to Environmental Justice. they identify community priority zones, with a goal of increasing access to these areas that include dense populations of low income residents, seniors, and those living without cars. There are five target communities; three target communities on the south shore and two on the north. The plan identifies access to transit and trails from these areas and analyzes how the plan improves that access.

With transit monitoring, they'll track transit ridership, efficiency metrics, and bike and pedestrian use.

They continue to expand the network of trail counters to help evaluate and justify additional trail investment.

The Financial Element of the plan identifies "reasonably foreseeable" funding that can implement the plan. This includes both formula and discretionary sources, and the addition of a new regional revenue funding source which reflects the recent momentum and action to this end since the last plan. Reasonably foreseeable funding amounts to \$2.2 billion over the next 25 years, which leaves some additional projects without an identified source of funding to the tune of \$1 billion. This is deferred operations and maintenance and some transit including the cross lake ferry. This is also referred to as constrained, reasonably foreseeable, and unconstrained.

There are 40 some sources that make up the \$2.2 billion. Between Federal, State, Private, and Local. The Federal share contains existing formula and discretionary programs and a reasonable assumption of success in receiving those funds based on previous awards. The State share also includes existing formula and discretionary grant programs and the same assumption on level of success in receiving funds. The private share brings in existing and future investment in microtransit shuttles connecting neighborhoods to town centers, ski shuttles, and parking management. The local share assumes a local share comprised of local funds such as transient occupancy tax, general funds, and other special funds, as well as where they recognize a new regional revenue source that are actively being pursued. This is new this time around, they are including these new funding sources, as this provides an envelope of opportunity for the RTP to analyze, plan, and illustrate the transportation system that includes new revenues.

Regional Revenues are assumed to start in 2026, adding \$20 million each year, which is 21 percent of the local share funding those local projects and operation and maintenance.

The RTP is intended to serve as a galvanizing leaping off point for the revenue discussions to solidify and progress to action. The Bi-State collaboration is in agreement that new funding is needed, through their leadership and collaborative process, the progress on new revenue sources is now being coordinated among the Bi-State consultation, the Tahoe Transportation District Board, local governments, and TRPA to solidify state, local and regional support. The Bi-State Consultation has identified several high priority transportation projects and is committed to developing funding for them.

Immediate steps to keep the plan momentum going include partnering with visitors' authorities, chambers, and others to track visitation and travel patterns. They continue to improve our data and monitoring systems, including utilization of new travel data sources, model forecasting improvements, and project level analytical tools. There are currently funding a partnership with the University of California, Davis and the University of Nevada, Reno to develop methodology to assess and forecast visitation while seeking to gain agreement across regional partners on visitor numbers.

Through corridor planning and the Transportation Implementation Committee, project delivery can gain efficiencies and be accelerated. Future focus will be on managing demand from the workforce, visitors with employer programs, parking management, information sharing, and other tools. They'll continue their work with the Bi-State Consultation and other partners to identify and enact new funding for transportation.

They'll be having another webinar on October 12. As part of that outreach they'll continue to meet one on one with other partners and agencies, meanwhile continuing to attend standing committee and agency meetings.

This is the first public hearing on the draft plan. They'll attend the Tahoe Transportation Commission meeting on October 9, and in November and December, they'll be working through recommendations and actions needed to finalize the plan.

The issue of transportation has come to a head. We need to make meaningful differences on progress in transportation. Climate is a driver. We need to pull together to accelerate implementation of this plan.

Thank you to all the local partners, committee members, and the TRPA team; Ms. Sloan who put this document together, along with a lot of other contributors like Ms. Smith, Ms. Weber, Mr. Middlebrook, and many more. Mr. Haefer and Mr. Segan from the Research and Analysis Division assisted with modeling, forecasting and performance measures.

Presentation can be found at:

[Agenda-Item-Nos.-VII.B VIII.A-RTP.pdf](#)

Board Comments & Questions

Ms. Gustafson asked what the key differences were in this Regional Transportation Plan versus prior plans.

Ms. Glickert said the key differences are that they are folding in the private sector and their contribution. They've stepped up over the past few years with some of the private shuttles, and ski shuttles. They've been folded into the revenues and project as well as the need for regional revenue.

Mr. Haven said the other elements that were enhanced were the recreation. Not only recreation access, but the corridor plans have allowed them to have a better understanding in working with the land management agencies and recreation managers. The other was a further step in technology which is always evolving. The last plan didn't speak to on demand shuttles, microtransit, and lime scooters. They looked into how those newer technologies could help in the future.

Ms. Gustafson said 2026 has been set for the starting point of the regional funding. She asked why the delay until 2026.

Mr. Haven said the timing of regional revenues is uncertain. What the plan is intended to do is to create that envelope and not preclude acceleration of realizing regional revenue. If we don't have to wait until 2026, we won't. However, there is some uncertainty and in order to fulfill some of their fiduciary and meet federal requirements for this plan in order to make the findings for reasonably foreseeable, they had to bring that outside of their four year programming window in order for it to pass muster with the Federal Highway Administration. Those drove the decision making but it is not intended to slow or preclude something coming online sooner than that.

Ms. Gustafson said along as it was a conservative estimate versus anything precluding us from pursuing transportation solutions much more quickly.

Mr. Yeates said one difference between this plan and the plan that drove us to starting the Bi-

State Consultation on transportation is that we lowered the aspirational aspects of this plan. We do have a greater sense of the priorities and are also beginning to discuss the funding limitations and ways to come up with funding. It's a difficult time right now when you consider how long we may be dealing with the Covid impacts. He was heartened by the comments made by Senator Cortez Masto about linking the idea of recreational transportation funding. There are a lot of ways that we may be able to ensure that Tahoe as a small metropolitan planning organization goes outside of the formulaic funding, but because of the iconic nature of this lake which draws many visitors, we have a need that may require special funding to jump start our transportation priorities. If we have both states agreeing on those priorities, he's hopeful that we can come up with ways to jump start a regional funding source. The overall capital and other costs to transit are difficult and we do need an ongoing funding source.

Public Comments & Questions

Carole Black, Incline Village resident said her comments are focused on Incline Village, Washoe County. TRPA obviously addresses a broader geography and this plan as presented is truly formidable. A recent article she read about a near wild fire escape from a vacation community in Oregon. The headline is "A desperate bid for survival as fire closed in on an Oregon mountain town." After wildfires left them trapped on the shores of a reservoir, dozens of people and non-fire fighters mounted a last stand hoping for a miracle. This lake was smaller than Lake Tahoe, but the evacuating crowd was also smaller than we might have to deal with here with our limited escape roads.

She asked for everyone to think about a couple of perspectives as this moves forward. One is thinking about addressing and limiting total area occupancy during busy seasons as the transportation plans are developed. Evacuation capacity has been viewed as marginal historically and with the growth, short term rentals, and occupancy, it's unlikely that situation has improved. Safety is also important and hopes that is addressed in collaboration with other agencies. Second, include comprehensive tourist and management regulations to limit adverse area occupancy impacts. The East Shore Trail is beautiful but, in some ways, it has had its disaster component with managing traffic, parking, and increasing risk. She worries that some of the assumptions included in the 2020 transportation plan may underestimate current actual traffic volume and issues and thus may not reliably deliver on hope for air quality or public safety results. She provided additional comments in her written submission.

If a wildfire erupted with urgent evacuation requirements, what's the public safety impact, please include regulations, planning, and occupancy management to help manage that so we can all get out safely if we need to. She suggested that it may be helpful to have some focused input. This Incline Village hub is raising substantial concern, maybe people misunderstand the model or the recommendations. It is interesting that there is no hub either on Highway 50 or Mount Rose proposed, although there aren't any other access areas to the Lake. Some focused input opportunities would be helpful.

Jennifer Quashnick, Friends of the West Shore complimented staff on the extensive amount of work that has gone into this. They'll be submitting additional written comments. Some of their concerns are with the vehicle miles traveled updates. Right now, there's the concurrent process going on to revise the VMT standards in the threshold carrying capacities and it's moving away from having a cap on the total VMT driven instead moving to having this per capita. The problem

with that is that we can still have a net increase in vehicle miles driven and still meet those per capita standards because there could be more people driving shorter distances. They have a significant concern about that.

Also, about water quality impacts and public health and safety with regards to evacuations. They're seeing that being carried over in the Regional Transportation Plan. The RTP relies on changing that standard in order to be adopted. When they look at the environmental checklist it notes that the per capita standard would have to be adopted first because otherwise as this plan notes, it's going to increase the net VMT standard that's currently in place and being exceeded. More needs to be done to address traffic and they have concern about to what extent the agency can deal with that but there are things that can be done. They would like to see the incentives retained to address the visitor traffic and have a concern about the general capacity of the Basin and how much traffic can it handle environmentally and with regards to public safety.

Funding has been an issue for decades. They agreed that there needs to be more dramatic action. The ONE TAHOE funding concept has been favorable, and it looks like that's providing a good opportunity and would support something like that. Otherwise, it appears to be similar to what has happened in previous Regional Transportation Plans, we have a chronic shortfall of funds.

Ms. Gustafson made a motion to adjourn as the TMPO and reconvene as and TRPA.

Motion carried.

IX. APPEALS

- A. Appeal of Approval of a Single Family Rebuild Permit, 470 Gonowabie Road, Washoe County, NV, APN 123-131-05, TRPA File #s ERSP2019-1453 and of Approval of a Single Family Dwelling Permit, TRPA File No. ERSP2019-1471, Appeal File No. ADMIN2020-0003 and of Approval of Single Family Dwelling Permit, 480 Gonowabie Road, Washoe County, NV, APN 123-131-06 &, TRPA File No. ERSP2019-1471, Appeal File No. ADMIN2020-0004

Mr. Bruce said after the discussion at the Legal Committee, it was agreed that the construction management agreement needed more work. Therefore, the Legal Committee recommended that this item be continued while the appellant and the permittee attempt to negotiate that construction management agreement. The reason for this recommendation is that Gonowabie Road is very narrow and the homes that are being constructed are significant and will take a long period of time to build and they wanted to ensure that the surrounding area was protected with respect to the construction related matters.

Mr. Bruce made a motion to continue the agenda item to October.

Mr. Gatto on behalf the appellants said they agreed with the recommendation of the Legal Committee.

Mr. Feldman was not available for comment but as stated by Mr. Yeates, he had agreed at the Legal Committee to continue this item.

Public Comments & Questions

None.

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Berkgigler

Motion carried.

- B. Appeal of Approval of Tree Removal Permit, 1360 Ski Run Blvd, South Lake Tahoe, CA, APN 025-580-007, TRPA File # TREE2020- 1260, Appeal File # ADMIN2020-0005

Mr. Yeates recused himself from this agenda item.

Mr. Rice said one of the attorney's in the case is an attorney for the Tahoe Douglas Visitors Authority and worked closely with him regarding the event center. However, that relationship has no bearing on this case and he can be objective without worry of contamination as it were.

Mr. Bruce said the Legal Committee heard arguments by both the appellant and the permittee. The Legal Committee deliberated and came to a recommendation that the appeal be denied and therefore, recommends it be denied by the Governing Board.

Mr. Marshall said this is regarding a staff issued tree removal permit. TRPA marked trees for defensible space and hazard purposes. There are two grounds that the appellant said that this permit needed to be reversed. First, that it was a dependent part of Verizon's development plans for a cell tower which TRPA has an application in process. Also, there was a deed restriction that would provide the appellant, Mrs. Eisenstecken veto power over tree cutting on Mr. Nel's property.

The discussion focuses on whether or not it was part of an overall development plan with Verizon. The testimony and his perception and the intent of the Legal Committee was that there wasn't any dependent nature of the two projects. One is for defensible space tree cutting and the other is a cell phone tower that will be judged on its own merits separately when it comes through. For that basis, staff and the Legal Committee recommended that the Governing Board move to grant the appeal but vote no on that motion. It would be affirming the Executive Director's issuance of the tree cutting permit.

Mr. Lien on behalf of the appellant. He said it was an interesting discussion at the Legal Committee meeting and this is about balancing the interest. When it comes to scenic that is doubly important. They learned that at the Regional Plan Implementation Committee meeting agenda item number three. The same South Tahoe plan that Brent Thrans will be talking about in a moment. A lot of that area is out of scenic attainment and they talked about the importance of screening. The fact that there would be no net loss of scenic value, they were going for additional height and nothing above the tree canopy. This is something that's not unique to this particular project or this parcel.

This is about Verizon's proposed 112-foot high cell tower to be constructed on this parcel along with the removal of about 13 trees. More recently, before the Verizon application, the land owner applied to remove trees for forest health and defensible space. TRPA's forester marked 31 trees for just that purpose alone. However, Verizon and the land owner are joined at the hip contractually. They have a contract together that he believes requires them to cooperate in all matters, that may or may not affect this project. Verizon benefits from increased tree removal because when microwave signals are ran through trees, the signal is greatly attenuated. The moisture in trees tends to absorb microwave energy and causes damage to them. One of the things that should be put on the table is the danger of microwave energy to the forest health. Microwave energy can also increase fire danger.

Certainly, Verizon benefits from the increased signal effectiveness from the removal of the trees in question and at the expense of the scenic thresholds. The land owner benefits from the additional income from Verizon for allowing the lease of the space for the tower in the middle of a residential neighborhood. The neighborhood is impacted negatively in terms of fair market value of the properties immediately surrounding. If you believe the studies, we've submitted to you in previous meetings, all peer reviewed and at the expense of the health of the environment and community immediately surrounding it. The most important item is that these are joined at the hip. There's something called piecemealing, you can't do it when you have two or more projects that are interrelated, you have to look at the whole of the action and the cumulative impacts of each one and the impacts on each other. This is not a standalone tree removal project.

Mr. Thrans, Landscape Architect and Scenic Consultant said even before he was on the Advisory Planning Commission he remembers the foundation of the agency with the Clean Water Act of 1972. Part of that congressional directive was to protect the beauty of our national jewel, Lake Tahoe. It wasn't just talking about water science or clear blue water; it was talking about the overall beauty of the landscape and that has proven to be a very part of it. Protecting scenic quality is one of the fundamental requirements. If TRPA doesn't do it, no one will. Cell towers are very significant impacts and should be considered cumulatively.

This is about a tree permit and not a cell tower, but Mr. Yeates recused himself not because of conflicts with trees but because of conflict with a cell tower. In the agency's mind they are inextricably linked. Both of these applications are on the table right now and by necessity you should be looking at them together. Similar to a shorezone permit when they would look at the cumulative impact, this is in a non-attainment travel unit. Roadway unit 45 is in non-attainment and puts it in the worse four percent in the Basin. You have to show a no net degradation by a project and considers that to be the case with the tree removal but when you add the cell tower, you need to show a no net degradation.

This project is in a residential neighborhood. Slides 8 and 9 show the views from the client's home. With this cell tower they will not have much of a view of Heavenly Valley anymore and is a property value loss.

The parcel is in a non-attainment area. Ski Run Boulevard in the winter time accommodates thousands of skiers. You have 20,000 to 80,000 views coming up and down Needle Peak Road that goes to Heavenly Ski Resort. The view from Needle Peak Road is Pyramid Peak.

Because they don't have a map that shows them what trees will be removed, he didn't remove the trees from the simulation on slide 12. The height of the existing tree he used to scale is 70.3 feet. This proposed cell tower is 112-feet. His work is very accurate and is plus or minus five percent in accuracy. On top of this cell tower, it's three foot diameter with a 9 x 11 foot piece of hardware. It's going to be very visible.

Slide 13 looks up Needle Peak adjacent to the neighborhood properties and the cell tower. Slide 14 has the cell tower placed in it with no trees removed. The cell tower looks a little smaller because the tree to the right has not been removed but believes it would be with the permit but didn't have a map to show that. The tower is about half again bigger than the trees in the neighborhood.

The Verizon representative at a City of South Lake Tahoe's city council meeting last year made note that normally these macro towers sites have room for scenic mitigation. He also said that macro towers are highly visible, highly contentious, and very difficult projects to get approved especially in the Basin. He noted that it took them seven or eight years to get one on the top of Heavenly approved. We need to consider this highly contentious difficult permit as a very real subject.

Slide 17 shows coming down Needle Peak Road with the cell tower placed in the photo without any trees removed. Slide 19 shows the view going down Ski Run Boulevard looking at Hansen's Resort on the corner where the cell tower will be. The trees on the right are slated for removal. Slide 22 is the view looking up Ski Run Boulevard and the trees that are slated for removal. Slide 23 shows the view with the trees he removed from the photo that had blue dots. Slide 24 is the same view but closer. These trees are too close to the building and are an issue but considering scenic cumulative impacts of the two projects together is a real issue for that corridor. This non-attainment area will not show a no net degradation for this project.

Their methods for quantitative analysis of scenic impacts don't really apply in this case because they can't measure "x" number of square feet over a forest and its impact, because you could say there is none. The truth is that the human eye goes quickly to an outlier; unusual features like fake trees that are half again taller than the forest. You will see it!

What they are asking is that the scenic baseline for this project, the tower and the tree removal be considered before the trees are cut and that the two projects be linked and not reviewed separately. They could move forward fairly quickly in that regard because the cumulative impact is significant.

Ms. Bloom on behalf of the Mr. Nel, permittee. She said they agreed with staff's recommendation and the Legal Committee to deny this appeal. The tree removal permit is independent of cell tower construction.

Ironically, in January 2020, the appellant filed a citizen complaint with the City of South Lake Tahoe in regard to Mr. Nel's property. In response, the city performed inspections of Mr. Nel's property with his consent and determined that these trees needed to be cut in line with the defensible space requirements. The assigned compliance date was August 2020. The tree cutting determination was made in response to a citizen complaint by the appellant. In March, she was aware of the notice and order to cut these trees. Mr. Nel did what he needed to do to comply

with the order from the City of South Lake Tahoe. He had the TRPA forester to mark the trees and was set to go with the contractor to cut the trees. The appellants focus on the scenic elements are not relevant at this time to whether the tree cutting permit was properly issued. It was properly issued. Although, the appellant attempts to downplay the defensible space requirements, the appellant has also admitted that the trees are an issue. It's very difficult to make an argument now about the defensible space requirements in light of raging wildfires that should trump the health and safety purposes of the defensible space requirements. It appears the appellant may be abandoning the argument about the deed restriction and their position is that any restriction in that 1943 deed has been terminated. The death of the beneficiaries of the restriction terminates the restriction and is no longer enforceable. She asked that the Governing Board deny the appeal of the tree cutting permit that was properly granted.

Mr. Lien said the California Environmental Quality Act and the National Environmental Policy Act, your own approach to this requires a balancing of all of these different interests. Of course, there's an interest in preventing wild fires which is one of the issues. The other issue is this is in a critical visual environment where you can have no net loss. Mr. Thrans' presentation is compelling, if all of that screening is removed, that mono pine is going to stick out like a sore thumb, it already sticks out around the surrounding landscape. These are becoming increasingly offensive to a large proportion of your constituents and this needs to be considered within the context under the law of one comprehensive and cumulative analysis. Once you cut down trees, you lose the ability to have the mitigation options that you would have had before. That's why these are joined at the hip and is why you're in this easy cause of action and legal complaint against you for piecemealing if you choose to allow them to wipe out 33 trees. This could in fact greatly mitigate as you are required to do the visual impacts of this cell tower. We're talking about the cell tower and the baseline and this needs to be addressed.

Mr. Thrans said the legal counsel said that it's two separate projects and so does the applicant. But the board chair has recused himself because the agency sees that they are inextricably linked and they requested that TRPA acknowledge that and tie the two together. They aren't saying that the trees shouldn't be cut but they should be looked at all together.

Mr. Lien said the staff report acknowledges that the removal of the trees may have an impact on the analysis of the cell tower and need to be analyzed together.

Mr. Barr said he was called out to the property and looked at trees that the applicants authorized agent had identified that they thought should be removed. He had no knowledge of the cell tower or the project. He analyzed the trees that they were asking to be removed and they were all trees in many cases that were touching structures, in five feet of a structure, and or the trees themselves had structural defects that made them high risk trees. There were some trees that were removed because they were ladder fuel trees over other large mature pine trees. All of these trees were marked because they were either defensible space, high risk safety hazard trees, or general forest health issue trees. There was no idea or concept of any enhancement to approve the cell tower. He was not aware of the proposed cell tower until after the appeal was filed. In Mr. Thrans presentation he didn't show trees being cut and yet he could see the cell tower out there. It doesn't appear to him that these trees are providing any screening for the cell tower anyway. These trees were too close to structures when the structures were built decades ago. It's past time that they should be removed. He likes to use opportunities when we can get private individuals to do work like this on larger lots. We need to

encourage this in most cases.

Mr. Marshall said it's clear that obviously the appellants main concern is with the cell tower which is under a separate application. To avoid any appearance of a conflict, the chair recused himself. That doesn't mean in anyway for the California Environmental Quality Act purposes that these are inextricably linked and should be analyzed together.

Presentation can be found at:

[Agenda-Item-No.-IX.-B-Tree-Removal-Appeal.pdf](#)

Board Comments & Questions

Ms. Laine said Mr. Barr stated that when he went to the property, he had no knowledge of the cell tower project.

Mr. Barr said yes, that was correct.

Ms. Laine said Mr. Barr also stated that there were three different criteria that he based his decisions on which trees needed to be removed. It was hazardous trees, defensible space, and general forest health. Under the category of general forest health, had he known that perhaps this cell tower was going in and additional trees would need to be removed at the cell tower site, would that have changed his decision as to other trees that might need to be taken out?

Mr. Barr said not in this particular case because there were very few that met that criteria. In forest health there are a number of things such as disease, insects, and trees that are too tight. For example, there could be a 14, 16, or 18 inch diameter white fir that's growing up under a beautiful mature Jeffrey Pine that would be a ladder fuel tree. Not only would that be a potential fire issue, it's sucking resources out of that mature pine tree that could become stressed. The more trees in an area becomes a forest health issue. They were mostly focused on the trees that were closet to the structure which is typical when he goes to a property. He starts closest to the structure and then work out. There were additional trees that were slated to be removed that were beneath the 14 inch diameter limit that they were going to take out as well. Screening didn't or wouldn't have come into it in this instance. He wasn't doing it for a project level and doesn't rarely have any interaction on a project like that. As far as the forest health component of it would be if there were some issues where there was a tree that was a potential ladder fuel tree. Otherwise, they were mostly focused on those trees that were closest to the structure and those trees near the structure that had structural defects that could become hazardous.

Ms. Laine asked if TRPA had the application from Verizon for the cell tower and are there going to be additional trees that will need to be removed for the cell tower.

Mr. Marshall said yes, TRPA has an application for the cell tower and there would be additional trees removed if that application is approved. When Mr. Barr reviewed his markings and made sure, that none of the trees that were removed as a result of his marks duplicated any of the trees requested to be removed by the Verizon application.

Ms. Aldean asked if staff has a copy of the agreement between Verizon and the property owner on whose land the tower is going to be erected. If so, is it a condition of the agreement that the trees in question be removed.

Mr. Marshall said no, they don't have the agreement between the land owner and Verizon. The most they have is in the packet or in the comments there might have been a submission by the appellant there.

Mr. Bruce said at the Legal Committee meeting this morning a question was asked to Ms. Bloom if there was anything in any record or communication, or at all that connects the cell tower to the removal of the trees that were talking about. Her response was that there is nothing.

Ms. Bloom said this has nothing to do with the cell tower application. This evolved from a citizen complaint by the appellant about Mr. Nel's property. The City of South Lake Tahoe came out and did an inspection and ordered these trees to be removed.

Ms. Aldean said that the implication that has been made is that there is a connection. She asked by removing the trees will it make it more difficult to mitigate the visual impacts of the cell tower. If that is the case, having Verizon request the property owner to remove these trees as a condition of an agreement or independently of that agreement would not necessarily be to their advantage.

Mr. Marshall said yes, he agreed with that later characterization. TRPA will be reviewing the cell tower application assuming all these trees are cut. If any of the trees were critical to screening the cell tower for scenic purposes, then that will be to the disadvantage of Verizon. They'll have to figure out a different placement or different screening mechanism. The baseline that the permit will be judged upon will be assuming that all the marked trees are cut.

Mr. Lawrence said the staff report mentions for a Mr. Nel to remove the trees from his 1.89-acre property and then goes on to discuss that there is a pending cell tower permit on the Hansen's Resort property. He asked if these properties are one in the same, is the cell tower going on the same property as the tree removal permit?

Mr. Marshall said they are the same property.

Mr. Thrans said he didn't remove any trees other than the last simulation looking up Ski Run Boulevard where you can see the trees that he knew were marked to be removed which had blue dots. The time of application is the time for the baseline to be established and locked in. It's the measuring stick by which they do that and now would be the time with the trees in place.

Mr. Lien said Ms. Bloom has been talking about these violations and they were required to do this and so on. It's not true, there were some 40 violations that the city had found and yes, you're correct that there was one line about that. It was in the context of many violations on this property. There is a contract between Verizon and the land owner. He doesn't have any information that specifically mentions the trees. But the parties are required under the contract that he believes exists to cooperate and the land owner do nothing to prejudice Verizon's efforts to get permits and the piecemealing does just that.

Public Comments & Questions

None.

Ms. Bloom said both of Mr. Nel's children had to sign off due to work responsibilities and can reiterate what their comments were at the Legal Committee.

Mr. Marshall said the time for that was during the permittee's rebuttal or presentation and this is time for public comment.

Board Comments & Questions

Mr. Cashman asked Mr. Marshall to provided further detail on the appellants position that this type of an action separating these issues for consideration is piecemealing.

Mr. Marshall said piecemealing concerns when you're trying to divide a single project into multiple phases to avoid looking at the full impacts of a particular project. It doesn't involve an instance where you have two projects that are of independent utility. There has to be a dependent notion. For example, there is a road and you're intending to build ten miles and you only analyze the first two miles of it when the intent is to build ten miles and you need the first two to get to the remaining eight. Here there is no whole project that encompasses both of these separate actions, they are two distinctly separate actions. One is for tree removal defensible space including hazardous trees. The second one is an application that doesn't involve any of the same trees that is for a cell tower. Those are two independent projects, one is not dependent on the approval of the other, therefore, they are not independent projects under the California Environmental Quality Act piecemealing concept. Mr. Lien is incorrect in his analysis of the relationship between these two parcels. Through his admissions that all of these trees were correctly marked or they're not contesting that they were correctly marked establishes that there's an independent basis and that basis is for defensible space and hazard trees.

Mr. Cashman said he assumes that the agency has the same opinion as Ms. Bloom regarding the deed restriction.

Mr. Marshall said yes. The deed restriction doesn't apply because it is a personal covenant not running with the land. More than that, the land described in the deed restriction includes both the Nel property as well as the Eisenstecken property. Both properties are encumbered by this deed restriction that is for the benefit of a third party. The family trust of Ms. Eisenstecken is not a benefited party and doesn't have the ability to be in a position to say that there is a deed restriction or it's in their power to say that you can't cut trees. They are burdened parcel just like the Nel parcel. So, it doesn't apply for a number of different reasons and is why you haven't heard the appellants rely upon that deed restriction.

Mr. Lawrence said he does understand the appellants perspective that there are two projects on the same property and perhaps that because it's next to a scenic corridor that they should be analyzed together. In addition, he does understand Mr. Marshall's explanation on why they shouldn't. He said there's a pending cell tower application and there's an approval for a tree cutting that's under appeal. As the cell tower is reviewed, will that review and analysis

particularly for the scenic corridor take into account this tree cutting permit if it were to go forward, whether it has been implemented or not? If it's an active permit will things like simulations occur in the cell tower review to take into account, the tree removal.

Mr. Marshall said yes. That's what he was talking about earlier. The cell tower will be analyzed assuming all of the trees that were marked under this tree removal permit will be removed. If there are any simulations that are done, they will have to be done using that baseline.

Ms. Laine said it was mentioned that the contract between the cell tower provider and Mr. Nel states in whole or in part that the property owner can't do anything that would injure the cell tower placement. Also, that some sort of screening is a requirement. Would it be weird to project forward that the removal of all of these trees might actually place a burden on the cell tower provider to have to come back and deal that scenic quality and screening.

Mr. Marshall said it might be weird, but he's been forwarding all the materials to Verizon and they are aware of the issues on this appeal and they have made no objection to the issuance of the tree removal permit. Their position may be the same as the agency in that these are trees that are necessary for defensible space purposes. To reject that, would place that entity in potential significant liability if there was any sort of fire where these trees were involved. Regardless of what the impact might be and doesn't want to prejudge the scenic analysis of the cell tower. These simulations will likely be useful for the agency but that's going to be during that subsequent analysis, not on the validity of this permit which is the subject of this appeal.

Ms. Aldean said Verizon doesn't have an ownership interest in the property on which this proposed cell tower would be placed. What was the rationale for notifying them of this pending permit to remove these trees.

Mr. Marshall said staff didn't notify them of the permit, they notified them of the appeal. It's his responsibility to keep all parties informed. The counsel for Verizon, Mr. Lien, and himself have had multiple conversations discussing possible options that have not been fruitful. There's been a lot of communications regarding the cell tower application.

Ms. Aldean said the reason for the disclosure was because the appellant was attempting to link the two projects.

Mr. Marshall said correct.

Ms. Novasel made a motion to grant the appeal of which motion should fail to affirm the Executive Director's determination

Nays: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Mr. Lawrence, Ms. Novasel, Mr. Rice

Ayes: Ms. Laine

Absent: Ms. Berkgigler

Recused: Mr. Yeates

Motion denied.

X. REPORTS

A. Executive Director Status Report

Ms. Marchetta said Devin Middlebrook will be leaving TRPA to take a position with the Washoe Tribe. Devin has enormous energy and drive, he's creative, tenacious, and a millennial tech wizard. He could always be counted on to take initiative and is a self-starter. We've appreciated his contributions, he was an early advocate on climate, he led the electrical vehicle plan, and now the State Route 89 plan. He'll be missed and we wish him the best. On behalf of staff, the board, and all the partners, thank you and a job well done for TRPA and Lake Tahoe.

C. General Counsel Status Report

Mr. Marshall said Mountain Addiction, LLC and Justin Sheaff has tried to cross claim the State of California into the lawsuit to assert a public easement over the California Tahoe Conservancy property for their winter snow activities. They've been coordinating with Christina Morkner Brown with the California Attorney General's Office and will soon be filing a motion to strike that cross claim. The Gonowabie lot line adjustment is continuing. They are trying to foster dialogue in that litigation context but also will see if they can do an alternative dispute resolution process through the Federal Court when the time is right.

XI. GOVERNING BOARD MEMBER REPORTS

None.

XII. COMMITTEE REPORTS

A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project

Mr. Bruce said at the working group meeting, the consultants and staff presented the street designs, street uses, transit, way finding, and performance metrics. The meeting outcome was that there was stakeholder consensus to move forward with releasing a draft to the public for feedback. The stakeholder feedback included the need for smaller Main Street Management Plan circulator in addition to the planned event center microtransit service and input on what should be measured in order to define the success of the street once it is implemented. There were no major concerns that were voiced at the meeting by the stakeholders and was very positive. One issue that is still out there is the parking management plan. The Tahoe Transportation District is meeting with parking stakeholders in the next couple of months to begin reviewing parking recommendations. Actual agreements with parking owners and operators will be required before any construction can begin on the highway realignment. The ownership operations and management component are also required to be completed before the highway construction begins. The updated draft plan will be released tomorrow. The staff

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will present an informational update at the October Governing Board meeting and the final plan will be considered for approval by the board in November.

B. Local Government & Housing Committee

None.

C. Legal Committee

None.

D. Operations & Governance Committee

None.

E. Environmental Improvement, Transportation, & Public Outreach Committee

Mr. Cashman said the board heard the presentation on the Regional Transportation Plan today and is coming along nicely. It will be a big lift.

F. Forest Health and Wildfire Committee

Mr. Hicks thanked the Governing Board for approving the code amendments that were presented for Chapter 61.

G. Regional Plan Implementation Committee

Mr. Yeates said work continues on the vehicle miles traveled and will be scheduled to come back to the committee as will the Regional Transportation Plan sometime between October and November.

Mr. Hester said the committee will also be seeing the Placer County Tahoe Basin Area Plan Amendment soon.

XIII. PUBLIC INTEREST COMMENTS

None.

XIV. ADJOURNMENT

Mr. Bruce moved to adjourn.

Chair Mr. Yeates adjourned the meeting at 4:09 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review