

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

NOTICE IS HEREBY GIVEN that on **Wednesday, May 27, 2020** commencing at **10:30 a.m., via GoToWebinar (Note: The Legal Committee meeting will run on a separate meeting link, concurrent with the Operations and Governance Committee meeting)**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. Pursuant to the State of California's Executive Order No. N-29-20 and the State of Nevada's Declaration of Emergency Directive 006, the TRPA meeting will not be physically open to the public and all Governing Board Members will be participating remotely via GoToWebinar. Please go to www.trpa.org for more information on how to participate. TRPA sincerely appreciates the patience and understanding of everyone concerned as we make accommodations to conduct business using best practices to protect public health. The agenda is attached hereto and made part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 27, 2020**, commencing at **8:30 a.m., via GoToWebinar**, the **TRPA Forest Health & Wildfire Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Discussion and Possible Recommendation of proposed amendments for TRPA Code of Ordinances Chapter 61, Section 61.3. Vegetation Protection and Management.; **(Page 471)** **3)** Committee Member Comments; Chair – Hicks, Vice Chair – Novasel, Cashman, Faustinos, Lawrence, Gustafson, Cegavske.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 27, 2020** commencing at **9:30 a.m., via GoToWebinar**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Nomination and Appointment of Vice Chair; **3)** Recommendation on Appeal of Approval of Lot Line Adjustment Permit, 460, 470, & 480 Gonowabie Road, Washoe County, Nevada, APNs 123-131-04, -05, & -06, Appeal File Numbers LLAD2019-0821 & ADMIN2020-002; **(Page 281)** **4)** Closed Session with Counsel to Discuss Existing and Potential Litigation; **5)** Potential Direction Regarding Agenda Item No. 4; **6)** Committee Member Comments; Chair – Bruce, Vice Chair – Open, Berkbigler, Novasel, Rice, Yeates.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 27, 2020**, commencing **9:30 a.m., via GoToWebinar**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Recommend approval of April Financials; **(Page 1)** **3)** Recommend approval for Release of Washoe County Water Quality Interest Mitigation Funds (\$26,500), and Operations and Maintenance (O&M) Mitigation Funds (\$5,115) for Implementation of the Nevada Tahoe Conservation District (NTCD) Washoe County TMDL; **(Page 27)** **4)** Recommend approval of the TMPO Lake Tahoe Transportation Overall Work Program for FY 2021; **(Page 117)** **5)** TRPA FY 2021 Budget status update; **6)** Briefing on the Refinance of TRPA's Long-term Building Debt; **7)** Upcoming Topics; **8)** Committee Member Comments; Chair – Aldean, Vice Chair – Gustafson, Beyer, Cashman, Cegavske, Hicks.

May 20, 2020



Joanne S. Marchetta,
Executive Director

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

TAHOE REGIONAL PLANNING AGENCY	
GOVERNING BOARD	
Via GoToWebinar	May 27, 2020
	10:30 a.m.

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

Members of the public may email written public comments to the Clerk to the Board, mambler@trpa.org. Comments for each agenda item should be submitted prior to the close of that agenda item. All public comments should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are always welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. In such an instance, comments will then be read into the record from the online web comment form; repetitive comments may be summarized. All written comments will be included as part of the public record.

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

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)

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

Adjourn as the TMPO and reconvene as the TRPA
- VII. PLANNING MATTERS
 - A. Presentation and Acceptance of FY 2020/2021 Operations Work Plan Priorities **Acceptance** **Page 173**
 - B. Land Use and Population Assumptions Used in the 2020 Regional Transportation Plan Forecasting **Informational and Possible Action** **Page 175**
 - C. Lake Tahoe Aquatic Invasive Species (AIS) Program Update: 2019 Achievements and Priorities for Building Future Success **Informational Only** **Page 221**
- VIII. PUBLIC HEARINGS
 - A. 2020 Watercraft Inspection Fee Structure **Approval** **Page 223**
 - B. New Multiple-Use Pier, Gilmartin/Akatiff/Telfeian, 8778/8780/8782/8796 Brockway Vista Avenue, Placer County, California, Assessor's Parcel Numbers (APNs) 090-231-047, 048, 049, 050, TRPA File Number ERSP2019-1326 **Approval** **Page 231**
- IX. APPEAL
 - A. Appeal of Approval of Lot Line Adjustment Permit, 460, 470, & 480 Gonowabie Road, Washoe County, Nevada, APNs 123-131-04, -05, & -06, Appeal File Numbers LLAD2019-0821 & ADMIN2020-002 **Action** **Page 281**
- X. REPORTS
 - A. Executive Director Status Report **Informational Only**
 - 1) Update on the Environmental Scholarship program **Informational Only**

	B. General Counsel Status Report	Informational Only	
XI.	GOVERNING BOARD MEMBER REPORTS		
XII.	COMMITTEE REPORTS		
	A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project	Report	<u>Page 467</u>
	B. Local Government & Housing Committee	Report	
	C. Legal Committee	Report	
	D. Operations & Governance Committee	Report	
	E. Environmental Improvement, Transportation, & Public Outreach Committee	Report	
	F. Forest Health and Wildfire Committee	Report	
	G. Regional Plan Implementation Committee	Report	

XIII. PUBLIC INTEREST COMMENTS

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

XIV. ADJOURNMENT

TRPA CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>	
1. April Financials	Approval	<u>Page 1</u>
2. Release of Washoe County Water Quality Interest Mitigation Funds (\$26,500), and Operations and Maintenance (O&M) Mitigation Funds (\$5,115) for Implementation of the Nevada Tahoe Conservation District (NTCD) Washoe County TMDL	Approval	<u>Page 27</u>
3. West Lake Tahoe Regional Water Treatment Plant Project; 6100 West Lake Boulevard, APN 098-330-004, 098-330-001, 098-330-015, 098-330-023, and 098-350-015, Placer County, California, TRPA file number ERSP2019-1374.	Approval	<u>Page 33</u>
4. APC Membership Reappointment for the Douglas County Lay Member, Garth Alling	Approval	<u>Page 109</u>

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| 5. Resolution approving Quagga/Zebra Mussel Infestation Prevention Fee Grant Program Application and Funding Agreement in the amount of \$399,989.81 | Approval <u>Page 111</u> |
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TMPO CONSENT CALENDAR

- | <u>Item</u> | <u>Action Requested</u> |
|---|--|
| 1. Lake Tahoe Transportation Overall Work Program for FY 2021 | Approval <u>Page 117</u> |

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

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

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Virtual Meeting
Via GoToWebinar

April 22, 2020

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 11:01 a.m.

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

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean moved approval of the March 25, 2020 minutes as presented.
Motion carried.

V. TRPA CONSENT CALENDAR

1. March Financials
2. Amendments to the Nevada Division of State Lands Memorandum of Understanding
3. Release of Douglas County Water Quality Mitigation Funds (\$57,406) and Stream Environment Restoration (SEZ) Funds (\$20,109) for the Brautovich Park SEZ Restoration and Park Rehabilitation Project
4. Release of City of South Lake Tahoe Operations and Maintenance Mitigation Funds (\$250,000) towards the purchase of a replacement Vector Truck
5. Approval of and Delegation of Authority to Refinance TRPA's Long-term Building Debt
6. Selection of TRPA's independent auditor
7. Lake Tahoe Community College Early Learning Center, 1 College Drive, South Lake Tahoe, California, APN 025-041-010, TRPA File Number ERSP2020-0046

Ms. Aldean said the Operations and Governance Committee recommended approval of items one, two, three, four, five, and six.

Ms. Aldean provided remarks in reference to item number 5. Since TRPA is not authorized to directly issue bonds, after analyzing the pros and cons, staff is recommending that Carson City be used as a conduit for the private placement of these refinancing bonds. Through the proposed

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resolution the Governing Board would be authorizing indebtedness in the amount not to exceed \$8.6 million for a maximum term of 40 years for the repayment obligation not to exceed \$600,000 per year. As structured, this will free up approximately \$900,000 in prior deposits used to guarantee the original bond issue. The amount of \$500,000 will be used to address deferred maintenance, repairs, and necessary upgrades to the TRPA office building. On April 6, 2020, staff issued a request for financing through the agency's financial advisor, JNA & Associates, and several banks. However, due to the pandemic and the fact that banks are overwhelmed by the Payroll Protection Program loan requests, they will not be making a specific recommendation today with respect to the placement of the loan. The committee is requesting that the board delegate the authority to finalize the refinancing details and all required documentation and agreements relative to this refinancing to the authorized agency representatives as defined in the resolution contained in the packet. In addition, the Governing Board chair, Mr. Yeates, the Legal Committee chair, Mr. Bruce, the Operations and Governance chair, Ms. Aldean, TRPA's General Counsel and Finance Director will be involved in finalizing the details of this refinancing package. They are not anticipating that there will be any changes in the basic structure of the deal with respect to the leasing and subleasing arrangement or the rate, terms, or required security as currently envisioned. They were expecting a possible delay in the meeting of the Carson City Board of Supervisors to conduct the Tax Equity and Fiscal Responsibility Act hearing or the authorizing resolution. However, staff has indicated that the Carson City Board of Supervisors intend to move forward as planned on May 7 to hold the hearing and to consider the resolution.

Mrs. Cegavske made a motion to approve the consent calendar.

Public Comments

None.

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

Motion carried.

VI. ADMINISTRATIVE MATTERS

A. TRPA Board Appointment to the Tahoe Transportation District Board

Ms. Marchetta said this agenda item arises out of new legislation that was passed by California and Nevada in the 2019 legislative session. TRPA did not sponsor this legislation but are now subject to that identical legislation that was enacted in each state. It was Senate Bill 785 in California and Senate Bill 136 in Nevada. That legislation of each state authorizes a governor's office appointee from each state and is up to the states to act on that aspect of the new appointments to the Tahoe Transportation District board. There is an additional provision that provides for a TRPA representative to the Tahoe Transportation District board. This agenda item is an administrative matter that carries out that required appointment of TRPA's Tahoe Transportation District Board representative as provided in that new state legislation.

Mr. Bruce nominated Mr. Yeates to serve as the Tahoe Transportation District Board

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representative. Mr. Yeates has demonstrated an expertise and interest in transportation. He's been very involved in transportation in the Bi-State Consultation Transportation for Lake Tahoe. He's been interested in making Tahoe's transportation system work and has collaborated both inside and outside of the basin on how to fund significant transportation needs. The legislative intent was to include a statewide representative. He also feels that the Tahoe Transportation District board rises to the level for the chair of TRPA to serve on that board. Although, that is not a requirement, it's most appropriate at this point in time and hopes in the future that it may become the TRPA chair because of the importance of transportation in the basin.

Ms. Aldean moved to close the nomination.

Public Comments & Questions

None.

Mr. Bruce moved to appoint Mr. Yeates as the TRPA appointee to the Tahoe Transportation District Board.

Ms. Novasel said she looks forward to Mr. Yeates joining the Tahoe Transportation District Board. She agreed that the chair of the TRPA Governing Board would be a good position to be the representative on the Tahoe Transportation District Board.

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

VII. PLANNING MATTERS

A. NV Energy and Liberty Utilities briefing on wildfire mitigation and preparedness in the Tahoe Basin

Liberty Utilities representatives Ms. Lawton, Environmental Program Manager and Mr. Jones, Senior Manager of Wildfire Prevention and NV Energy representative, Mr. Regan provided the presentation.

Ms. McIntyre said today's agenda has two important items related to forest health and the basin's readiness and resilience to the growing threat of wildfire. There'll be presentations from Liberty Utilities and NV Energy on their work to prevent incidents such as the Cascade Fire in Lake Tahoe or the Camp Fire that occurred in Paradise, California. We are entering the fire season and the partnership is taking actions in the basin and nearby to be more fully prepared for the summer and fall fire season. The Tahoe Fire and Fuels Team are bringing on crews soon for fuels work and setting up suppression crews. All this activity is occurring under the new Covid-19 safety protocols. Additionally, the Tahoe Fire and Fuels Team and the Fire Public Information Team have developed a coordinated public messaging for the fire season that was reviewed this past week under the multi-agency coordinating group. An added aspect of protection is working with the utility providers to ensure that utility corridor risk is mitigated which is the focus of today's presentation.

Ms. Lawton, Liberty Utilities said their service territory covers the north near Portola and to the

south in Coleville, California. They cover Placer, El Dorado, Nevada, Sierra, Plumas, Mono, and Alpine Counties on the California side of the basin. Their service territory covers 49,000 customers which most are in South Lake Tahoe.

Christmas Valley, Pioneer Trail area is a high fire threat area and is high priority to reduce the threat. The California Public Utilities Commission had all the investor owned utilities create a wildfire mitigation plan that was composed of vegetation management, system hardening, situational awareness, and public safety power shutoff. Today's presentation is focused vegetation management and system hardening because those are the interest areas to TRPA.

The wildfire mitigation plan investment includes \$40 million dollars of wildfire mitigation from 2020 to 2022. System hardening is making their system more resilient to fire. For example, if a tree fell onto their line, system hardening would be covering that conductor, so it won't catch on fire. They are also doing system survey's and are spending approximately \$6 million per year in operating and maintenance costs. A lot of that is used to repair issues that are found in the system surveys. They are also doing increased vegetation management that have an increased cost. In addition, they're adding staff. There's a big need for people to implement this new program. They're contributing \$40 million over the next two years which makes them one of the largest private investors in keeping Tahoe blue.

Mr. Jones, Liberty Utilities said there's three programs in the wildfire mitigation plan that are new and above and beyond existing programs that they are also carrying out at the same time. The first one is the tier three inspections. Their crews will be patrolling the high risk areas and inspecting for vegetation compliance annually which make up approximately 50 miles of overhead lines. Another program is that they've been working closely with the Forest Service Lake Tahoe Basin Management Unit and some of the other state partner agencies on forest resiliency corridor projects that share resources on fuels reduction projects. There are some forest practices and treatment methods that will enhance the health of the forest around the power line corridor and keep the power lines protected and safer from vegetation. They'll be removing vegetation that can grow into or fall into the utility infrastructure. The goal is to improve forest health around utility infrastructure by utilizing thinning practices that are designed to improve resiliency to insects, drought, climate change, etc. By reducing the volume of hazardous fuels around the utility infrastructure, these treatments are designed to modify fire behavior with a goal of reducing anticipated flame lengths so that active ground fire would be less likely in these areas. They're also trying to mimic other forest treatment prescriptions that are carried out in the wildland urban interface. The last program is the fuel reduction and wood management program. They are working to build out a comprehensive program around removing fuel, wood, and logs from the forest floor as a result of the vegetation management activities. Hauling logs away from the land was not a historic practice, rather they're trying to move forward with a program that can remove and reduce that fuel load that results from their activities.

The covered conductor are wires that are encased in layers of insulation that protects them when they're energized. The main purpose is to avoid sparking in the event that contact is made with things like animals, vegetation, or mylar balloons that can float into bare wires. The insulation of these wires is currently taking place on the west shore and in Coleville, and the Walker area outside of the basin. The goal is to replace approximately ten miles of line annually and may shift over time as they continue to evaluate these programs.

Historically, large trees have been used as power poles. Service wires (house drops) that come from the power line at the street to a home in some cases have been attached to a tree. They are

proactively looking for these tree attachments and are either reengineering the way it goes to the home or set a pole in place of a tree.

The expulsion fuse replacement program is designed to replace conventional fuses with non-expulsive type fuse. The fuses are protective devices that are meant to trip or open when a part of the system is overloaded. The conventional fuses can release hot gas particles and sparks when they trip so when replacing these conventional fuses with the non-expulsive type, they'll be able to contain those sparks, so they don't reach the ground. It's a six year program to have all the conventional fuses replaced. In addition, they're trying to harden all of the substations by replacing aging timber framed infrastructure with modern steel structures and updating aging circuit breakers with safer gas and vacuum style breakers.

Ms. Lawton, Liberty Utilities said the cover conductor project spans over a couple of miles of land and the focus now is on the Tahoe Basin. TRPA and the Forest Service are the permitting agencies. They have a memorandum of understanding with TRPA but because of the length of line that they are doing, the MOU usually doesn't cover the fire prevention work. They'll be going through TRPA's Hearings Officer for the fire prevention work. This summer they'll be doing covered conductor replacement in the Vikingsholm State Park from a TRPA permit that was recently issued. A lot of their lines are on forest service land and most of that land is their rural interface high priority areas that are surrounded by trees. Typically, resource surveys are required on Forest Service lands and to comply with National Environmental Policy Act requirements. Those usually take about six to twelve months to get approval on these types of projects. From the time it becomes an idea, it's usually about one to two years before the fire prevention project starts.

Mr. Regan, Fire Mitigation Specialist Fire Chief, NV Energy said their service area covers about 90 percent of the state of Nevada; 46,000 square miles. They are part of two companies combined; Nevada Power Company and Sierra Pacific Power. They became NV Energy about ten years ago and service about 1.4 million customers.

In the last legislation, Senate Bill 329 that was presented by the Nevada Fire Chiefs requiring utility companies to provide a natural disaster protection plan (NDPP) to be submitted to the public utility commission for approval. It's to be resubmitted every three years and updated on an annual basis. They submitted their NDPP on February 28, 2020 to the Nevada Public Utility Commission which has a 180-days to review and approve the plan. Prior to this, they had a plan in place internally on how the company would respond to a disaster.

In the Natural Disaster Protection Plan that was submitted incorporates wildland fires, blizzards, earthquakes, flooding, severe wind events, landslides, and avalanches. In the next three years when they resubmit, they'll look at the additional natural disasters such as tornadoes, hailstorms, and heatwaves.

The first section of the plan does a risk based approach. They worked with the University of Nevada Reno and other agencies to analyze the wildland threat and other disaster threats in Nevada and ranked them one through three. Three is most dangerous which is the Tahoe Basin and Mt. Charleston area.

The second is the operational practices. Their smart system can detect during the wildland mode when something enters the line and the power goes off, it won't try to re-trip. This prevents sparking and the possibility of a wildland fire. They've been doing this in the Tahoe Basin for approximately eight years and now has been implemented at Mt. Charleston.

Next is the inspections and corrections. They've increased their inspections in the tier three areas

on an annual basis. All inspections have been completed and corrections made in the Tahoe Basin.

They're also doing system hardening like Liberty Utilities. In addition, they are replacing the wooden poles with metal poles.

The vegetation management has been done in the Tahoe Basin for the past 20 years. The difference with the vegetation management plan now is that they'll also be doing clearance around the poles and also having some of the rights-of-way used as fuel breaks. Rather than just topping the tree, there may be a complete removal of the trees. They'll also be removing the ground vegetation because of the wildland code and Senate Bill 329 that requires the adoption of the Wildland Code, Appendix A. The Nevada State Fire Marshal also adopted as the minimum state Wildland Code the International Wildland-Urban Interface Code, Appendix A. They also have to align their fuels mitigation work with the Community Wildfire Protections Plans (CWPP).

The plan is to change the vegetation management cycles in the tier two and three areas. The tree trimming use to be up to a nine year cycle in some areas and is now a four year cycle. The vegetation management for the pole grubbing will be on a yearly cycle based on the growth. They've signed or are in the process to sign contracts with the Nevada Division of Forestry, the North Lake Tahoe Fire Protection, the Truckee Meadows Fire Protection District, North Lyon County, and Mt. Charleston to combine their fuels mitigation work. The goal is to create a healthier forest.

They're working with the Nevada Division of Forestry for funding through Senate Bill 508 with \$5 million dollars to do fuels mitigation work for the next two years. They're using some of their matching funds to help fund some of the projects that the Nevada Division of Forestry and other fire agencies are trying to implement for fuels mitigation work. There is also work being done with the Bureau of Land Management and the US Forest Service. The short term is to mitigate with removing the fuel. They will not be scattering the cuttings into the fuel, rather it will be either removed or piled to be burned.

On situational awareness they've teamed up with the University of Nevada Reno and their wildland fire cameras. They have two cameras recently installed and are planning to add ten cameras in the Tahoe Basin this year. The infrastructure is planned to handle up to 50 cameras across the state. This year, they're installing over 30 weather stations, 26 will be in northern Nevada. A meteorologist will be hired to analyze the data collected in house rather than contracting it out. They're also increasing their emergency operation department.

Proactive de-energization-Public Safety Outage Management (PSOM). The goal is to leave the power on at all times. Now, it will only be in the tier three area; the Lake Tahoe Basin and Mt. Charleston where they would de-energize if needed. Items that are considered are winds, temperature, humidity, and information from the first responders. They do weekly sampling of the vegetation and share that information with the fire agencies. If a PSOM event is possible, they start doing the field observations on a daily basis.

If there's a PSOM event, they'll have a resource center where people can charge electronic devices, there'll be additional communications, cell towers, and satellite systems. They're working with the telecom companies to boost the cell towers in the Tahoe Basin during these types of events. The green cross customers are customers that are medically required to have power for

their medical equipment and are directly contacted to ensure that their equipment is energized. They're working on additional educational campaigns. They've teamed up with Living with Fire and the fire agencies where they'll push out crucial information on how to deal with a PSOM event and safety tips on how to prepare for wildland fires and other disasters.

PSOM events will start to be determined internally about eight to ten days out. During that time, they'll reach out to their stakeholders to analyze the data on a daily basis. Three to six days out, they would order additional resources for the customer resource center and help to reenergize the system. The public will be notified two days out.

Presentations can be viewed at:

[Agenda-Item-No.-VII.A-Liberty-CalPeco-Wildfire-Mitigation-Plan.pdf](#)

[Agenda-Item-No.-VII.A-NV-Energy-Natural-Protection-Disaster-Plan.pdf](#)

Board Comments & Questions

Mr. Hicks asked if the inspections of approximately 50 miles per year in the tier three areas is their entire territory or just the Tahoe Basin.

Mr. Jones, Liberty Utilities said in Liberty's service territory they only have that one tier three area in the South Lake Tahoe, Meyers area. Most of all their other service territory is tier two. The 50 miles of overhead lines are tier three areas. Their current vegetation management practices cover a three year maintenance cycle and have other programs that are target specific such as patrolling for dead and dying trees. There are different programs that complement each other to have more regular coverage along their lines.

Mr. Hicks asked how many miles of lines Liberty has in the Tahoe Basin and how many miles of those lines are in the tier three location.

Mr. Jones, Liberty Utilities said he doesn't have the information specific to the Tahoe Basin. Liberty has approximately 730 miles of overhead lines in the whole service territory and about 80 percent of those lines are in the Tahoe Basin.

Mr. Hicks asked how and who sets the standard of ten miles per year of system hardening.

Mr. Jones, Liberty Utilities said Liberty sets the standard. They submit their programs to the California Public Utility Commission and the Wildfire Safety Division. 2020 was the first year in which they presented a three year plan as part of a new requirement. They'll get a decision around May 7 as to the acceptance of their plan. The CPUC may look at their programs and ask for them to be accelerated or to provide a justification on those numbers. Liberty's determination for the ten miles came from prioritizing areas or infrastructure that needed to be replaced anyway or prioritizing those areas that are most at risk for fire. Also, looking at resource constraints and the cost of implementing those projects.

Mr. Hicks asked how line replacements and inspections in tier three areas compare to the level of line replacements and inspections before the Camp Fire. He asked if that's caused Liberty to expand its programs in terms of inspections and replacement or are they operating at the same level as before.

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Mr. Jones, Liberty Utilities said they are enhancing and accelerating the pace and scale at which they replace and inspect equipment. There are also the regulations that require inspection of their system especially around tier two and three areas. Integrated into the wildfire mitigation plan is an enhanced effort to inspect and replace proactively.

Ms. Lawton, Liberty Utilities said prior to the Camp Fire, they would inspect their system for equipment that was aging or failing and would replace that. Now, they're going through entire circuits and replacing regardless of the condition of the pole or conductor. It's getting replaced with a covered system.

Mr. Hicks said TRPA is cleaning up and modifying their ordinances. If the utility companies have comments or suggestions that TRPA should consider in their procedures, please forward them to Kat McIntyre.

Ms. Novasel said Liberty has been very proactive in removing trees and inspecting the lines in Christmas Valley. She asked what assurances Liberty has that their notifications will be better than PG&E in the event of a power outage.

Mr. Jones, Liberty Utilities said they've worked over the past year on their communications plan for their PSPS (outages). It presents challenges to ensure they reach everyone. They've not had a PSPS event so haven't had an opportunity in real time to test that. They've worked on developing their public safety partner contact data base for every county. Last summer, they met regularly with the counties at the Office of Emergency Services level, the fire, and sheriff's agencies. They've also met with NV Energy, cell phone providers, and local hospitals, and critical care facilities. To the extent that there's been a lot of effort going on, they're still welcoming opportunities to get in front of folks at the county level and organizations that have methods for outreach that can help. They use Everbridge call out system that can communicate through text, email, and phone. Then there's other plans in place for the medical baseline customers.

Ms. Novasel said she would like to have them present at one of the El Dorado County Board of Supervisor meetings.

Ms. Aldean said there's an emerging issue that has to do with the potential health and environmental impacts of 5G service. One of the objectives for the utility companies is boosting communication capability. She asked if that would involve the use 5G service.

Mr. Jones, Liberty Utilities said he doesn't have any information on that at this time.

Mr. Regan, NV Energy said if there's a 5G tower in place, it can be increased. When he said, "boost it", that's not boosting the power rather every single tower has restrictions, so it doesn't overwhelm itself for safety measures. It prioritizes cell phone calls, text messaging, and data. The first thing they stop letting the towers use is data so people can get text messages and phone calls out. The last thing would be text messaging. They allow more phone calls to come into the cell towers. They're not boosting more power. Whatever type of tower is in place, they would allow more service to allow more data and cell phone use to those towers. They boost their power to the computer components of the tower. If a 5G tower is in place, then that would be a tower being used.

Ms. Aldean asked if Liberty is collectively having issues with getting approval for the removal of hazardous materials on US Forest Service property adjacent to their rights-of-way. What authority do they have pursuant to these rights-of-way to remove potentially hazardous material on an expedited basis?

Ms. Lawton, Liberty Utilities said there are multiple avenues depending on the type of project. For example, if there's a tree that they feel will fall within 30 days, they have the ability to take care of that tree if it's on Forest Service land. Any other types of improvements require approval from the Forest Service. There are two buckets; the vegetation management (tree removal) and the covered conductor projects. They've been proactive with the Forest Service to create agreements with them. For example, they developed a categorical exclusion called the resilience corridor forest project. That allows them to share resources for vegetation management and fire prevention. It doesn't cover any of the system hardening work. Even with the categorical exclusion, the resource surveys such as biological, cultural, and noxious weeds that need to be conducted are still holding up their projects, so they are about six months to one year out even with that categorical exclusion.

Ms. Aldean asked if there's anything TRPA can do to help expedite the completion of these surveys.

Ms. Lawton, Liberty Utilities said possibly reaching out to Liberty to see if they need additional resource specialist or maybe TRPA can partner with the Forest Service on getting resource surveys conducted. She's unsure how TRPA can make the Forest Service implement the National Environmental Policy Act (NEPA).

Mr. Regan, NV Energy said they're working with the Tahoe National Forest to help speed up the process because it does take six months to one year to complete those studies. They are doing a request for proposal to contract out additional people for the Forest Service to conduct the studies to accomplish it this summer.

Public Comments & Questions

None.

VIII. PUBLIC HEARINGS

A. Lake Tahoe West Scoping and Notice of Preparation

TRPA team member Ms. Friedman provided the presentation.

Ms. Friedman said the Lake Tahoe Basin Management Unit, the California Tahoe Conservancy, and the Tahoe Regional Planning Agency released a scoping notice/notice of preparation to prepare an environmental assessment/environmental impact statement/environmental impact report per the National Environmental Policy Act, California Environmental Quality Act, and TRPA requirements. The agencies released the scoping document on April 10, 2020 through May 11, 2020 for a public comment period. The purpose of the scoping is to inform the public of the intent to prepare the environmental document for the Lake Tahoe West project as well as to solicit feedback on the proposed action to help inform the draft environmental assessment, environmental impact statement, and environmental impact report.

The Lake Tahoe Basin national ecosystems and built environment are increasingly at risk from high severity wildfire, drought, insect, and disease outbreak. A lot of work is currently being done on the landscape but is not being done at a pace that is fast enough to keep pace with the threats that are posed by these stressors. Because of these threats, a multi-jurisdictional landscape level approach to restoration was needed on federal, state, and private lands to improve the resiliency of Lake Tahoe's west shore landscape. Out of that need, the Lake Tahoe Restoration Partnership Collaborative was formed in 2016. That partnership is developing the Lake Tahoe West project and focusing on increasing the social, ecological resilience of forest, watersheds, and communities along the west shore of Lake Tahoe. The restoration partnership includes, TRPA, the Tahoe Fire and Fuels Team, the USDA Forest Service Lake Tahoe Basin Management Unit, California State Parks, the National Forest Foundation, the California Tahoe Conservancy, as well as stakeholders. The Lake Tahoe West project area comprises of approximately 59,000 acres on the west shore of Lake Tahoe. It includes land ownership by the National Forest System, which owns and manage lands as well as private and local government owned land. Treatments are prescribed on all of these land ownerships for the project.

The Lake Tahoe West Partnership laid out a thorough process to planning, developing, and implementing this project. The landscape resilience assessment was completed in 2017. That used modeling to evaluate the current condition and resilience of the west shore watersheds. The assessment found that the west shore is currently not resilient to fire, drought, and was subject to negative impacts from these stressors. The landscape restoration strategy was developed with information from the assessment that was completed in 2019. The strategy provides a science based framework to guide restoration and forest restoration on the west shore over the next two decades. The assessment and strategy both served as a foundation for the environmental document and planning the project. Currently, they are in phase three of this process which is the environmental document preparation, project planning, and the public scoping that kicks off that environmental document preparation step.

The landscape restoration strategy identified six goals that the project should keep in mind when it's being developed and designed. Forests recover from fire, drought, and insect disease and outbreaks; Fires burn at primarily low-to-moderate severity and provide ecological benefits; Terrestrial and aquatic ecosystems support native species; Healthy creeks and floodplains provide clean water, complex habitat, and a buffer from floodplains and droughts; People live safely with fire and enjoy and are stewards the land; and Restoration. All of these steps have involved a robust stakeholder engagement process. The stakeholders include representatives from the conservation community, science community, the fire protection agencies, the recreation community, and homeowners. The stakeholder group is a formal group that has met throughout the process to provide input throughout the development of the resilience assessment, the restoration strategy, and now the proposed action.

The following are the proposed actions in the scoping notice that were developed with those six goals in mind: Forest thinning-19,500 acres within the landscape; TRPA Basin-Wide Code Amendment to allow thinning with ground-based mechanized equipment on slopes up to 50 percent; Remove and/or process forest biomass from restoration treatments; Prescribed burning including strategically-placed prescribed burns to establish more frequent fuel intervals; Project-Specific Forest Plan Amendment to allow cutting trees greater than 6 inches in protective activity centers; Installation of temporary or permanent roads to access the landscape to implement treatments and upgrades to stream crossings; Temporary forest closures and access

considerations when work is being implemented in certain areas of the landscape; Forest Plan Amendment to allow some roads for the project in areas designated as Backcountry; Forest habitat restoration for species associated with old growth forest conditions; Reforestation to maintain species and genetic diversity; Meadow and aspen restoration-800 acres of meadow and 400 acres of aspen in project area; Aquatic habitat restoration for Lahontan Cutthroat Trout and Sierra Nevada Yellow-Legged Frog; and Stream restoration including 1 mile in Blackwood Creek and ½ mile in Ward Creek.

A lot of the forest on the west shore are not resilient to fire, drought, insects, and disease and are overgrown which makes them more subjective to high severity wildfire. The proposed action would involve thinning of approximately 19,500 acres to reduce overly dense forest stands, improve species composition and regeneration, reduce fuel accumulations and forest understory, increase forest heterogeneity, facilitate the growth of mid seral and late forest; reduce conifer encroachment, promote snow pack retention and allow for ecologically fire to occur on the landscape. The proposed action would allow implementing thinning treatments on approximately 2,500 acres per year which is double the amount that is currently implemented on the forest service lands now. This will help increase the pace and scale of these fuel reduction treatments. Meadows and Aspen forest in the project area are in a degraded condition. Some indicators of the degraded condition include high density of conifer trees and stream channel incision or bank instability, sensitive areas of bare soil in the meadow, presence of invasive species, and drying meadow condition. Eight hundred acres of meadow and 400 acres of Aspen, the proposed action would restore approximately 100 acres of the Aspen and 200 acres of Meadow every five years. That restoration would increase acreage of meadows and Aspen within the project area.

The proposed action is to amend TRPA's Code of Ordinances to allow mechanical based treatment on slopes between 30 to 50 percent. Currently, the code doesn't allow for the use of ground based mechanical equipment on slopes over 30 percent. This rule is in place to protect resources from equipment such as soil and vegetation. The rule is not in line with best forest practices in the industry. There is new technology that is available that can reduce the impacts. Other agencies such as Lahontan Regional Water Quality Control Board currently allows the use of ground based mechanical treatment on slopes up to 50 percent. The recommended code change would not apply across the board on all slopes but rather where the onsite conditions such as soil type deemed that it would be appropriate based on the analysis that was done in the environmental document. The use of ground based mechanical equipment as opposed to hand thinning would allow managers to remove trees greater than 14" in diameter to meet restoration objectives and reduce the number of piles that would need to be burned on site as well as increase the pace and scale of restoration. About 20 percent of the Lake Tahoe West restoration project area consists of slopes between 30 to 50 percent that may benefit from allowing ground based mechanical treatment. The proposed code change is basin wide but future projects may require additional site specific analysis to show that those conditions are appropriate for the use. The proposed action would involve the use of strategically placed prescribed burning within the project area to establish a more frequent fire interval, restore fire adaptive ecosystem processes, and reduce the risk of catastrophic fire by reducing forest fuel accumulations and maintain reduced fuel loads. The proposed action would involve implementing approximately 2,000 of prescribed burning per year. That acreage could increase as projects are implemented and the thinning treatment are completed which would allow for a more safe and effective management of wildfire. The next steps of the project include a second public scoping meeting on April 28 that will be held virtually by the Lake Tahoe Basin Management Unit. The public scoping ends on May 11. Those

comments will be used to help inform the draft environmental assessment, environmental impact statement, and environmental impact report which is scheduled to be released in the summer of 2021.

Presentation can be viewed at:

[Agenda-Item-No.-VIII.A-Lake-Tahoe-West-Scoping-Presentation.pdf](#)

Board Comments & Questions

Mr. Yeates said it's quite a project. The notice of preparation includes the work that we're going to have to do to the Code of Ordinances to address some of the issues.

Mr. Hicks said he'll coordinate with Ms. McIntyre to bring forward some of the items in this presentation today to the Forest Health and Wildfire Committee to address the specific procedures that should be considered in order to help facilitate this program.

Ms. Novasel said anytime we get this kind of project moving forward is worthy to protect our natural habitat. These catastrophic fires are getting worse and this kind of project is needed. The ability for TRPA to help make a difference is also an important key to this.

Ms. Gustafson said this is a great approach in doing a comprehensive look at that huge area of land and how we best protect it. She's pleased to see this coming forward and is a critical time for us to address this issue.

Mr. Bruce thanked everyone involved in this project. This is a lot of what we're about.

Ms. Aldean said this is a great project in many ways and very needed. She referred to page 248 of the staff packet, environmental effects analysis. She said part of the analysis will involve addressing whether the restoration treatments when implemented over the long term may actually convert forest land to non-forest uses. The debate goes on about climate change and how much is attributable to human impact and how much is a product of natural processes. She asked if the project included a cost benefit analysis to the extent that we're trying to reverse natural processes.

Ms. Friedman said right now that is not within the scope of the project but is a good thing to consider and keep in mind moving forward.

Ms. Aldean suggested that it should be addressed. Financial resources are limited and although something might be desirable in terms of turning back the clock, it may be something that's irreversible. It would be unfortunate to put money towards something that ultimately will not yield beneficial long term affects.

Mr. Marshall said what was presented today is the scoping of the environmental document. Ms. Aldean's comment relates more to whether or not the project as a whole is designed appropriately. They'll take that comment under advisement particularly because a lot of the treatments under this project are specifically designed to address climate change and the increased threat related from it. This is a good point but in terms of the actual design of the project, it has been designed to respond to climate change and to make the forest more resilient

notwithstanding the change in the climate. They can address that issue when they bring the project back to the board. For the purposes of today and is the environmental document scoped appropriately. The comment is more directed at the content of the project itself.

Ms. Aldean said she doesn't have an issue with the forest restoration aspect of the project. When there's trees encroaching on the meadow areas because of a change in climate, the question is what the long term benefits are and can they be sustained environmentally and financially.

Public Comments & Questions

Greg Lien said given the hundreds of studies that point out the negative environmental impacts from pulse modulated microwave radiation, he would have thought the lead environmental agency at Tahoe would at least be willing to analyze the issue. The Lake Tahoe West Restoration Project does not even mention the issue, even though forest health, fire danger, plant communities in stream zones and ultimately even water quality will all be impacted. In a way, he's surprised at the unwillingness to look at this in an honest intellectual manner.

What has surprised him more recently is the anger that seems to be directed at those of us who raise the issue in our very earnest desire to point out the dangers of ever-increasing levels of pulsed microwaves to human health and the environment. In the face of the media's silence on this issue, and the telecom industry's attractive promises of faster speeds and new applications, who wants to hear that there are negative impacts? He understands that, and if any of us have offended you in our desperation to be understood, please accept his apologies. It is not our desire to offend, only to speak the truth as we know it.

These are uncertain times, and it is difficult to know truth from fiction. In view of that uncertainty, shouldn't this be all the more reason to bring to bear the most recent studies that are on point? As we have said, and the telecom industry has admitted, the microwave network known as 5G is being rolled out without any recent studies as to its safety as if it were a national mandate. Should we be encouraging this at Tahoe?

A look back at the history of new technology should give us pause. The rapid development of pesticides like DDT lead to the realization that these were dangerous chemicals literally a silent spring. Monsanto was sued over Roundup and the litigation disclosed the massive efforts Monsanto used to spread disinformation and silence dissent. The nuclear industry promised safe clean energy, and now we have Fukushima continuously spewing radiation that will last for centuries and the technology to clean it up does not yet exist. New technology is attractive. In the case of cell phones and screen time, it could even be argued to be as addictive as tobacco use. It's hard to admit there are negatives to consider, but there are.

Please try not to be offended when we point out the scientific evidence of problems with pulsed microwaves or your obligations under the TRPA Compact and your Code when you consider approving new microwave transmitters and the required findings you must make. Would you be willing to at least look at the issues? Would you be willing to create a subcommittee to study this and report back to you? Just, please, don't continue to just ignore this. One day history may likely once again show that the allure of new technology may not be worth the risk.

Dennis Hayes said Happy Earth Day! The Lake Tahoe West Scoping need to develop threshold

findings pertaining to the placement and siting of radiofrequency telecommunications facilities. There is a vast and rapidly growing body of hard science proving that the radiation used by this technology is an emerging threat to the Tahoe Basin.

The most prestigious scientific journal NATURE published several articles on the effects of radiofrequency (RF) radiation on migratory birds, butterflies, bees, other insect and mice, which make it unequivocal that RF radiation has the potential to harm, harass, or stress wildlife populations. NATURE also recently published a new study confirming RF radiation causes oxidative stress leading to DNA damage. Hundreds of scientific publications demonstrate the potential for serious adverse environmental effects to the protected Lake Tahoe ecosystem. This very fragile alpine ecosystem is along a salient migratory bird path; there is far more at stake than just the human populace. Even where cell tower antennas have ground fencing sufficient to protect humans from RF exposure above the Federal Communication Commission (FCC) limits, migratory birds, inclusive of northern goshawks, peregrine falcons, osprey, bald and golden eagles, regularly perch in the stands of trees where these antenna towers would be installed. This federally protected wildlife is certainly being exposed to radiation above the FCC's limits designed for human exposure. Peregrine Falcons and Northern Goshawks are federally protected migratory birds, that are further protected within TRPA's designated disturbance free zones.

Because Lake Tahoe is such an incredibly special and environmentally sensitive place, Congress created the TRPA in an unusual manner so as to allow it to create extraordinary environmental regulations, it even permits it to regulate radiofrequency emissions at levels below those chosen by the FCC, if necessary, to protect the basin. The science is now here that this basin does indeed need such protection.

Mono-pine antenna towers are particularly harmful as they mimic predatory bird habitat, and hence invite eagles and hawks to perch within the intense near-field radiation of 50,000-watt ERP antenna panels to their own peril. For this reason alone, the board needs to act. TRPA staff left to their own discretion have already approved a Macro Cell Antenna within the Truckee Marsh Bald Eagle Winter Nesting Site despite our national bird being expressly protected from harm by federal law! The TRPA may and must set its own alpine environment specific radiofrequency emissions limits; it is exempt from FCC restrictions pertaining to local and state governments (Lake County Estates, Inc, v. Tahoe Reg. Planning Agency, 440 US 391, 401, (1972) Carpe diem.

Nicole Rinke on behalf of the California Attorney General's office said thank you for the briefing today. They think the level of multi-jurisdictional, cross-agency collaboration here is very positive and will look forward to seeing more details as the environmental review process goes forward. At this time, we have just a couple of preliminary comments.

The scoping notice describes some of the potential impacts of changing the code to allow for mechanical removal on slopes greater than 30 percent. They appreciated the description today of the new technologies that make this feasible and will be interested to see the details of the proposed amendment so as to insure this is appropriate and without adverse environmental consequences (e.g., resource damage, erosion).

It also strikes them as a bit awkward to be proposing and analyzing a basin wide code amendment in the context of this one project. From an analysis standpoint, how will this be handled? The staff report suggests that future projects may need to do further analysis to go up to 50 percent, but

that does not seem like a given if the code amendment is approved and applies basin wide. Also, the staff report indicates that the code amendment will impact approximately 20 percent of the project area, this might suggest the "fix" is too broad relative to the scope of the problem? They hope this can be better explained as part of the process going forward.

Board Comments & Questions

Mr. Lawrence feels that all of the issues have been captured pretty succinctly for this public scoping. Given the breadth and scale of this project and with the different goals, for example, restoring one mile of Blackwood Creek and the meadow restoration in the forest, how much detail will be in the environmental document? For example, does the environmental document get into detail about their hydrology impacts or impacts for any residences along the creek. How big of an environmental document will this be to address hydrology, biological resources, etc. in so many acres.

Ms. Friedman said the team has discussed this because the project is large geographically and has a lot of proposed actions and elements in it. For example, the level of detail for the stream restoration is the intent to have enough detail in there to where they can make the necessary findings related to that particular action item. The intent would be that there would be enough information and analysis that it would be project level analysis and could forward with implementing those actions. They are doing all of that without making the document too large but honors the California Environmental Quality Act and the National Environmental Policy Act, TRPA rules, and is readable by the public as well.

Mr. Marshall said referring to "project" in the Lake Tahoe Restoration project it is a word that is not in TRPA's standard definition of what a project is. It's an amalgam of both conceptually programmatic actions as well as the ability to look at more individual level actions through general criteria that can be applied to forest thinning actions, for example that can be analyzed. If the individual project is consistent with those general descriptions that have been used in the project descriptions for those particular activities that they may be able to go forward based on this environmental document. Stream restoration is one that may have more limited ability to rely on this environmental document for their final approvals because of some of the things Mr. Lawrence mentioned. The ability to describe at this time with specificity that particular action. It will be on a case by case basis particularly with some of the more complicated restoration actions that are being described in this document. Hopefully, through the inclusion of things such as best management practices and standard approaches to stream restoration that more specific analysis that is done subsequently can be quite narrow and more efficient than if they were to start from square one on some of those more specific projects.

Mr. Lawrence said we're early in the process and agreed that we have to increase the pace and scale. He applauds the effort and is just trying to understand it.

Mr. Yeates said as he went through the document, he wondered what the California Tahoe Conservancy's role was in regard to all the forest thinning work. They've done a lot of good work on the question of forest health but can't imagine that they would be out actually doing the work. He assumed these restoration projects that would fall within the work of the California Tahoe Conservancy. It raises the question in a scoping document, the breadth of the project. If this project is going to focus principally on protecting the forest health and reducing wildfires, etc.

that's pretty immense anyway from just the west side of the Lake. Then you add other projects in that and seems to him that you're doing the opposite of things of which we used in the California Environmental Quality Act as piecemealing. But what you done, is made the breadth of the project so large; you can't get to the detail. He believes that's the criticism we'll get from the California Attorney General's Office. From a scoping perspective, those working on this need to reconsider what all is going to be covered in this document. He feels it's too big and we'll find some problems with it.

B. Tourist Core Area Plan, Pioneer/Ski Run Plan Area Statement 092 and Lakeview Heights Area Plan Statement 085 Boundary Line Amendments

Ms. Gustafson recused herself from this agenda item.

TRPA team member Ms. Fink and Mr. Hitchcock, Planning Manager, City of South Lake Tahoe made the presentation.

Ms. Fink said there is a focus on addressing the shortage of workforce housing in Lake Tahoe. Even with the Covid-19 pandemic, affordable and workforce housing will continue to be an issue moving forward. This amendment provides additional opportunities for workforce housing by providing additional height, density, and coverage needed so workforce can pencil in this location which is in close proximity to jobs, transit, and amenities. The lots that are subject to the amendment are among the sites being considered for housing mitigation for the US 50 Revitalization project that the Governing Board approved in November. However, the intent is to build affordable housing in this location regardless of the outcome of the US 50 project.

Mr. Hitchcock said the Tourist Core Area Plan was adopted by the City of South Lake Tahoe and TRPA's Governing Board in 2013. It is geographically located on the east end of town and the boundaries run from Fairway Avenue on the west to Stateline on the east with a portion of it going down Ski Run Boulevard to Pioneer Trail.

The Tourist Core Area Plan is the City's primary tourist commercial center in the south shore. It provides land use guidance for new development as well as redevelopment activities in this location. They've also adopted land use policies in the area plan that focuses on promoting a mixed land use while supporting residential development within close proximity to employment centers, commercial retail centers, and with access to recreational opportunities.

The City of South Lake Tahoe was approached by the Pacific Development Group who requested an amendment to incorporate three parcels that they currently have ownership to include those in Tourist Core Area Plan Tourist Center Mixed Use Corridor District. This amendment would affect the Tourist Core Area Plan boundary as well as the boundary for Plan Area Statement 092 and 085. Currently the three parcels that are being considered for incorporation into the Tourist Core Area Plan are one vacant parcel, one is developed with a dirt road, and one has two small cabins on it.

Pacific Development Group that holds fee title to the three parcels as well as the two adjacent parcels that are located in the Tourist Core Area Plan are proposing to develop a 77-unit affordable housing project once the amendment has been adopted.

The amendment is intended to incentivize multi-family development and make affordable housing more feasible. By incorporating these three parcels into the Tourist Core Area Plan they would be eligible for increase in density from 15 dwelling units per acre to up to 25. They would be able to have an increase in height from 42 feet to 56 feet. They would also be able to transfer in coverage up to 70 percent.

The three subject parcels are ideal for developing a multi-family development. It's located in proximity of similar uses. The parcels are located on a main thorough fare that provides transit with a route from Stateline to the South Y Transit Center. There are also bus stops nearby that can service the three parcels along with bus routes that run along Ski Run Boulevard from the Ski Run Marina to Heavenly Mountain Resort California base.

During the public outreach efforts and presentations to various boards and commissions some issues came up primarily related to scenic and fire safety. They're confident that redevelopment of the site will improve the scenic quality travel unit which is Pioneer Trail North and that any proposed development will not have an impact to any viewsheds. They did a tree survey for the height of trees on the property and the range from 15 to 122 feet. Any proposed height within the project site would be well below two thirds of the tree canopy. Any project proposed in the future would have to implement California Fire Code for defensible space. The subject parcels are surrounded by California Tahoe Conservancy lots. The CTC has indicated that they will be doing fuels management treatment of those parcels beginning this summer and will help improve the defensible space in this area.

A public information meeting was conducted in November 2019. Individuals that attended were mainly interested in the project itself and not the amendment. Prior to circulating the initial study for the California Environmental Quality Act purposes, the City did do a tribal consultation. They received one comment from the Auburn Tribe who deferred comment to the Washoe Tribe. The City staff reached out to the Washoe Tribe to get comments on the amendment but received no response. The City Planning Commission considered this item on February 20, 2020 and the City Council took action on March 10, 2020. They found the initial study neg dec to be technically adequate. They found that the Tourist Core Area Plan as amended is consistent with the City's General Plan and for the California Environmental Quality Act purposes adopted the Tourist Core Area Plan as a specific plan.

The project will require design review and approval by the City's Planning Commission and approval by TRPA because it's greater than 50,000 square feet of new floor area. Although, the City has not received a full application they've held a pre-application meeting with the Pacific Development Group and went over some of the initial conceptual ideas for the project. The City is proposing to hold a public workshop in the near future to discuss the project with the effected property owners within the vicinity.

Ms. Fink said on March 11, 2020, the Advisory Planning Commission made a motion to recommend a finding of no significant effect as well as recommend approval of amendments to the Tourist Core Area Plan. This morning the Regional Plan Implementation Committee heard the item and similarly made a motion to recommend a finding of no significant effect and motion to recommend approval of amendments to the Tourist Core Area Plan.

TRPA completed an area plan conformance checklist, findings, and a thresholds and compliance

spreadsheet based on the Initial Environmental Checklist and the application that was submitted. These were used to support the findings of conformance with the Regional Plan and consistency with the Thresholds. One item that was raised at the Regional Plan Implementation Committee meeting was to ensure that the project was consistent with the requirements of Chapter 13. It requires that if parcels are being amended into a town center they need to show that the parcels are within one quarter mile of commercial and public services that support the use of transit and must be developed parcels or surrounded on three sides by development. These parcels meet this criterion, they are directly adjacent to transit and within one quarter mile of a fire station, multiple restaurants and other services. One parcel is currently developed with two units and the second is nearly 100 percent covered with a dirt road that provides access to the adjacent parcels, and the third parcel is surrounded by those other two developed parcels as well as another developed parcel to the east.

Presentation can be viewed at:

[Agenda-Item-No.-VIII.B-TCAP-Amendment-Ski-Run_Pioneer.pdf](#)

Board Comments & Questions

Mr. Yeates said that the Regional Plan Implementation Committee unanimously recommended approval of the findings and project. There were two comments during their discussion dealing with a question of the assurance that this is going to be an affordable housing project because it's a site that's been linked to the approval of the US 50 South Shore Community Revitalization Project. That project includes the Loop Road around the backside of the casinos, the Main Street Management Plan, and the housing requirements that were all a part of that approval.

Mr. Lawrence said he's excited about the possibility of getting affordable housing at this location. It's a great location and is key to linking it to the South Shore Revitalization Project and the Main Street Management Plan. He has complete trust on the intent of the City and the applicant to make something happen here. The plan amendment while it does facilitate affordable housing, it doesn't guarantee that something else could be constructed there that's higher than affordable. He supported it moving on from the committee this morning to the Governing Board but there was discussion about tying the approval of this to a time factor. The amendment would stay in place provided that an application for the affordable housing project is received within a one year time frame.

Mr. Bruce said he appreciated the work that the applicant has done and the risk they've taken. He agreed with Mr. Lawrence that the timing issue is one that is worth discussing and considering. He said he would support the suggestion of one year.

Ms. Laine said she would like to hear from the developer to see if that's a timeline that they can meet. In addition, she would like more information on the question regarding their ability to apply for state credits and other funding sources to make this affordable housing project pencil out.

Mr. Feldman read comments from John Bacigalupi, Vice President, Pacific Development Group to answer the question raised by the Regional Plan Implementation Committee regarding availability of gap funding sources. Mr. Bacigalupi said there are several gap funding sources which may be available to the project, many of which exists at the state level. They include affordable housing sustainable communities, aka cap and trade, infill infrastructure grant program, multi-family

housing program, and home funds. Other assistance includes the Federal Home Loan Banks Affordable Housing Program (AHP) as well as the donation of land by a public agency and fee deferrals.

The Pacific Development Group is currently in a competitive application round for last home notice of funding availability issued by the State Department of Housing and Community Development for a project in another area of the state. They have real time experience with these programs. It's important to note that the regulations and guidelines governing these programs are typically revised with each funding cycle which can impact eligibility. They will diligently explore all funding possibilities as applicable keeping abreast of program changes.

To fully exploit these possibilities, the Pacific Development Group needs the help of the City of South Lake Tahoe, TRPA, and the Tahoe Transportation District well in advance in applying to these funding sources for the following critical reasons: To maximize the competitiveness of an application to any of the programs listed above, the project must be fully approved at the local level, entitlements, and environmental review. Local gap funds which help earn leverage of public funds points under these programs must be fully committed by the local agencies in advance of applying to programs for funding. Both of these conditions need to be met for any application to be competitive under these programs. The funding rounds for these programs are routinely oversubscribed in terms of the amount of funds requested so cooperation and assistance on the part of local agencies per the items above is essential.

Mr. Feldman said the Pacific Development Group is comfortable complying with the proposal of a sunset within 12 months in the event that they do not submit a full application for project approval for the affordable housing project that is anticipated.

Mr. Bruce said he's comfortable with the proposal. He said this is necessary in order to get to the Main Street Management Plan and the affordable housing component. This affordable housing project is important, and we need to do what we can to make it happen.

Mr. Lawrence said he appreciated the applicant's willingness to address the concerns. He's fine with the proposal. It's not that he has distrust with the City or the applicant but would like to have some assurances.

Ms. Laine said for the record, she vacated the mayor position for the City of South Lake Tahoe in December. She's currently an elected city council member. She thanked the Pacific Development Group because of their willingness to be open to some kind of sunset is a demonstration of their commitment that this is the project we want to see it go forward. It also demonstrates their commitment to seeing this through. Should this fall apart, they don't have the benefits of the entitlements on that land and would only hurt them. The City of South Lake Tahoe is supportive of this project and others as housing is a top priority in the City. Whether or not it has the added benefit of helping any other projects, congruently, that's even more of a bonus.

The City has this project and four to five units in the Lakeview Commons area that they currently have a memorandum of understanding out with the land trust to develop these units. There's a parcel at the Y that the City is working on with the California Tahoe Conservancy for a possible affordable housing, multi-family workforce housing project. This proposed project from Pacific Development Group is of great importance and the City will be looking at possible opportunities to

contribute some funding to this project. They are also providing other items of value but are more in kind such as sewer units that they acquired when they acquired the hotel where Whole Foods currently is. They've partnered with the South Tahoe Public Utility District who up until now didn't allow a transfer of units from one parcel to another. They've amended that and will allow the City to transfer units as long as they go to affordable housing projects.

Mr. Cashman said this project is the kind of project we envisioned when we did the Regional Plan amendment years ago and is the type of investment that we need to see in Lake Tahoe. Being affordable housing is a significant step forward for South Lake Tahoe. Ms. Aldean stated earlier this morning that this project will be even more needed based on the jobs that it will create and the people that it will serve in today's time. The time that we find ourselves in is very fluid and he's concerned that one year is possibly not enough time to give this project a chance for success. While the developer has agreed to that, he would hope that in one year from now, if we find ourselves in a situation where they haven't been able because of the financial markets, we will reconsider the one year expiration of the amendments.

Mr. Bruce said he supported reconsidering the one year time limit after reviewing what's transpired over that period of time.

Mr. Marshall said the board has that authority to do that in the future.

Ms. Aldean asked if we could amend the condition to state that at the end of the first 12 month period that the board will consider a reasonable extension due to extenuating circumstances. We could have a change in board members who are not familiar with the project and suggested that it be expressed as part of this amendment.

Mr. Bruce supported Ms. Aldean's suggestion.

Ms. Faustinos said that the California Attorney General's Office submitted good comments. She hopes that as we move forward with this project that their concerns continually be addressed, and we go into this with open eyes in terms of considering some of the items they brought up.

Public Comments & Questions

Nicole Rinke on behalf of the California Attorney General's office said their office has been heavily involved in working on VMT issues with TRPA staff and appreciate the commitment that has been made to updating the VMT threshold. They also appreciated the efforts that were made around the Events Center and the application of a net zero VMT standard for that project.

In contrast to the Events Center, this plan amendment declined to analyze the VMT generated by the project because it will generate less than 100 daily trips and therefore, pursuant to the interim VMT guidance, does not require a VMT analysis. They disagree that 100 daily trips are an appropriate screening criteria for VMT analysis, trips do not alone equal VMT. Please refer to their May 21, 2019 letter to Karen Fink, page 5, for more detail. But, particularly at this time when it has been acknowledged that the basin is over the existing VMT threshold, there is no support for using a 100 or other trip generation threshold to avoid analyzing and addressing a project's generated VMT.

Any projects/plan amendments being proposed at this time need to be analyzing VMT and complying with a net zero VMT standard in order to make the required findings for threshold compliance. Please also note that the supporting documentation for the amendment is not clear that the plan amendment will not exceed the 100 trip screening level ; Table 1 of the LSC memo (page 128 of the pdf) indicates that 17 units will generate 78 daily trips, which is the total claimed for the plan amendment as a whole. However, the plan amendment would accommodate up to 77 units (see page 136 of the pdf). Please clarify that the analysis has accounted for the full number of trips that will be associated with “build out” (aka 77 units) of the plan amendment.

Finally, while they certainly support the development of affordable housing in this area, they also note that the plan amendment is being proposed ahead of the project. Thus, there is no guarantee that the more permissive development standards that the plan amendment authorizes will in fact be utilized for affordable housing. At a minimum, the plan amendment, if approved, should be limited to the development of affordable housing.

They request that action on this item be deferred so that these issues can be adequately addressed. In addition, in the future they request that staff keep them engaged on matters that relate to VMT or raise VMT issues, as these are matters of ongoing importance to their office. Unfortunately, they were not able to engage earlier with this proposal, they are now aware that this has already been before the Regional Plan Implementation Committee and the City of South Lake Tahoe. However, with their focus on the Events Center and more recently the pandemic, they were not aware of this proposed plan amendment until now. Their preference is to engage early and productively, and they can do so more effectively when they are made aware of matters earlier in the process.

Steve Teshara on behalf of the Lake Tahoe South Shore Chamber of Commerce. The Chamber strongly supports the Governing Board's approval of the Tourist Core Area Plan boundary line adjustment as described in the staff report. They have confidence in the Pacific Development Group's commitment to submit an application and construct deed-restricted affordable housing on the parcels they have purchased within the area to be added to the Tourist Core Area Plan. Pacific Development Group has previously developed several of the most successful deed-restricted affordable housing projects within the City. Affordable housing is what this company does. We are fortunate to have an affordable housing developer of their caliber interested in developing this important project. This specific project has been identified as a priority project in the recently published South Shore Region Local Resident Housing Action Plan, a priority in the City of South Lake Tahoe's intended Housing Work Plan, as well as a major step forward in the City's ability to meet its assigned Regional Housing Needs Assessment number. Please do not delay in approving this Tourist Core Area Plan boundary line amendment.

Carl Hasty, Tahoe Transportation District said the Tahoe Transportation District is working with the City of South Lake Tahoe and Pacific Development Group on this project. The District supported the amendment and thanked the City, Pacific Development Group, and TRPA for their support.

Mr. Marshall said staff received two other comments on this agenda item from Galen Rowell and Edward Weston; two deceased photographers. The comments were pertaining to the scenic quality of the topic as well as cell towers. Staff will not be reading these comments as these are not real people.

Board Comments & Questions

Mr. Yeates said regarding the issue of vehicle miles traveled raised by the California Attorney General's Office. It's not the 77 units because the difference that we're looking at is the change by this amendment which is 17 additional units. Those 17 additional units do not get to the point where we would do a VMT calculation; the policy is 100 or fewer trips. Not only is that our position, it's pretty consistent with the Governor's position regarding trips of less than 110 don't have a significant effect on the environment. However, if someone was to put forward evidence that this particular project would have a substantial effect on the environment then we would have to adjust to that evidence. There's no evidence that's been put forward. There's a disagreement between us and the staff of the California Attorney General's Office. As we move forward in developing a VMT threshold and reworking our VMT issues, he's committed to making sure that we have far better communication between the two agencies as we move forward on this issue. The statements from Mr. Bruce and Mr. Lawrence and the applicant's decision on the timing issue to make the application for affordability addresses the other part of the California Attorney General's comments.

Ms. Laine referred to Attachment A and the effective date of this ordinance. She asked if it would be appropriate to amend the ordinance itself to have the sunset clause be a part of the effective date rather than adding it to the motion.

Mr. Marshall said he has some proposed amendments to section two that will incorporate the concept. This will be added to the second motion.

Mr. Bruce said he believes what Ms. Aldean was stating was that we "shall" review it rather than "might" be a review. He did not object to that request.

Mr. Marshall said he took the language to be permissive. "The Governing Board may consider a reasonable extension of this time limit as conditions warrant."

Ms. Aldean said that's fine with her. She's comfortable that the board members in one year from now will use their good judgement if warranted to cooperate fully with the applicant to ensure that this project is successful.

Ms. Laine asked where the language will be inserted regarding the sunset.

Mr. Marshall said it would be in section 2.0 on page 274 of the packet. The second page of the ordinance. First, there needs to be an edit the header to read "TRPA Regional Plan (Tourist Core Area Plan) and Plan Area Statement Amendments. At the end of that section which ends with "As set forth in Exhibit 1, he added "This amendment shall sunset automatically within 12 months unless a development application for an affordable housing project on the parcels incorporated into the TCAP by this amendment is submitted. The Governing Board may consider a reasonable extension of this limit if conditions warrant."

Ms. Laine made a motion to approve the required findings, including a finding of no significant effect, for adoption of draft Tourist Core Area Plan, Pioneer/Ski Run Plan Area Statement 092, and Lakeview Heights Plan Area Statement 085 Boundary Line Amendments as provided in Attachment B.

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

Absent: Mr. Beyer, Ms. Berkbigler

Motion carried.

Ms. Laine made a motion to adopt Ordinance 2020-___, amending Ordinance 2019-03, as previously amended, to amend the Tourist Core Area Plan, Pioneer/Ski Run Plan Area Statement 092, and Lakeview Heights Plan Area Statement 085 to include the changes referenced in Attachment A and as amended as read prior by Agency Counsel.

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

Absent: Mr. Beyer, Ms. Berkbigler

Motion carried.

IX. REPORTS

A. Executive Director Status Report

Ms. Marchetta said April 22 marks the 50th anniversary of the first earth day celebration. TRPA is lucky to share the birthday year with its 50th anniversary. Earth day is about preserving the planet for generations to come. Right now, is a time that might lead to transformations that we may not even know what those look like. Maybe one of the silver linings to this Covid-19 crisis is creating a greater sensitivity to our environment around us and how it is that environment sustains us.

TRPA has adjusted in response to the Covid-19 closures with the closure of our office since March 16th. Staff has been working remotely since that time and has been quite successful. We are carrying forward every aspect of our operations including permits. We have a drop box at the front lobby for document drop off. Work is continuing in all divisions and in all aspects of TRPA. She thanked staff who has handled this transition remarkably well. They are a stellar group. We have been using very extensive use of telecommunications to replace in person meetings. At this morning's Operations and Governance Committee they discussed looking ahead at the budgets. As an outgrowth of this pandemic, TRPA has already started to receive the first requests for belt tightening. The Nevada Budget Office requested TRPA submit a cut for the remainder of this fiscal year of \$76,000 and then asked for two budget scenarios for next year with four percent plus another four percent with totals a 10 to 14 percent cut from Nevada. Those scenarios were submitted last week. We have not heard from California but are expecting additional pressures there. We are anticipating and building our budgets around expected cuts.

The Governing Board retreat was originally scheduled for April and then moved to May. In consultation with the Chair and Vice Chair, we have developed a plan B that is in lieu of our annual day long offsite Governing Board retreat. Instead of planning two day virtual meeting in May, it will be a one day meeting on Wednesday. In lieu of the retreat, staff will be presenting to the board the Fiscal year 2021 work program at next month's meeting. The board will have an opportunity to review and provide guidance on the work program. Staff will use that work program to build the final budget which will go to the board in June.

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Lastly, Mr. Yeates asked for an update on the Tahoe Keys Aquatic Weeds Management Project and whether or not this Covid-19 crisis had an effect on that project schedule. We are still on schedule and are retooling for virtual stakeholder and public outreach to manage that project. We are still anticipating a release of the Draft Environmental Impact Statement this summer and there'll be future meetings on this topic.

1) Quarterly Report: January – March 2020

No further report.

B. General Counsel Status Report

Mr. Marshall said yesterday the mandates were issued in the Garmong versus TRPA case in a challenge to a cell phone tower. It was a tower that was approved by TRPA outside of Skyland, Nevada on Forest Service land. The Ninth Circuit Court of Appeals found that the individual did have standing to bring his challenge. So that's be remanded back to the District Court in Reno, Nevada. They anticipate that briefing on not only the remaining defenses that TRPA has asserted particularly for the individually named Governing Board, staff, and Hearings Officer individuals. We'll make those defenses in a renewed motion to dismiss if the complaint is amended. Otherwise, we'll proceed to the merits of the underlying permitting decision.

X. GOVERNING BOARD MEMBER REPORTS

Mr. Yeates said he's concerned about the upcoming Memorial Day weekend and the recreation potential at Lake Tahoe. He asked if we're looking into the situation and what's the strategy between the two states and coordination with the local sheriff's department.

Ms. Novasel said this was discussed this week at their El Dorado County Board of Supervisors meeting. There's an ordinance which in part has been approved that will fine visitors \$1,000 per day if they are staying in a vacation rental. They don't have any hotels in the Tahoe Basin in the unincorporated area other than Camp Richardson which is shut down. They have an emergency office which has coordinated between most of the areas and agencies in El Dorado County including Barton Hospital, fire protection, and health providers. This is being ran by their Public Health Office, Dr. Nancy Williams. They're looking at phasing in the reopening but don't have a timeline on that right now. A lot of this will coordinated with the Governor's order. The El Dorado County Sheriff's has said that they will not cite second homeowners for using their own homes. They feel it's a violation of their private property rights. She feels that we have the ability to cite second homeowners if they are truly vacationing. This vacation rental enforcement is a civil enforcement that they put forth so they could around that and be able to fine vacation home renters who are coming here on vacation. They've been in daily contact with Barton Hospital and at the beginning they had 19 beds and if there's a surge, they temporarily have up to 139 beds. The City of South Lake Tahoe Recreation Center has temporarily opened up as a homeless shelter. They've had up to nine positive Covid-19 cases in the Tahoe Basin portion of El Dorado County.

Mrs. Cegavske said in Las Vegas they're having issues that are a little different. One of the biggest issues is they are still letting party houses (vacation rentals) have multiple people in them causing problems in neighborhoods and are not adhering to any of the restrictions such as masks and social distancing. They don't have people to go out and investigate these issues. She would like to

discuss with Ms. Novasel how they are addressing some of these issues.

Ms. Novasel said in El Dorado County they turn the complaints into the Code Enforcement personnel. The code enforcement contacts the property owners to let them know that there's a violation and sends out the \$1,000 per day fine. This is new and is still unclear how this is going to work administratively. The City of South Lake Tahoe has been doing the same process. In particular it's the vacation rentals that are so egregious that they're working to take care of them being that their Sheriff won't take care of it in an enforcement manner.

Mr. Rice said since the Nevada Governor has declared vacation rentals an essential business, there's not a lot they can do about this. Their District Attorney concurred that as long as they're deemed essential businesses, there's not much they can do.

Ms. Laine said at this time, the City of South Lake Tahoe and El Dorado County have been issuing administrative fines of \$1,000 per day for about three weeks. To date, they've only issued three citations. Their police department is a big part of the enforcement team along with the code enforcement officers. They receive a report from the police department daily and are proactively enforcing the shelter in place order. They also accept calls through their dispatch from concerned citizens as previously vacated homes are suddenly being populated. The position that the City has taken with regards to the property rights issue is to remove the property rights issue from the center of the table and rather look at it like this. The Governor issued a shelter in place order on March 20th. If you leave your home in "x" jurisdiction and you drive to Lake Tahoe, you are in violation of the shelter in place order regardless of whether they own the property or not. They don't care whether it's a vacation rental or second home, there is a shelter in place order and driving from one place to another is a violation of the order. It's disappointing when the law enforcement are not getting behind the citizens in trying to keep our area safe. The City developed a short term economic recovery task force along with a long term economic recovery task force. With regards to the short term goals, they have a committee that's working on what is their branding going to look like, who do they want to be when they do open, and how is hygiene a part of that. They just don't want to get open but want to stay open. They want to have a phased in process that's thoughtful and works. They know that they'll be dealing with a drive up market and estimate that to be about a 750 mile radius around Lake Tahoe. It's going to be sometime before that airline market comes back.

Ms. Novasel said Sheriff D'Agostini is aware of her opinion that it's the right of the county to shut down any second home. He had a dispute with county council on that. Their order is that all vacationing or temporary travel is a violation of the Governor's order. With that being said, she could not get a majority vote of her Board of Supervisors to allow that. So, it's vacation rentals only right now but has in the ordinance the ability to move to that second phase which would be to require that from second homeowners. However, they don't have the support of the Sheriff. They're trying to make it a civil administrative penalty rather than a criminal penalty because they don't have the backing to allow that enforcement.

Mr. Lawrence said even before the Nevada Governor put restrictions in place, they did close down camping at all of their state parks but kept the parks open for day use excluding visitors' centers and things like that. They've been monitoring them on a daily basis. Since they closed the campgrounds and kept day use open, they've had to close down all of the state parks even for day use in Clark County because social distancing wasn't being followed. They've been monitoring

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Sand Harbor and the East Shore Trail in particular to see what they might do there. They get a lot of comments that people want to keep that open and also get concerned calls from about people using the trail and possibly being infected. They constantly monitor it and coordinate with the Tahoe Fund and the Take Care program to put social distancing signs on the East Shore Trail and Sand Harbor. If the social distancing doesn't occur, then they'll have to close it down as they've done with other parks. They've been discussing with California about consistency. Even outside of Covid-19, outdoor recreation is always a challenge because you don't want any one area to be overcrowded for environmental reasons. If we're not consistent and there's four out of five parks, whether it's local, federal, or state close and one park open, everyone is going to visit that one park. Discussions have been held with his California counterpart, TRPA, and State Parks staff to see if they can do something that's a consistent type of resource recreation management moving forward. They'll need to get the message out to people in advance if they do need to change direction with their land management. The situation is fluid and is difficult to make any decision or determination on what's going to happen any given day without them doing the monitoring.

Mr. Rice said since the last Governing Board meeting, Douglas County approved the Tahoe South Event Center project.

Ms. Aldean asked what the implication will be for the ballot question for the redevelopment area since the project has already been approved.

Mr. Rice said at this point they hope it will be mute.

Ms. Aldean asked if they've received a legal opinion on that.

Mr. Rice said per the County Manager, the way the ordinance was written when they presented it to the approvers, it's advisory as far as their concerned.

XI. COMMITTEE REPORTS

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

No further report.

B. Local Government & Housing Committee

No report.

C. Legal Committee

No report.

D. Operations & Governance Committee

No further report.

E. Environmental Improvement, Transportation, & Public Outreach Committee

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No report.

F. Forest Health and Wildfire Committee

Mr. Hicks said there may be a committee meeting in May to review possible code amendments to Section 61.3, vegetation protection and management.

G. Regional Plan Implementation Committee

Mr. Yeates said the committee met and discussed VMT and the air quality mitigation fee as part of the workplan.

XII. PUBLIC INTEREST COMMENTS

Elizabeth Noah said she's a year-round resident of North Lake Tahoe. She would like TRPA to address the closure to boats until further notice. Did you receive a mandate from Nevada or California governing bodies to make this decision? Did you make this decision internally, within TRPA? What studies or science are you relying upon to substantiate your decision to prohibit boating? Do you believe that if your decision to prohibit boating is defensible if litigated?

Ellie Waller, Douglas County resident said some language from previous a staff report in this packet, only 2 pages. Staff, applicant, and stakeholders worked to ensure that the transit package is effective and works to change people's behavior and will get people them out of their cars. The group designed mandatory conditions of the permit that will deliver effective transit and traffic mitigation for the traffic effects of this project; new, free, and frequent on demand, and flexible transit services and parking management measures. What in the way of funding is being requested of Douglas County ? Staff should provide any future expected funding requirements to the Douglas County Commissioners (BOCC) for consideration at future meetings so the public can weigh-in and not assume funds will necessarily be granted. Grant dollars may cover some of the expenses for new or additional vehicles but what about the high potential for infrastructure upgrades due to public utility line relocations?

In Mr. Nielsen's presentation, Transportation impacts were the primary topic of conversation with this project. The environmental assessment identified impacts to transportation as potentially significant. The primary impact is operation of the event center will result in a significant increase in vehicle miles traveled.

Who will monitor and fund VMT counts to ensure no net increases occur? How often will traffic counts be completed? The Tahoe Douglas Visitor's Authority should foot that bill, it's their Event Center. How will the proposed year-round free transit be funded? There are only so many grant dollars to go around. If Douglas County is in the assumption pool of potential funders, then the Douglas County Board of Commissioners should discuss at an upcoming public hearing. One of the questions discussed amongst the stakeholders was what would happen if the monitoring showed that the performance measures were not being met. Stakeholders collaborated to develop an adaptive management plan.

How often will measurements be reviewed to ensure VMT exceedance issues are kept in check? Who will fund the monitoring? Should be the Tahoe Douglas Visitor's Authority footing that bill.

The purpose of the stakeholder coordination is to identify and to better understand the factors including those not specifically associated with event center operations that may be affecting traffic and how they need to respond to monitoring and determine the next steps. The stakeholder committee will include but is not limited to an event center representative, a state representative from each state, and representative from Douglas County, the City of South Lake Tahoe, TRPA, public safety, and the Tahoe Transportation District.

When will this stakeholder group be convened? The Douglas County Board of County Commissioners should be selecting the Douglas County representatives at an upcoming BOCC meeting, so the public is aware of who is representing them. They should also be allowed to weigh-in on representation. The entire County, not just the lake will possibly be asked to fund some of the Mainstreet Management Plan goodies, infrastructure updates, etc.

Henry Patrick said the TRPA should not be holding public hearings while the "freedom to assemble" is unconstitutionally suspended. Even martial law protects against undemocratic long term changes to governmental functions. There are a lot of individuals that rely on public sources of internet access (libraries, coffee shops, public areas), who cannot attend these webinars. Worse, because the libraries are closed (even law libraries), the public cannot consult the valuable references for constructive thought about agenda items. The lack of public assembly has real chilling effects on public debate. The economy is suspended by stay at home orders (large gathering venues are forecast to be prohibited reopening until a vaccine is developed, manufactured, and delivered to all 350 million US residents approximately in four years), and the country will certainly be dramatically transformed by the time it exits this crises, it is inappropriate to "railroad" a potentially obsolete vision under the darkness of the pandemic. These projects will not be able to generate revenue to pay for themselves for half a decade. This all should wait.

Frank Sinatra said he's a real and alive musician who has a home in the Basin. His parents, who are also musicians, gave me the first and middle names "Frank" and "Sinatra." He's honored to go by the alias "Frank Sinatra." Hence, he finds its particular offense in the pretext you are using to censor other peoples' public comment. Are we to believe that because John Marshall is irrefutably the diseased fourth Chief Justice of the United States Supreme Court, he cannot also be a real person? Cease and desist in finding creative pretexts to illegally censor public comment.

Tahoe Residents for Actual Prosperity said the simple high school physics assumption that radiation can only cause cancer by being of a high enough photon energy (UV/X-ray) to dislodge electrons and break chemical bonds is wrong. A preponderance of scientific evidence clearly indicates that radio frequency (RF) radiation causes reactive oxidative species (ROS) in living cells and free radical production. Microwave radiation alters the antioxidant repair mechanism resulting in a buildup of reactive oxidative stress. Free radical DNA damage results, as well as reproductive harm and some electro-hypersensitivity effects. Laboratory toxicology experiments show DNA damage directly resulting from microwave RF exposure, and epidemiology has found cancer rates near cell towers are upwards of three to four times higher than background rates; this aggregate rate approximates the vehicular fatality rate in the US! Despite long emerged science, the captured FCC continues to apply an outdated standard it imported from the "National Council on Radiation Protection" in 1996 before cell phones were widely adopted or any direct science existed to expose actual health effects. The FCC exposure standards are now 10,000 times higher than the 0.1 $\mu\text{W}/\text{cm}^2$ recommended by current science. Cell towers should not be located less than 1,500 feet (~500 m) from the public or sensitive wildlife. Telecommunications are a

trillion-dollar industry, and their corporate lobbying has been tremendous. The TRPA is not prohibited from regulating RF emissions limits as it is neither a state nor local agency (Lake County Estates, Inc, v. Tahoe Reg. Planning Agency, 440 US 391, 401, (1972)).

Concerned Citizens of the Tahoe Basin Regarding Cell Tower Moratorium said we need a moratorium on cell tower installations until the TRPA develops its own threshold findings specific to the sensitive Lake Tahoe alpine environment.

Arbitrary cell tower installations add uncertainty to real estate values, cost homeowner equity, unexpectedly ruin a family's nest egg, and generate large health expenses that we all pay for one way or another. A single cancer treatment regimen costs between \$100,000 and \$1 million and human life, itself, is invaluable. Even small risks which result in grave consequences must be taken very seriously. Because of the large numbers of residents exposed to this risk, the cost of doing nothing would result in an increasing number of people, many of them young, developing cancer and suffering other health effects; this extends to wildlife too. We have long proudly held a constitutional liberty in this country to personally make informed choices over the risks we exclusively take against our own health and bodily integrity. Regarding cancer, these ethos appear in California law through Proposition 65. Cell tower radiation is far worse than purchasing a cup of coffee, processed meat, BPA plastics, and MTBE gasoline. Such purchases are all informed choices. Unlike the latter, cell towers incessantly and non-consensually intrude radiation into our bodies with harmful cumulative exposure. Moreover, carcinogenic risk is not simply additive; there are synergistic effects because when cellular repair is consumed by one genotoxin, DNA is far less protected against additional mutagenic threats such as radon gas, UV light, or "recreational splurges." Callous infliction of bodily harm and disregard for home equity is un-American. We can do better.

Gaylord Nelson said the TRPA needs to implement a moratorium on wireless telecommunications facilities (WTF's) deployments, until it is able to assess the serious degree that such installations are undermining its own climate change policies.

Cellular broadband is one of the most energy inefficient means of information transmission imaginable. Energy is radiated in a wide range of directions such as to send an adequate signal to just a single point. The energy effectively lost through the air is tremendous. Furthermore, these towers and phones constantly "ping" the each other with idle chatter just to be able to connect a call.

The greenhouse gas emissions associated with continuously running a macro cell tower transmitter with 47,090 watts of effective radiative power (or 187.2 kilowatt-hours per day) is a sizeable fraction per day of the power a household will use in an entire month! The agency policy is to reduce net power consumption, and there needs to be analysis on the impact against the agencies energy consumption goal and policy.

The new 5G frequencies increase the data capacity because the signals travel a much shorter range and thus limit inter-tower interference. However, the very reason this frequency band's range is limited is because the energy is lost heating up the air! We just phased out incandescent lightbulbs because of thermal and electrical waste, and now we are asked to adopt kilowatt microwave transmitters! This is all being done to make some greedy corporate giants milking a bad technology even wealthier, at the complete loss of the environment. 5G transmitters create thermal islands around each site, which also have an obvious potential for environmental harm.

When you compare cellular to fiber optics, the waste is dramatic: a milliwatt laser diode can continuously send broadband signals tens of miles through a single fiber optic strand, whereas it would take a 50,000 watt transmitter to send this same signal to the same point through the air. The disadvantage of fiber optic terminals being spatially fixed is not an issue for home broadband, because houses do not get up and move around. Setting-up a cellular infrastructure to provide home broadband is horrible public policy. The obvious answer is fiber-to-the-home; and compact home Wi-Fi networks are always an option for those who must have Wi-Fi calling available to their "smart" phone.

Such extremely wasteful uses of energy are responsible for global warming. This is resulting in one of the larger mass-extinction events in geologic history. In this context, the policy choice is easy. Do not permit this waste! TRPA needs a moratorium on Cell Towers while it assesses the impacts.

Ira Einhorn said concerns raised by local special interest groups that we "will all die" in a freak inferno unless there is a rapid deployment in cell towers (Wireless Telecommunicating Facilities/WTF's) are unfounded conjecture and baseless speculation. There is no hard evidence whatsoever supporting the certain likelihood of a historically extremely rare scenario; or such event resulting in a mass-casualty. The canyon gorge topography, vegetation, and associated "Venturi Effect" fire weather in Paradise, CA is actually quite different than that surrounding our alpine lakeside cities. Many people died in the "Camp Fire" because the roadways did not have the capacity to evacuate trapped people. Cellphones have actually created stampedes in a wide variety of emergencies.

Groups exploiting this tragedy, such as the Tahoe Prosperity Center, ought to be ashamed! I have heard firsthand knowledge that close relatives of victims of this tragedy are generally angry how their loss has been used statewide to sell all sorts of things, including political decisions that the victims certainly would not have supported if they were alive.

Cell towers are neither the only way or the best way to provide network connectivity to residents. Cell towers transfer real costs to the environment. Science proves that cell towers damage trees at the cellular level, triggering stress responses. Conifers secrete extremely flammable terpenes, possibly to ward off typical beetle infestations in response from stress caused at the cellular level. In this case because of RF radiation. This actually raises fire danger.

Furthermore, the pulsed microwave radiation used by 4G/5G cell towers is known to cause extremely adverse neuropsychiatric effects including depression and several well documented suicides. It is just as likely or perhaps unfounded as a mass-casualty conflagration that these towers could be the proximate cause of a mass-shooting: known RF-induced depression such as in that in future teenager could cause him or her to act out in violence at school or a public event. We need a moratorium on cell towers and decisions based on current science, not speculation off freak disasters.

Tomasz said there are currently some vocal special interest groups pressuring TRPA to streamline cell tower approval. They myopically claim that rapid cell tower deployments are necessary under the banner of "prosperity." They ignorantly and incorrectly profess to the public that there is no evidence that cell towers have any adverse effect on environmental quality. Despite being presented with thousands of pages of science, they dishonestly continue with the exact same narrative.

GOVERNING BOARD

April 22, 2020

Congress created the Tahoe Regional Planning Agency in order to protect a threatened “National Treasure.” The basin was being assaulted by short-term economic interests that ultimately endangered its long-term future. These included a hideous Emerald Bay bridge, beach high-rises, alpine wetlands development, and other development attempts that would strip away the very character that makes Tahoe a treasure. The current cell tower deployments are a new chapter in this very tired story. They threaten to strip away the scenic and wild character of the basin. Radiofrequency radiation kills-off pollinating insects, which in turn lowers the yield of alpine berries and seeds, which then diminishes the renewable food supply, and hence the populations of birds and mammals. The low-intensity radiofrequency radiation also stresses migratory birds. Furthermore, hundreds of thousands of tourists are drawn to the Tahoe basin to see its unique wildlife populations, and urbanization would significantly diminish this appeal, causing economic harm. Cell towers also diminish real estate values. Because the continued installation of cell towers is a threat to the long-term prosperity of the basin, I plead that you implement a moratorium on cell towers until the long-term impacts are understood.

Monica Eisenstecken said she’s extremely concerned about the rapid increase in the number of cellular facilities at Lake Tahoe. These are dangerous to Tahoe’s sensitive environment. Trees, wildlife, birds, insects, plants, and more are all negatively impacted. Your Board has never even required study of this issue. TRPA’s mission is to protect the environment. While this threat to the environment did not exist when your first Regional Plan was adopted, it is now a severe threat which will only get dramatically worse with the rapid roll out of new 5G infrastructure. We need a moratorium on new cellular facilities now so that TRPA can create appropriate standards for the protection of Tahoe’s sensitive environment. There is ample evidence that increased levels of EMF’s are a hazard. Please, take action on this immediately before more damage is done!

XIII. ADJOURNMENT

Chair Mr. Yeates adjourned the meeting at 3:19 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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



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STAFF REPORT

Date: May 20, 2020
To: TRPA Governing Board
From: TRPA Staff
Subject: April Financial Statements, Fiscal Year 2019/20

Summary and Staff Recommendation:

TRPA continues to work through changes due to the COVID 19 pandemic. We have been successful in maintaining our operations and serving the public with minimum disruption. As a result, we are performing well against our budgets. Planning fees are still coming in and lost work time due to COVID is minimal.

Significant challenges remain. The primary concern now is for the 2020 boating season. This will impact user fees for AIS inspections and stickers and may impact mooring registrations. Both programs have reserves to cover revenue shortfalls. Nevada is looking at clawing back a portion of their Fiscal Year 2020 contribution. Both states are grappling with significant revenue shortfalls in the coming fiscal year. The full impact may not be known for some months. We continue to manage our finances carefully, limiting any discretionary spending, and monitoring workloads. Our priorities remain serving our stakeholders; the lake, applicants, and staff.

Staff recommends acceptance of the April Financial Statements for Fiscal Year 2020.

Required Motion:

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

- 1) A motion to accept the April 2020 Financial Statements

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

Background:

We have now completed ten months (83%) of the fiscal year. Revenues are at 83% of the annual budget, and expenditures at 78%, normal for this time of year. This does not include targeted reductions of \$79K from Nevada.

YTD Revenues and Expenses

Revenues are strong, we have received 83% of our budgeted revenue for the year. Current Planning and Shorezone Fees continue to exceed last year. Planning revenue is 29% ahead of the year-to-date average of the last three years. Mooring fees are \$0.2M year to date, at 32% of budget. Current year mooring registrations are due by June 30th. We have collected \$0.5M YTD in AIS fees vs. a budget of \$1.1M. Grant revenues appear low at 54%, but we bill most grants in arrears, at the end of the quarter. We are still billing some grants.

Expenditures are at or below budgeted levels. Compensation expenses are at 78% of the annual budget, consistent with the timing of payrolls and incentive pay. We have two open positions. Contract expenses are only at 59%, but that is consistent with normal billing/payment lags. All other expenses are on track.

The year-to-date overall surplus is due to receiving State funds at the beginning of the year. These funds are spent down through year-end. Grants are showing a substantial deficit because we have not yet billed fiscal third quarter revenues.

Tahoe Regional Planning Agency

Fiscal YTD April 2020

	State & Local	Fees	Grants	Grand Total
Revenue				
Fees for Service	22,371	2,957,101		2,979,472
Grants		4,809	2,414,608	2,419,417
State Revenue	7,543,774			7,543,774
Local Revenue	150,000		15,000	165,000
Rent Revenue		316,016		316,016
Other Revenue	113,499	18,852	(8)	132,343
TRPA Rent Revenue		574,150		574,150
Revenue Total	7,829,644	3,870,929	2,429,600	14,130,173
Expenses				
Compensation	3,430,119	1,522,794	549,159	5,502,072
Contracts	1,414,796	1,021,371	2,006,209	4,442,376
Financing		223,957		223,957
Other	515,054	142,281	61,085	718,420
Rent	578,393	25,643		604,036
A&O/Transfers	(1,437,412)	1,076,343	397,446	36,376
Expenses Total	4,500,950	4,012,388	3,013,898	11,527,236
Grand Total	3,328,694	(141,459)	(584,298)	2,602,937

TRPA Balance Sheet

The “TRPA” column represents funds freely available to the Agency. Grant funds are restricted to the purpose of the grant. “Trust” funds represent monies TRPA holds on behalf of other beneficiaries and are not available for general TRPA use. Trust funds are comprised of mitigation funds restricted to offset development impacts, and project securities.

Net Assets increased by \$0.4M from last month. Assets increased by \$0.6M in Accounts Receivables due to invoicing grants for the third quarter of the fiscal year. Liabilities increased by \$0.2M due to a \$0.5M increase in mitigation funds offset by a \$0.3M decrease in Accounts Payables balances at month end.

Tahoe Regional Planning Agency

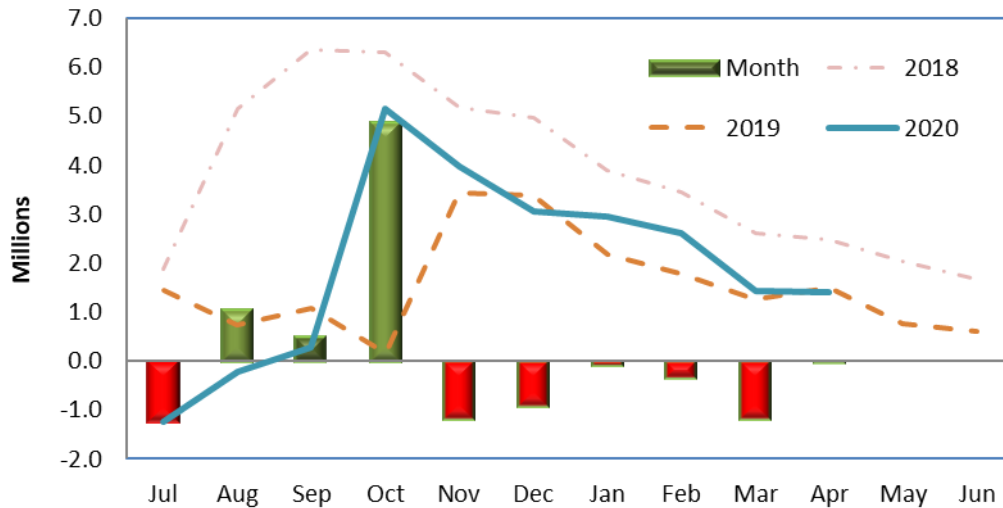
Balance Sheet @4-30-20

	TRPA	Grants	Trust	Total
Cash & Invest	7,201,523	926,346	18,654,529	26,782,398
A/R	29,915	1,213,162		1,243,077
Current Assets	242,973			242,973
LT Assets	9,180,277			9,180,277
Total Assets	16,654,688	2,139,508	18,654,529	37,448,725
A/P	171,451	(88,433)		83,019
Benefits	771,681			771,681
Deferred Rev	419,909	226,497		646,405
Deposits	150,464	10,190		160,655
LT Debt	8,445,000			8,445,000
Mitigation			12,960,664	12,960,664
Securities			5,572,615	5,572,615
Total Liabilities	9,958,506	148,254	18,533,279	28,640,039
Net Position	6,696,182	1,991,254	121,250	8,808,686

Cash Flow

Cash flow for the month was neutral. We received \$1.1 M in receipts and disbursements were \$1.1M. Receipts included a \$0.6M payment on an AIS grant. Planning fees, due in part to the Shoreline Program, are strong year-to-date. Our state funding comes in early in the year and is spent down through year-end. Revenue from Grants and Fees for Services continue to flow throughout the year.

Monthly Cash Flow



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

Contact Information:

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

Attachment:

- A. Attachment I April Financial Statements

Attachment A

April Financial Statements

Tahoe Regional Planning Agency
Actuals vs. Budget by Program
Fiscal YTD April 2020

	Ann Budget	YTD	Remaining	% Remaining
TRPA Totals				
Revenue				
State Revenue	7,476,073	7,543,774	67,701	-1%
Grants	4,447,435	2,419,417	2,028,018	46%
Fees for Service	3,672,826	2,979,472	693,354	19%
Local Revenue	156,881	165,000	8,119	-5%
Rent Revenue	328,844	316,016	12,827	4%
TRPA Rent Revenue	688,980	574,150	114,830	17%
Other Revenue	196,455	132,343	64,112	
Revenue Total	16,967,494	14,130,173	2,837,322	17%
Expenses				
Compensation	7,064,067	5,502,072	1,561,995	22%
Contracts	7,502,474	4,442,376	3,060,099	41%
Financing	427,641	223,957	203,684	48%
Rent	728,980	604,036	124,945	17%
Other	1,252,903	718,420	534,483	43%
A&O/Transfers	8,570	36,376	44,947	
Expenses Total	16,967,494	11,527,236	5,440,259	32%
TRPA Net	(0)	2,602,937		

Agency Mgmt

Page # 11

Revenue				
Fees for Service	17,954	22,371	4,417	-25%
Grants	10,000	1,809	8,191	82%
State Revenue	6,501,073	6,597,236	96,163	-1%
Other Revenue	180,230	113,499	66,731	37%
Local Revenue	156,881	150,000	6,881	4%
Revenue Total	6,866,138	6,884,915	18,777	0%
Expenses				
Compensation	1,893,109	1,532,025	361,084	19%
Contracts	191,733	112,233	79,500	41%
Financing	676	0	676	100%
Rent	8,685	3,658	5,027	58%
Other	264,197	172,380	91,817	35%
Expenses Total	2,358,401	1,820,296	538,105	23%
Agency Mgmt Net	4,507,736	5,064,619		

	Ann Budget	YTD	Remaining	%
Current Planning			Page # 12	
Revenue				
Fees for Service	2,526,658	2,254,859	271,799	11%
Grants	3,600	3,000	600	17%
State Revenue	124,000	124,000	0	0%
Other Revenue	34	8,022	8,056	
Revenue Total	2,654,224	2,389,881	264,343	10%
Expenses				
Compensation	1,722,386	1,387,340	335,046	19%
Contracts	624,000	605,871	18,129	3%
Financing	20,000	16,077	3,923	20%
Other	72,663	49,737	22,926	32%
A&O/Transfers	1,233,322	1,044,948	188,374	15%
Expenses Total	3,672,371	3,103,972	568,399	15%

Curr Plan Net	(1,018,148)	(714,091)
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	Ann Budget	YTD	Remaining	%
Envir. Imp.			Page # 15	
Revenue				
Fees for Service	1,128,214	700,442	427,772	38%
Grants	2,394,639	1,383,023	1,011,616	42%
State Revenue	750,000	750,000	0	0%
Revenue Total	4,272,853	2,833,465	1,439,388	34%
Expenses				
Compensation	892,586	695,026	197,559	22%
Contracts	3,660,281	2,171,957	1,488,324	41%
Financing	15,020	11,908	3,113	21%
Rent	30,771	25,643	5,129	17%
Other	150,546	102,688	47,859	32%
A&O/Transfers	61,255	60,147	1,108	2%
Expenses Total	4,810,459	3,067,369	1,743,090	36%

Env Imp Net	(537,606)	(233,904)
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	Ann Budget	YTD	Remaining	%
L RTP				
Page # 20				
Revenue				
Grants	1,809,467	1,000,299	809,168	45%
Fees for Service	0	1,800	1,800	
Other Revenue	0	8	8	
Revenue Total	1,809,467	1,002,091	807,376	45%
Expenses				
Compensation	1,268,384	955,759	312,625	25%
Contracts	968,228	723,340	244,888	25%
Rent	544	585	41	-8%
Other	54,071	40,653	13,419	25%
A&O/Transfers	521,330	360,957	160,372	31%
Expenses Total	2,812,557	2,081,294	731,263	26%

L RTP Net	(1,003,090)	(1,079,203)
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	Ann Budget	YTD	Remaining	%
R & A				
Page # 24				
Revenue				
Grants	229,729	31,286	198,442	86%
State Revenue	101,000	72,538	28,462	28%
Revenue Total	330,729	103,824	226,905	69%
Expenses				
Compensation	1,003,797	859,484	144,313	14%
Contracts	1,658,698	627,751	1,030,947	62%
Other	57,893	9,395	48,498	84%
A&O/Transfers	45,478	7,736	37,742	83%
Expenses Total	2,765,866	1,504,365	1,261,501	46%

R & A Net	(2,435,137)	(1,400,541)
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	Ann Budget	YTD	Remaining	%
Infrastructure			Page # 23	
Revenue				
Other Revenue	16,260	10,830	5,430	33%
Rent Revenue	328,844	316,016	12,827	4%
TRPA Rent Revenue	688,980	574,150	114,830	17%
Revenue Total	1,034,084	900,997	133,087	13%
Expenses				
Compensation	89,986	72,438	17,548	20%
Contracts	399,534	201,224	198,310	50%
Financing	391,944	195,972	195,972	50%
Rent	688,980	574,150	114,830	17%
Other	629,384	343,568	285,816	45%
Expenses Total	2,199,828	1,387,352	812,476	37%
Infrastructure Net	(1,165,744)	(486,355)		

Other			Page # 24	
Expenses				
A&O/Transfers	1,869,955	1,437,412	432,543	23%
Expenses Total	1,869,955	1,437,412	432,543	23%

Tahoe Regional Planning Agency
Slected Current Planning Fees, Fiscal YTD April 2020*

	2017	2018	2019	2020	% v.3yrs	\$'s v Avg.
RESIDENTIAL	197,052	216,601	252,574	324,659	146%	102,584
SHOREZONE	62,240	52,100	48,200	184,289	340%	130,109
COMMERCL_TA	26,450	54,354	63,138	98,141	205%	50,161
OTHER_REV	103,840	99,830	658	92,754	136%	24,645
ALLOCATION	78,211	86,364	57,364	62,469	84%	(11,511)
TREE_RMVL	25,758	33,721	34,725	58,494	186%	27,093
RECR_PUBLIC	60,358	91,052	47,480	56,083	85%	(10,214)
GENERAL	58,915	65,244	39,111	55,034	101%	611
FULL_SITE	89,477	78,178	55,734	49,785	67%	(24,678)
ENFORCMENT	76,225	38,752	29,914	48,002	99%	(295)
LAND_CHALL	29,135	39,433	46,785	46,687	121%	8,235
REVISIONS	1,984	54,122	62,288	39,717	101%	252
SECURITIES	22,765	24,259	32,513	36,857	139%	10,345
SOILS_HYDRO	20,405	27,540	26,298	23,732	96%	(1,016)
GRADE_EXCEPT	17,951	16,920	19,646	23,730	131%	5,558
LAND_CAP	19,277	17,809	20,933	17,782	92%	(1,558)
VB_USE	6,480	12,960	7,128	14,715	166%	5,859
TRANS_DEV	24,686	9,255	9,448	11,902	82%	(2,561)
LLADJ_ROW	7,880	14,296	14,914	10,359	84%	(2,004)
STD	7,546	6,462	10,448	9,442	116%	1,290
IPES	14,852	12,260	16,292	7,882	54%	(6,586)
VB_COVERAGE	13,380	9,666	12,019	7,257	62%	(4,431)
QUAL_EXEMPT	5,576	8,024	6,612	7,115	106%	378
GRADING	9,982	10,738	10,015	7,033	69%	(3,212)
PARTIAL_SITE	7,406	7,406	5,303	5,760	86%	(945)
SHORZONE				5,747		
QE SHOREZONE	3,696	5,544	7,368	5,067	92%	(469)
MONITORING	15,993	(563)	3,089	4,919	80%	(1,254)
AMEND_PLAN		5,782		4,626	80%	(1,156)
TEMP_USE	1,934	3,160	4,678	3,776	116%	519
B_TANK_JJ	1,216	1,466	1,216	2,880		
NOTE_APPEAL	3,779	556	2,223	2,749	126%	563
PRE-APP	1,696	2,120	4,255	2,583	96%	(107)
SIGNS	938	1,184	2,684	1,950	122%	348
SUBDIV_EXIST	7,764	10,817	2,052	1,816	26%	(5,062)
LMTD_INCENT	267	267	599	1,745	462%	1,367
CONSTR_EXT	1,408	2,098	1,722	1,362	78%	(381)
RES_DRIVE	447	648	298	1,176	253%	712
SCENIC_ASSES			400	400		
HISTORIC	4,797	6,188	2,487		0%	(4,491)
MASTERPLAN		7,412			0%	(7,412)
LEGAL_DETERM	424	424			0%	(424)
Totals	1,032,188	1,134,449	962,610	1,340,474	129%	297,392

* Does not include fees for AIS and Shoreline Moorings

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Agency Mgmt			
GF Revenue			
Revenue			
State Revenue	6,501,073	6,597,236	96,163
Fees for Service	17,954	22,371	4,417
Local Revenue	156,881	150,000	6,881
Other Revenue	180,230	113,499	66,731
Revenue Total	6,856,138	6,883,106	26,968
GF Revenue Total	6,856,138	6,883,106	26,968
Gov Board			
Expenses			
Contracts	933	800	133
Other	22,173	10,762	11,411
Rent	5,545	1,633	3,912
Expenses Total	28,651	13,195	15,456
Gov Board Total	28,651	13,195	15,456
Executive			
Expenses			
Compensation	702,042	586,359	115,683
Other	18,397	643	17,754
Rent	207	0	207
Expenses Total	720,646	587,002	133,644
Executive Total	720,646	587,002	133,644
Legal			
Expenses			
Compensation	242,616	196,497	46,119
Contracts	60,000	23,911	36,090
Other	13,522	9,425	4,097
Expenses Total	316,138	229,833	86,305
Legal Total	316,138	229,833	86,305
Communications			
Expenses			
Compensation	193,684	173,605	20,079
Contracts	17,000	0	17,000
Other	73,768	37,555	36,213
Rent	2,933	2,025	908
Expenses Total	287,385	213,185	74,200

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Communications Total	287,385	213,185	74,200
Finance			
Expenses			
Compensation	432,682	365,829	66,853
Contracts	64,200	46,770	17,430
Financing	676	0	676
Other	2,798	17,916	15,117
Expenses Total	500,357	430,515	69,842
Finance Total	500,357	430,515	69,842
HR			
Expenses			
Compensation	322,085	209,736	112,350
Contracts	49,600	40,753	8,848
Other	99,261	62,548	36,713
Expenses Total	470,946	313,036	157,910
HR Total	470,946	313,036	157,910
Env. Newsletter			
Revenue			
Grants	10,000	1,809	8,191
Revenue Total	10,000	1,809	8,191
Expenses			
Other	34,278	33,530	747
Expenses Total	34,278	33,530	747
Env. Newsletter Total	24,278	31,721	7,444
Agency Mgmt Total	4,507,736	5,064,619	556,883
Current Planning			
Current Planning			
Revenue			
Fees for Service	1,659,336	1,390,466	268,870
Revenue Total	1,659,336	1,390,466	268,870
Expenses			
Compensation	1,043,486	913,540	129,945
Contracts	150,000	120,858	29,142
Financing	20,000	16,077	3,923

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
A&O/Transfers	793,049	697,671	95,378
Other	10,398	0	10,398
Expenses Total	2,016,933	1,748,146	268,787
Current Planning Total	357,597	357,681	83
Code Enforcement			
Expenses			
Compensation	358,866	284,003	74,863
A&O/Transfers	272,738	216,893	55,845
Other	2,220	1,359	861
Expenses Total	633,823	502,255	131,569
Code Enforcement Total	633,823	502,255	131,569
Boat Crew			
Revenue			
State Revenue	124,000	124,000	0
Revenue Total	124,000	124,000	0
Expenses			
Compensation	100,230	17,194	83,036
Other	44,825	36,235	8,590
Expenses Total	145,055	53,429	91,626
Boat Crew Total	21,055	70,571	91,626
Shorezone Boat Crew			
Expenses			
Compensation	39,571	66,483	26,912
Contracts	20,000	39,818	19,818
A&O/Transfers	30,555	50,773	20,218
Other	0	6,471	6,471
Expenses Total	90,126	163,544	73,418
Shorezone Boat Crew Total	90,126	163,544	73,418
Other			
Revenue			
Fees for Service	477,322	145,172	332,150
Other Revenue	34	8,022	8,056
Revenue Total	477,288	153,193	324,094
Other Total	477,288	153,193	324,094

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Legal - Direct or Disallowed			
Revenue			
Fees for Service	120,000	3,532	116,469
Revenue Total	120,000	3,532	116,469
Expenses			
Compensation	0	1,877	1,877
Contracts	120,000	3,532	116,469
Expenses Total	120,000	5,408	114,592
Legal - Direct or Disallowed Total	0	1,877	1,877
Settlements			
Revenue			
Fees for Service	150,000	11,300	138,700
Grants	3,600	3,000	600
Revenue Total	153,600	14,300	139,300
Expenses			
Contracts	149,000	92,908	56,093
Other	15,220	5,650	9,570
Expenses Total	164,220	98,558	65,663
Settlements Total	10,620	84,258	73,638
Shorezone - Planning			
Expenses			
Compensation	167,405	92,793	74,612
A&O/Transfers	127,228	70,866	56,362
Expenses Total	294,634	163,659	130,975
Shorezone - Planning Total	294,634	163,659	130,975
Shorezone - Implementation			
Expenses			
Compensation	8,263	5,991	2,272
A&O/Transfers	6,280	4,576	1,705
Expenses Total	14,544	10,567	3,977
Shorezone - Implementation Total	14,544	10,567	3,977
Shorezone - Communications			
Expenses			
Compensation	4,565	5,459	894
Contracts	65,000	45,000	20,000

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
A&O/Transfers	3,472	4,169	697
Other	0	23	23
Expenses Total	73,036	54,651	18,385
Shorezone - Communications Total	73,036	54,651	18,385
Current Planning Reimbursed			
Revenue			
Fees for Service	120,000	704,391	584,391
Revenue Total	120,000	704,391	584,391
Expenses			
Contracts	120,000	303,756	183,756
Expenses Total	120,000	303,756	183,756
Current Planning Reimbursed Total	0	400,635	400,635
Current Planning Total	1,018,148	714,091	304,056
Envir. Imp.			
Watercraft Inspection Fees			
Revenue			
Fees for Service	1,116,214	538,429	577,785
Revenue Total	1,116,214	538,429	577,785
Expenses			
Compensation	135,746	111,539	24,207
Contracts	830,496	327,200	503,296
Financing	15,020	11,908	3,113
A&O/Transfers	0	0	0
Other	104,182	22,180	82,001
Rent	30,771	25,643	5,129
Expenses Total	1,116,214	498,469	617,745
Watercraft Inspection Fees Total	0	39,960	39,960
CA Gen Fund AIS Prevention			
Revenue			
State Revenue	375,000	375,000	0
Revenue Total	375,000	375,000	0
Expenses			
Contracts	375,000	375,000	0
Expenses Total	375,000	375,000	0

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
CA Gen Fund AIS Prevention Total	0	0	0
NV Gen Fund AIS Prevention & Control			
Revenue			
State Revenue	375,000	375,000	0
Revenue Total	375,000	375,000	0
Expenses			
Compensation	165,608	131,075	34,533
Contracts	181,551	68,818	112,734
A&O/Transfers	0	0	0
Other	27,841	26,238	1,603
Expenses Total	375,000	226,131	148,869
NV Gen Fund AIS Prevention & Control Total	0	148,869	148,869
AIS Prevention (SNPLMA Rnd 12 Final)			
Revenue			
Grants	0	18,858	18,858
Revenue Total	0	18,858	18,858
AIS Prevention (SNPLMA Rnd 12 Final) Total	0	18,858	18,858
Tahoe Keys & Lakewide AIS Control (LTRA)			
Revenue			
Grants	1,851,531	993,136	858,395
Revenue Total	1,851,531	993,136	858,395
Expenses			
Compensation	17,820	12,922	4,898
Contracts	1,820,000	1,133,369	686,631
A&O/Transfers	13,543	9,869	3,675
Other	168	5	173
Expenses Total	1,851,531	1,156,155	695,376
Tahoe Keys & Lakewide AIS Control (LTRA) Total	0	163,019	163,019
ANS Mgmt Plan - Meeks Bay Control			
Revenue			
Grants	47,695	47,695	0
Revenue Total	47,695	47,695	0
Expenses			
Contracts	47,695	47,695	0
Expenses Total	47,695	47,695	0

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
ANS Mgmt Plan - Meeks Bay Control Total	0	0	0
Lakewide AIS Control (USACE)			
Revenue			
Grants	217,337	136,731	80,606
Revenue Total	217,337	136,731	80,606
Expenses			
Contracts	217,337	54,897	162,440
Other	0	45,140	45,140
Expenses Total	217,337	100,038	117,300
Lakewide AIS Control (USACE) Total	0	36,694	36,694
Sand Harbor Asian Clam Control (NDSL)			
Revenue			
Grants	76,102	5,040	71,062
Revenue Total	76,102	5,040	71,062
Expenses			
Contracts	76,102	4,800	71,302
Expenses Total	76,102	4,800	71,302
Sand Harbor Asian Clam Control (NDSL) Total	0	240	240
Secret Shopper Inspection Stations (DBW)			
Revenue			
Grants	7,150	2,560	4,590
Revenue Total	7,150	2,560	4,590
Expenses			
Contracts	7,150	2,560	4,590
Expenses Total	7,150	2,560	4,590
Secret Shopper Inspection Stations (DBW) Total	0	0	0
Shorezone Fees			
Revenue			
Fees for Service	0	125,484	125,484
Revenue Total	0	125,484	125,484
Shorezone Fees Total	0	125,484	125,484
Env. Improv.			

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Expenses			
Compensation	478,719	357,100	121,619
Contracts	25,000	18,553	6,447
Other	16,933	9,071	7,862
Expenses Total	520,652	384,724	135,928
Env. Improv. Total	520,652	384,724	135,928
CalFire Wildfire Prevention Outreach			
Revenue			
Grants	59,950	18,210	41,740
Revenue Total	59,950	18,210	41,740
Expenses			
Contracts	59,950	18,210	41,740
Expenses Total	59,950	18,210	41,740
CalFire Wildfire Prevention Outreach Total	0	0	0
BMP Enforcement in NV (NV 319)			
Revenue			
Grants	124,873	47,521	77,352
Revenue Total	124,873	47,521	77,352
Expenses			
Compensation	78,242	40,302	37,940
Contracts	10,000	0	10,000
A&O/Transfers	35,209	18,136	17,073
Other	1,423	64	1,359
Expenses Total	124,873	58,502	66,372
BMP Enforcement in NV (NV 319) Total	0	10,981	10,981
Douglas County BMPs Enforcement			
Revenue			
Local Revenue	0	15,000	15,000
Revenue Total	0	15,000	15,000
Expenses			
Compensation	0	11,108	11,108
A&O/Transfers	0	8,483	8,483
Expenses Total	0	19,591	19,591
Douglas County BMPs Enforcement Total	0	4,591	4,591

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
LTInfo BMP Database (NDEP)			
Revenue			
Grants	10,000	0	10,000
Revenue Total	10,000	0	10,000
Expenses			
Contracts	10,000	0	10,000
Expenses Total	10,000	0	10,000
LTInfo BMP Database (NDEP) Total	0	0	0
NDEP Stormwater Tool			
Revenue			
Grants	0	93,228	93,228
Revenue Total	0	93,228	93,228
Expenses			
Contracts	0	98,375	98,375
Expenses Total	0	98,375	98,375
NDEP Stormwater Tool Total	0	5,148	5,148
Stormwater Planning Support			
Revenue			
Fees for Service	12,000	36,529	24,529
Revenue Total	12,000	36,529	24,529
Expenses			
Compensation	16,451	30,980	14,529
A&O/Transfers	12,503	23,659	11,156
Expenses Total	28,954	54,639	25,685
Stormwater Planning Support Total	16,954	18,110	1,156
(CLOSED) NDSL LTLT Tributary Monitoring			
Revenue			
Grants	0	20,044	20,044
Revenue Total	0	20,044	20,044
Expenses			
Contracts	0	20,043	20,043
Expenses Total	0	20,043	20,043
(CLOSED) NDSL LTLT Tributary Monitoring Total	0	0	0

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Warm Water Fish Control (Prop 1 CTC)			
Expenses			
Contracts	0	2,438	2,438
Expenses Total	0	2,438	2,438
Warm Water Fish Control (Prop 1 CTC) Total	0	2,438	2,438
Envir. Imp. Total	537,606	218,904	318,702
L RTP			
Long Range & Transp. Planning			
Expenses			
Compensation	582,423	472,469	109,954
Contracts	60,170	45,947	14,223
Other	10,799	855	9,944
Rent	544	0	544
Expenses Total	653,936	519,271	134,664
Long Range & Transp. Planning Total	653,936	519,271	134,664
TMPO			
Expenses			
Contracts	306,105	111,680	194,426
Other	43,049	16,108	26,941
Rent	0	585	585
Expenses Total	349,154	128,373	220,781
TMPO Total	349,154	128,373	220,781
Transportation			
Revenue			
Grants	1,474,617	545,149	929,468
Other Revenue	0	8	8
Revenue Total	1,474,617	545,141	929,476
Expenses			
Compensation	681,621	468,064	213,556
Contracts	274,965	98,336	176,629
A&O/Transfers	518,031	357,287	160,744
Other	0	7,126	7,126
Expenses Total	1,474,617	930,813	543,804
Transportation Total	0	385,672	385,672

CA Prop 1B Transit Capital Improvement Program South Shore

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Revenue			
Grants	0	247,282	247,282
Revenue Total	0	247,282	247,282
Expenses			
Contracts	0	276,409	276,409
Expenses Total	0	276,409	276,409
CA Prop 1B Transit Capital Improvement Program South Shore Total	0	29,127	29,127
CA Prop 1B Transit Safety and Security-North Shore			
Revenue			
Grants	0	24,870	24,870
Revenue Total	0	24,870	24,870
Expenses			
Contracts	0	24,870	24,870
Expenses Total	0	24,870	24,870
CA Prop 1B Transit Safety and Security-North Shore Total	0	0	0
Transportation SB1 Formula & Competitive			
Revenue			
Grants	309,988	134,354	175,634
Revenue Total	309,988	134,354	175,634
Expenses			
Contracts	309,988	141,449	168,539
Expenses Total	309,988	141,449	168,539
Transportation SB1 Formula & Competitive Total	0	7,095	7,095
CA SGC SSARP Grant - Safety			
Revenue			
Grants	17,000	28,935	11,935
Revenue Total	17,000	28,935	11,935
Expenses			
Contracts	17,000	4,440	12,560
Expenses Total	17,000	4,440	12,560
CA SGC SSARP Grant - Safety Total	0	24,495	24,495
CTC Shoreline Plan			
Revenue			

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Grants	4,670	7,677	3,007
Revenue Total	4,670	7,677	3,007
Expenses			
Compensation	2,571	3,629	1,059
Contracts	0	134	134
A&O/Transfers	1,954	2,776	822
Other	146	5,713	5,567
Expenses Total	4,670	12,252	7,582
CTC Shoreline Plan Total	0	4,575	4,575
NDSL LTLP Shoreline Plan			
Revenue			
Grants	3,192	4,174	982
Revenue Total	3,192	4,174	982
Expenses			
Compensation	1,769	2,232	463
Contracts	0	71	71
A&O/Transfers	1,345	894	450
Other	78	3,047	2,969
Expenses Total	3,192	6,245	3,053
NDSL LTLP Shoreline Plan Total	0	2,071	2,071
USFS Meeks Bay Restoration			
Revenue			
Grants	0	7,859	7,859
Revenue Total	0	7,859	7,859
Expenses			
Compensation	0	9,364	9,364
A&O/Transfers	0	0	0
Expenses Total	0	9,364	9,364
USFS Meeks Bay Restoration Total	0	1,505	1,505
Mtn Town Summit			
Revenue			
Fees for Service	0	1,800	1,800
Revenue Total	0	1,800	1,800
Expenses			
Contracts	0	20,004	20,004

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Other	0	7,804	7,804
Expenses Total	0	27,808	27,808
Mtn Town Summit Total	0	26,008	26,008
L RTP Total	1,003,090	1,079,203	76,113
Infrastructure			
General Services			
Expenses			
Compensation	89,986	72,438	17,548
Contracts	56,364	625	55,739
Other	168,591	68,865	99,726
Rent	688,980	574,150	114,830
Expenses Total	1,003,921	716,078	287,843
General Services Total	1,003,921	716,078	287,843
IT			
Expenses			
Contracts	290,720	193,568	97,152
Other	210,962	209,438	1,524
Expenses Total	501,682	403,006	98,676
IT Total	501,682	403,006	98,676
Building			
Revenue			
Other Revenue	16,260	10,830	5,430
Rent Revenue	328,844	313,497	15,346
TRPA Rent Revenue	688,980	574,150	114,830
Revenue Total	1,034,084	898,478	135,606
Expenses			
Contracts	52,450	7,031	45,419
Financing	391,944	195,972	195,972
Other	164,759	10,751	154,008
Expenses Total	609,153	213,754	395,399
Building Total	424,931	684,724	259,793
CAM			
Revenue			
Rent Revenue	0	2,519	2,519
Revenue Total	0	2,519	2,519

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Expenses			
Other	85,072	54,514	30,558
Expenses Total	85,072	54,514	30,558
CAM Total	85,072	51,995	33,077
Infrastructure Total	1,165,744	486,355	679,389
Other			
Other			
Expenses			
Compensation	193,819	0	193,819
A&O/Transfers	1,869,955	1,437,412	432,543
Other	24,148	0	24,148
Expenses Total	1,651,988	1,437,412	214,576
Other Total	1,651,988	1,437,412	214,576
Other Total	1,651,988	1,437,412	214,576
R & A			
Research & Analysis			
Expenses			
Compensation	935,134	844,122	91,012
Contracts	1,272,305	446,262	826,042
Other	31,273	8,012	23,261
Expenses Total	2,238,712	1,298,396	940,315
Research & Analysis Total	2,238,712	1,298,396	940,315
Nearshore Trib Monitoring (Lahontan)			
Revenue			
Grants	75,188	13,744	61,445
Revenue Total	75,188	13,744	61,445
Expenses			
Compensation	3,188	1,537	1,652
Contracts	72,000	60,636	11,364
A&O/Transfers	0	0	0
Expenses Total	75,188	62,172	13,016
Nearshore Trib Monitoring (Lahontan) Total	0	48,428	48,428
Climate Impacts on Alpine Lake			

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Revenue			
Grants	0	16,700	16,700
Revenue Total	0	16,700	16,700
Expenses			
Contracts	0	11,700	11,700
Expenses Total	0	11,700	11,700
Climate Impacts on Alpine Lake Total	0	5,000	5,000
Lake Tahoe West GIS Support			
Revenue			
Grants	55,915	0	55,915
Revenue Total	55,915	0	55,915
Expenses			
Compensation	31,770	0	31,770
A&O/Transfers	24,145	0	24,145
Expenses Total	55,915	0	55,915
Lake Tahoe West GIS Support Total	0	0	0
Wetland Monitoring (EPA)			
Revenue			
Grants	98,625	843	97,783
Revenue Total	98,625	843	97,783
Expenses			
Contracts	98,625	5,778	92,848
Expenses Total	98,625	5,778	92,848
Wetland Monitoring (EPA) Total	0	4,935	4,935
Science Council			
Revenue			
State Revenue	101,000	72,538	28,462
Revenue Total	101,000	72,538	28,462
Expenses			
Compensation	5,674	3,696	1,979
Contracts	85,768	42,110	43,658
A&O/Transfers	0	0	0
Other	4,366	1,382	2,984
Expenses Total	95,809	47,188	48,620

TRPA Financials

Thru 4/30/20

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Science Council Total	5,191	25,349	20,158
Shorezone - Research & Analysis			
Expenses			
Compensation	28,030	10,129	17,900
Contracts	130,000	61,265	68,735
A&O/Transfers	21,333	7,736	13,597
Other	22,254	0	22,254
Expenses Total	201,616	79,131	122,486
Shorezone - Research & Analysis Total	201,616	79,131	122,486
R & A Total	2,435,137	1,400,541	1,034,596
Grand Total	0	2,602,937	2,602,937

STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of Washoe County Water Quality Interest Mitigation Funds (\$26,500), and Operations and Maintenance (O&M) Mitigation Funds (\$5,115.00) for Implementation of the Nevada Tahoe Conservation District (NTCD) Washoe County TMDL

Summary and Staff Recommendation:

Governing Board action to release Washoe County Water Quality Interest Mitigation Funds (\$26,500), and Operations and Maintenance (O&M) Mitigation Funds (\$5,115.00) for Implementation of the Nevada Tahoe Conservation District (NTCD) Washoe County TMDL, listed in Table 1.

Staff recommends that the Governing Board approve Washoe County’s request, subject to the conditions cited below. The request is consistent with the Environmental Improvement Program objectives, Chapter 60 of the TRPA Code of Ordinances, and the Governing Board’s policy guidelines for the release of mitigation funds. TRPA reserves the right to withhold funds to ensure project priorities, goals, and specifications are consistent with those of the Environmental Improvement Program and the TRPA Regional Plan.

Required Motion:

In order to approve the requested release, the Board must make the following motion based on the staff report:

- 1) A motion to approve the release subject to the conditions contained in this staff report.

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

Table 1 Proposed Funding Release			
EIP #	PROJECT	Fund	Amount
06.01.03.0024	NTCD Washoe County TMDL Implementation Support	WQI	\$26,500.00
06.01.03.0024	NTCD Washoe County TMDL Implementation Support	O&M	\$5,115.00
Total Funding Requested			\$31,665.00

Background:

Since 2015, Washoe County has partnered with the Nevada Tahoe Conservation District (NTCD) to implement the Lake Clarity Crediting Program in support of the Washoe County Urban Upland TMDL Implementation. The next phase of this project (2020-2021) will assist Washoe County in meeting the Lake Tahoe 2021 TMDL load reduction milestone by creating pollutant load reduction models and registering pollutant controls, such as stormwater treatment best management practices (BMPs), private parcel BMPs, and road operations in the Lake Tahoe Information Stormwater Tools .

Additionally, funds will be used to cover NTCD expenses for performing rapid assessment methodology (RAMs) for roads and stormwater treatment facilities. RAM results directly and immediately dictate maintenance needs for facilities installed as part of County EIP projects (as well as roads), to ensure the functionality of the installed infrastructure.

Funding Match:

Operations and maintenance fund releases require a 1:1 local funding match. According to the Mitigation Fund Release Policy guidelines “local match” matching funds may include in-kind general fund expenses provided by the local jurisdiction which are directly related to EIP project/program implementation. For this request, Washoe County proposes to use funds from the Washoe County General Fund (\$5,115.59) as match for the requested O&M Mitigation Funds (\$5115.00). Other funding sources for this project are included on the table below for information.

Washoe County – Funding Breakdown				
	TRPA Mitigation	Local Match	Local Funds	Total Budget
Washoe County Funds				
319(h) Nonpoint Source Grant			\$39,229.92	\$39,229.92
NTCD In-Kind Match – Indirect Costs			\$1,386.01	\$1,386.01
Washoe County In-Kind			\$15,550.00	\$15,550.00
Washoe County General Funds		\$5,115.59		\$5,115.59
EIP Mitigation Funds				
Water Quality Interest Fund	\$26,500.00			\$26,500.00
O&M Mitigation Fund	\$5,115.00			\$5,115.00
Total	\$31,615	\$5,115.59	\$56,165.93	\$92,896.52

The account balance for the Washoe County Water Quality Interest fund is \$26,940.99, and the balance for the Operations and Maintenance fund, as of March 23, 2020 is \$ 389,405.26, which is sufficient to cover this request.

Conditions:

Staff recommends approving the release of these funds subject to the following conditions of approval:

1. The recipient shall only use the funds for the project cited above and as approved by TRPA.

2. TRPA reserves the right to withhold funds to ensure project priorities, goals, and objectives are consistent with those of the Environmental Improvement Program and TRPA's Regional Plan.
3. The County agrees to follow all laws, codes, and regulations adopted by federal, state, and local authorities/agencies.
4. The County agrees to maintain a report detailing the use and expenditures of all funds used on the project. These records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.
5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
6. These funds may not be used for design studies, environmental documents, application costs, or other pre-design tasks.
7. By acceptance of the Operations and Maintenance funds the County agrees to match these funds 1:1 with local funding.
8. The County agrees to report the applicable EIP Performance Measures achieved by this project.

Regional Plan Compliance:

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

Contact Information:

For questions regarding this item, please contact Kimberly Caringer, Division Manager, Environmental Improvement Program at (775) 589-5263 or kcaringer@trpa.org.

Attachment:

- A. EIP Project Fact Sheet

Attachment A
EIP Project Fact Sheet



Stormwater Treatment Facilities Operations and Maintenance – Washoe County

Project Number	06.01.03.0024
Action Priority	Operations and Maintenance of Capital Projects
Implementers	Washoe County, NV
Primary Contact	Ben Jesch (bjesch@washoecounty.us)
Stage	Implementation
Duration	2009 - 2040

Program Support, Reporting, and Technical Assistance > Operations and Maintenance of Capital Projects

Annual operations and maintenance costs must be tracked as part of the Regional Transportation Plan Update.



Washoe County Roads Crews use Tennant high efficiency vacuum assisted sweeper to clean roadside BMPs.

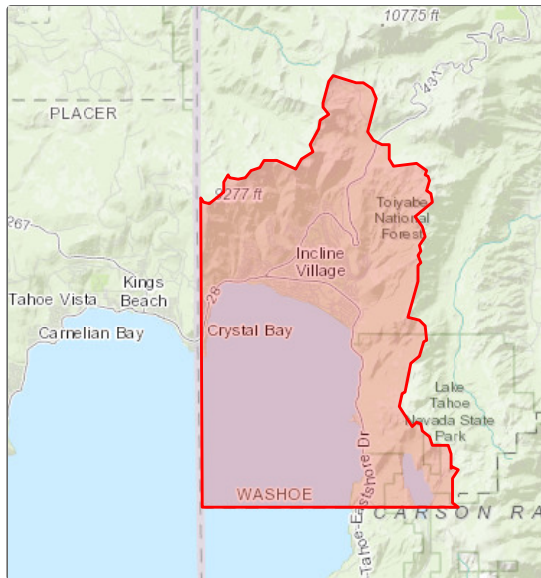
Key Accomplishments

Accomplishments to be provided upon completion of project

Threshold Categories

- Water Quality

Location



Expenditures

<p>Expenditures by Funding Source to Date: \$1,882,000 (Estimated Cost:)</p> <ul style="list-style-type: none"> ■ Washoe County Road Enterprise... (WACO): \$1,882,000

STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: West Lake Tahoe Regional Water Treatment Plant Project; 6100 West Lake Boulevard, Placer County, California; TRPA File Number ERSP2019-1374; APN's 098-330-004, 098-330-001, 098-330-015, 098-330-023, 098-350-015

Summary and Staff Recommendation:

Governing Board action on the proposed project and related findings (Attachment A) based on this staff report and the draft permit (Attachment B). Staff recommends the Governing Board make the required findings and approve the project subject to the special conditions in the draft permit.

Required Motions:

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

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

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

Project Description/Background:

In 2004, Tahoe City Public Utility District (TCPUD) constructed a temporary seasonal water treatment plant (WTP) on the site of and adjacent to the existing McKinney Sewer Pump Station to provide a surface water supply from the existing Chambers intake in Lake Tahoe to the McKinney-Quail Water System. The seasonal WTP is located outdoors, which does not allow the plant to operate during the winter months. The WTP draws water from Lake Tahoe via a water intake line and pump on the shores of Lake Tahoe. These facilities are all on a USFS parcel, a TCPUD parcel and the Chambers Lodge Road right of way.

The TCPUD is proposing a new West Lake Tahoe Regional Water Treatment Plant (WLTRWTP). The project proposes to replace the temporary and seasonal water treatment facilities located on the beach and within stream environment zones (SEZ) in the vicinity of Chambers Landing and move them landward and out of SEZ. The purpose is to provide a year-round reliable water source for the west shore communities of Lake Tahoe. It will augment fire protection capabilities and reliability of water

throughout the region. This project will help TCPUD meet the California Department of Public Health requirements for their overall system and be a more cost-effective and environmentally efficient solution to the water needs in the area.

The major aspects to this project are development of the new treatment plant, installation of submersible pumps, replacement of the existing water intake pipe, construction of a new pump station where the current plant is, and demolition, including restoration, of the existing intake pump house vault on the beach. The new treatment plant will be located on an undeveloped parcel on the corner of State Route 89 and Lodge Drive, across the highway from Chambers Landing. The facility is proposed on high capability land, Bailey classification class 5. The plant will be 4,068 square feet and include a driveway, parking area, and all required Best Management Practices.

Installation of three submersible pumps are proposed with this project for water intake. This will allow for operation flexibility in low and high-water demand conditions and to meet existing and projected maximum demand conditions. Having the three pumps will allow for a larger range of flow of water, from a minimum of 200 gallons per minute to a maximum of 650 gallons per minute. These pumps will replace the pump currently located in a vault (pump house) on the Chamber's Landing Beach. The submersible pumps will be fastened to concrete anchor blocks. Total new lake bottom disturbance will be 220 square feet, all located in marginal fish habitat. The existing intake line will be upgraded to a 10-inch diameter pipe. A power cable will be attached to the pipe from the new pumps to Lake Intake Pump Station. This portion of the project is located in Shorezone Tolerance District 6 and new disturbance in feed and cover fish habitat will be mitigated by creation of new offsite fish habitat. Cut and fill will be balanced where trenching occurs on the beach to maintain natural topography. Trenching below high water will result in temporary disturbance and temporary BMP's, including a turbidity curtain that will be in place.

Construction of a new Lake Intake Pump Station and Chemical Feed Room at the existing Seasonal WTP and McKinney Sewer Pump Station site will be part of the project. This facility will house the motor control center, supervisory control and data acquisition system, emergency generator, and partial pre-chlorination feed pump. A majority of this facility will be located on already disturbed land and only require 41 square feet of additional coverage. The structure will be within the 100 year floodplain but will be constructed to be flood resistant.

Issues and Concerns:

The Code of Ordinances requires Governing Board review of the project as a new public service facility involving over 3,000 square feet of floor area per TRPA Code Section 2.2.2.D.

The project includes new submersible pumps at the end of an existing water intake line. Water intake lines are considered a special use in the Chambers Landing Subdistrict of the Placer County Tahoe Basin Area Plan. As indicated in the findings (Attachment A), all special use findings can be made.

The existing and proposed water intake line and pumps are located in a Stream-mouth Protection Zone. February 26, 2020, the Governing Board approved a code amendment to Chapter 84 of the TRPA code of ordinances, Subparagraph A.1.b, Stream-mouth Protection Zone, of Subsection 84.4.3, that specifies that water-intake lines, wastewater lines, and other essential services may be repaired, replaced, upgraded, reconstructed, or expanded, as long as there is no increase in service capacity. The

jurisdiction that this treatment facility serves has a pre-determined capacity and is already built out for the development and potential development that exists within the service boundaries. The existing water intake pipe will be replaced with a slightly larger pipe to accommodate 3 pumps to meet the needs of existing residential properties with a permanent, reliable, all-season safe potable water supply. The additional pipe size is responsive to new technology, more efficient flows, and increased capability to accommodate water flow for fire suppression.

Environmental Review:

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

Public Comment:

At the time this staff report was published, no public comment had been received.

Regional Plan Compliance:

The proposed project, as conditioned in the draft permit, complies with all requirements of the TRPA Goals and Policies, the Placer County Tahoe Basin Area Plan, the TRPA Design Review Guidelines, and the TRPA Code of Ordinances, including all required findings in Chapters 3, 4, 21, 30, 33, 35, 37, 50, 61, & 80.

Contact Information:

For questions regarding this agenda item, please contact Aly Borawski, Senior Planner, at (775) 589-5229 or aborawski@trpa.org.

Attachments:

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

Attachment A

Required Findings/Rationale

Attachment A

Required Findings/Rationale

Required Findings and Rationale for Approval of the
West Lake Tahoe Regional Water Treatment Plant Public Service Project

Required Findings: The following is a list of the required findings as set forth in Chapter 3, 4, 21, 30, 33, 35, 37, 50, 61, & 80 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

CHAPTER 3 ENVIRONMENTAL DOCUMENTATION

Finding 3.3.2.A. The project could not have a significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with Rule of Procedure Section 6.6

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

CHAPTER 4 REQUIRED FINDINGS

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

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Placer County Tahoe Basin Area Plan, the Code and other TRPA plans and programs.

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

TRPA staff has completed the "Article V(g) Findings" in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities.

Finding 4.4.1.C. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

CONSENT CALENDAR ITEM NO. 3

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and Placer County to ensure the project will meet or exceed all federal, state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

CHAPTER 21 SPECIAL USE

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

The nature of the proposed project is consistent with the public service uses permissible within the Placer County Tahoe Area Plan and will provide an important site for water collection and treatment to help improve water service in the area. The project is located in the Chambers Landing Subdistrict, which is a mix of commercial and residential uses. Public utilities are an appropriate and necessary use for a mixed-use neighborhood.

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

The proposed project as conditioned in the draft permit will not cause adverse impacts to the health, safety, and general welfare of persons or property in the area. The applicant will be required to apply temporary and permanent Best Management Practices to protect land, water and air resources of the subject property and that of the surrounding property owners.

Finding 21.2.2.C. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed water treatment facility will improve water service in the area and will not change the character of the neighborhood. The new structures will blend rather than contrast with the surroundings and the existing pump vault on the beach will be removed and the area on the beach will be restored. The project is intended to enhance performance and reliability of existing water lines.

CHAPTER 30 LAND COVERAGE

Finding 30.4.4.A. Relocation of TRPA-Verified Existing Land Coverage. The relocation is to an equal or superior portion of the parcel or project area.

The land coverage to be relocated will be to an equal and superior portion of the project area. Coverage will be removed from the shores of Lake Tahoe and moved upland to an existing facility that is to be modified. Coverage relocation within the existing facility is all considered Bailey class 1b, however, already disturbed.

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

The areas of removed land coverage shall be restored and revegetated. The applicant has submitted a restoration/revegetation plan documenting all areas disturbed by construction and areas of removed land coverage will be restored with the planting of native vegetation, including shrubs and groundcovers.

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

The coverage relocation will be from Land Capability District 1b to Land Capability District 1b and will not be a higher land capability district.

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

The relocation of the coverage in the stream environment zone, Class 1b, will include a net environmental benefit. The relocation will be from a less disturbed area to a more disturbed area, from the shoreland of Lake Tahoe to farther upland. It will also include the retirement of land coverage in the amount of 1.5:1 of the amount of land coverage being relocated. This will include retirement of existing coverage and purchasing of restoration credits.

Finding 30.5.2.C Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

The project is necessary for public health, safety, or environmental protection.

This project is necessary for public health and safety. The new lake intake pump station is proposed in an already disturbed 1b district. The enclosed room will contain electrical service, enclosed chemical storage, as well as feed and injection facilities necessary to pre-treat raw water pumped from Lake Tahoe. This approach simplifies the project by having less re-pumping and allowing for time for the treatment.

There is no reasonable alternative, including a bridge span or relocation, that avoids or reduces the extent of encroachment in the stream environment zone

This alternative approach is a benefit to the current facilities and doesn't create new coverage just relocation and mitigation. The current site is disturbed and compacted and will be restored as part of this project, along with restoration on the shorelands of Lake Tahoe.

The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients

As part of this project, there will be coverage relocation, coverage retirement and the purchase of restoration credits that apply to stream environment zone lands. This portion of the project includes 394 square feet of new relocated land coverage, 471 square feet of coverage will be removed and used for this purpose. The remaining required restoration, required to be mitigated at a ratio of 1.5:1, will be acquired through a land bank.

CHAPTER 33 GRADING AND CONSTRUCTION

Finding 33.3.6.A.2. Groundwater Interception, and 33.3.6.B – Excavation in excess of 5 feet or where there exists a reasonable possibility of interference or interception of a water table findings:

There are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow, and any groundwater that is interfered with is rerouted in the ground water flow to avoid adverse impacts to riparian vegetation.

Water may be encountered during excavation at the beach to replace the 6-inch raw water pipe. Due to the adjacency to Lake Tahoe, no dewatering activities will occur. Instead, a turbidity barrier will be anchored to the lake bottom and enclose the work area to prevent sediment and nutrient transport. Excess excavated material will be disposed of outside of at a TRPA-approved site.

A TRPA Soils/Hydrological Report was completed for the WTP site on December 1, 2014, and then revised on September 13, 2016 (TRPA file LCAP2014-0419). Depth for excavation has been approved to 12 feet. It has been determined that design of the WTP will require excavation of approximately 11.8 feet to accommodate the clear-well. Approved erosion and siltation control devices and measures will be used during construction. These measures are in accordance with the NPDES General Construction Permit under Lahontan RWQCB (2017) and the TRPA Handbook of Best Management Practices.

CHAPTER 35 NATURAL HAZARD STANDARDS

Finding 35.4.2.B. TRPA may permit additional public service facilities within the 100-year flood plain if TRPA finds that, The project is necessary for public health, safety, or environmental protection; There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in a flood plain; and The impacts on the flood plain are minimized.

The new WLTRWTP is necessary in order to provide a regional drinking water supply solution for communities of the west shore area of Lake Tahoe, replacing the seasonal WTP with a permanent, all-season, reliable water supply source.

CONSENT CALENDAR ITEM NO. 3

The project proposes to replace temporary and seasonal water treatment facilities located within the 100-year floodplain in the vicinity of Chambers Landing. Due to the location of existing facilities and infrastructure, there is no reasonable alternative which avoids or reduces the extent of encroachment in the floodplain. However, the new Lake Intake Pump Station building encloses the existing outdoor facility, providing flood protection through building design and implementing flood protection doors.

CHAPTER 37 HEIGHT

Finding 37.5.2. TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is public service. The maximum heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, provided TRPA makes the following findings:

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

The proposed Lake Intake Pump station, to be located where the seasonal WTP is currently, will not be visible and comply with table 37.4.1-1. The new WLTRWTP will be visible from SR 89. This building is proposing a 1:12 roof pitch and height of 28'-4", the allowable height per table 37.4.1-1 is 26'-8". The additional height will not cause the building to extend above the forest canopy or a ridgeline.

Finding 37.7.2 When outside a community plan, the additional height is consistent with the surrounding uses.

This project is in the Placer County Tahoe Basin Area Plan, chambers landing subdistrict. This height, 28'-4" is consistent with the surrounding uses of residential and commercial.

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

The building has been segmented where the height of the building is tallest where required by equipment overhead clearances and lower in areas not requiring high overhead clearances. The low slope roofing provides minimized building volume while still addressing snow and drip issues on three sides of the building. This design is the minimum necessary to meet the purpose of the building and have the least interference with existing views.

Finding 37.7.4 The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

The WTP filtration equipment requires specific overhead clearance to allow maintenance and removal of equipment.

CHAPTER 50 ALLOCATION OF DEVELOPMENT

Finding 50.8.1. Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates, and TRPA finds that:

Finding 50.8.1.A. There is a need for the project

The new WTP is being proposed to provide a regional drinking water supply solution for the west shore community of Lake Tahoe. The McKinney-Quail Water Service area (MQWS) is adjacent or nearby to a number of other private and public water systems that face similar or more significant water source/supply issues. In many cases, the systems do not have adequate or reliable backup water sources. A WTP sized to provide regional water supply capacity to some or all of these systems will provide a much more cost-effective solution than would each system resolving their individual supply issues.

Finding 50.8.1.B. The project complies with the Goals and Policies, applicable plan area statements, and Code:

The WTP is aligned with the Goals and Policies stated in the TRPA Regional Plan, specifically, PS-1, which states "Public services and facilities should be allowed to upgrade and expand to support existing and new development consistent with the regional plan. Expansion of public services and facilities should be phased in order to meet the needs of new development without creating inefficiencies from over-expansion or under expansion."

Finding 50.8.1.C. The project is consistent with the TRPA Environmental Improvement Program.

The project is not in conflict with the goals of the EIP. Relocation of the existing outdoor, seasonal WTP located in an SEZ to a enclosed facility on high capability land and removal of the concrete pump vault on Chambers Beach will help achieve the goals of protecting and improving the natural and recreational resources of the Lake Tahoe Basin. The removal of the cement vault, a man-made structure, from a shoreline unit currently in non-attainment will help with threshold attainment at McKinney Bay (Shoreline Unit 12).

CONSENT CALENDAR ITEM NO. 3

Finding 50.8.1.D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity. The Initial Environmental Checklist was completed for this project. No significant impacts are anticipated.

Finding 50.8.1.E. If the proposed project is to be located within the boundaries of the community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan.

This project is compatible and an allowed use within the Placer County Tahoe Basin Area Plan. By nature, this public service project is consistent with public health and safety.

Finding 50.8.1.F. Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

The Placer County Tahoe Basin Area Plan is the guiding document for the project area. Policy PS-P-2 within the Placer County Tahoe Basin Area Plan states that Public Services and Facilities should “Coordinate the provision of public and private services to enhance public health, safety and welfare, reduce costs of service, and avoid duplication of services.”

CHAPTER 61 VEGETATION AND FOREST HEALTH

Finding 61.1.5.B. Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code.

As part of the project, 56 pine and fir trees will be removed from the proposed project area. Of the 56 trees to be removed, 27 are less than or equal to 14” diameter at breast height (dbh), 27 are 14” to 30” dbh, and two are greater than 30” dbh. A Tree Report was completed as part of the CEQA process by Dudek in May, 2015. Installation of the waterline from the Lake Intake Pump Station to the proposed WTP will require the removal of 1 pine tree over 30” dbh (32” dbh). The other tree greater than 30” dbh is a 31” dbh fir tree. Based on the existing and proposed locations for the project, there is no reasonable alternatives.

CHAPTER 80 REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE

Finding 80.3.2.A. Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or onshore wildlife habitat, including waterfowl nesting areas.

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the waterline and submersible pumps will be trenched below the surface and fastened to the lakebed), fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

Finding 80.3.2.B. Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed waterline and pumps will be accessory to the primary upland public service use.

Finding 80.3.2.C. Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The project is an existing shorezone and lakezone use and structure which is in need of infrastructure improvements in order to provide a reliable potable water source for west shore communities, including meeting the needs for fire protection.

Finding 80.3.2.D. Use: The use proposed in the foreshore or nearshore is water dependent.

The water intake and pump are water dependent. The project proposes to remove a concrete pump vault from a public beach and restore the beach to natural conditions.

Finding 80.3.2.E. Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

Temporary BMPs include the use of trench plates on the beach, turbidity curtains, and excavators set on aquatic barges, which will minimize the potential for release of oil, pollutants, and contaminants from entering the Lake. In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

Finding 80.3.2.F. Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

The lakezone project will be accessed primarily by water with an amphibious barge. A temporary chain link fence will be used as exclusionary fencing between the McKinney Creek streamzone and construction zone. Fiber rolls will also be placed around the construction zone. Orange mesh construction fencing

and silt fencing will be placed around the construction zone on Chambers Beach to limit construction equipment and worker/patron accessibility to environmentally sensitive areas.

Finding 80.3.2.G. Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The rehabilitated intake and pumps will not adversely impact navigation or create a threat to public safety. The facility is located 21 feet below the surface at low water level, and 27 feet below the surface at high water level.

Finding 80.3.2.H. Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project has received permission from California State Lands and the Department of Drinking Water. AEC has consulted with Lahontan RWQCB. Lahontan has advised submitting an application for a 401 Water Quality Certification with applicable BMPs and construction sequencing, which have also been submitted to TRPA as part of this application. AEC has consulted with the US Army Corps of Engineers and is submitting a Pre-Construction Notification for a NWP to be determined. The project was taken to the Shoreline Review Committee on December 19, 2019 and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and Placer County.

Finding 80.3.3.A. The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.

The project and its related use of public health and safety is of such a nature, scale, density, intensity and type that is appropriate for the project area. This project updates and expands an existing use to meet public health and safety needs.

Finding 80.3.3.B. The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the region.

This project will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the region. In fact, this project will enhance the health, safety, environmental quality, enjoyment of property, and general welfare of the persons and property in the neighborhood and region. This project will supply clean water to the surrounding area.

Finding 80.3.3.C. The project, and the related use, will not change the character or the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

The character of the neighborhood will not be changed with this project. This project incorporates design elements that help it blend rather than contrast and enclose an existing exposed water treatment plan.

80.3.5.A. Additional Findings for Public Service facilities: The project is necessary for public health, safety, or environmental protection.

This project will supply clean water to the surrounding area and is necessary for public health, safety, and environmental protection.

80.3.5.B. There is no reasonable alternative that avoids or reduces the amount of land coverage or disturbance in the backshore.

This project will be removing coverage in the backshore and restoring it to its natural environment. The disturbance for the replacement of the water pipe will be temporary and the minimum amount of grading necessary to complete the project.

Attachment B

Draft Permit

CONSENT CALENDAR ITEM NO. 3

May 20, 2020

Tahoe City Public Utility District
P.O. Box 5249
Tahoe City, CA 96145

DRAFT PERMIT -WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT, 6100 WEST LAKE BOULEVARD, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER (APN) 098-330-001, 098-330-004, 098-330-015, 098-330-023, 098-350-015, TRPA FILE NUMBER ERSP2019-1374

Dear Tahoe City Public Utility District:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

If you have any questions, please contact me by phone at (775) 589-5247 or by email at aborawski@trpa.org.

Sincerely,

Aly Borawski
Senior Planner

CC: Auerbach Engineering Corp.
Lydia Altick
P.O. Box 5399
Tahoe City, CA 96145

CONSENT CALENDAR ITEM NO. 3

DRAFT PERMIT

PROJECT DESCRIPTION: West Lake Tahoe Regional Water Treatment Plant FILE #: ERSP2019-1374

APN: 098-330-001, 004, 015, 023, & 098-350-015 PERMITTEE: Tahoe City Public Utility District

COUNTY/LOCATION: Placer County / 6100 West Lake Blvd.

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **May 27, 2020**, subject to the standard conditions of approval attached hereto (Attachments Q) and the special conditions found in this permit.

This permit shall expire on **May 27, 2023** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEES’ ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APN 098-330-001, 004, 015, 023 & 098-350-015
FILE NO. ERSP2019-1374

Security Posted (1): Amount: \$5,000 Posted: _____ Type: _____ Receipt No.: _____

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

Excess Coverage Mitigation Fee (3): Amount: \$ _____ Paid: _____ Receipt No.: _____

Offsite Coverage Mitigation Fee (4): Amount: \$ _____ Paid: _____ Receipt No.: _____

Air Quality Mitigation Fee (5): Amount: \$108.60 Paid: _____ Receipt No.: _____

Notes:

- (1) See Special Condition 3.O., below.
- (2) Consult the TRPA filing fee schedule for the current security administration fee.
- (3) See Special Condition 3.N., below.
- (4) See Special Condition 3.M., below.
- (5) See Special Condition 3.L., below.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes the construction of the West Lake Tahoe Regional Water Treatment Plant (WLTRWTP) for Tahoe City Public Utility District. It proposes to replace the temporary and seasonal water treatment facilities located on the beach of Lake Tahoe and within stream environment zones in the vicinity of Chambers Landing. The purpose is to provide a year-round reliable water source for the west shore communities of Lake Tahoe. It will augment fire protection capabilities and reliability of water throughout the region. This project will help TCPUD meet the California Department of Public Health requirements for their overall system and be a more cost-effective and environmentally efficient solution to the water needs in the area.

The major aspects to this project are development of the new treatment plant, installation of submersible pumps, replacement of the existing water intake pipe, construction of a new pump station where the current plant is, and demolition, including restoration, of the existing intake

CONSENT CALENDAR ITEM NO. 3

pump house vault on the beach. The new treatment plant will be located on an undeveloped parcel on the corner of highway 89 and Lodge Drive, across the highway from Chambers Landing. The facility is proposed on high capability land, Bailey classification class 5. The plant will be 4,068 square feet and include a driveway, parking area and all required Best Management Practices.

Installation of three submersible pumps are proposed with this project for water intake. This will allow for operation flexibility in low and high water demand conditions and to meet existing and projected maximum demand conditions. Having the three pumps will allow for a larger range of flow of water, from a minimum of 200 gallons per minute to a maximum of 650 gallons per minute. These pumps will replace the pump currently located in a vault (pump house) on the Chamber's Landing Beach. The submersible pumps will be fastened to concrete anchor blocks. Total new lake bottom disturbance will be 220 square feet, all located in marginal fish habitat. The existing intake line will be upgraded to a 10-inch diameter pipe. A power cable will be attached to the pipe from the new pumps to Lake Intake Pump Station. New disturbance in feed and cover fish habitat will be mitigated. Cut and fill will be balanced where trenching occurs on the beach. Trenching below high water will result in temporary disturbance and temporary BMP's, including a turbidity curtain, will be in place.

Construction of a new Lake Intake Pump Station and Chemical Feed Room at the existing Seasonal WTP and McKinney Sewer pump station site will be part of the project. This facility will house the motor control center, supervisory control and data acquisition system, emergency generator, and partial pre-chlorination feed pump. A majority of this facility will be located on already disturbed land. The structure will be within the 100-year floodplain but will be constructed to be flood resistant.

Upon completion of the project and passing a TRPA final inspection the parcels 098-330-001 & 098-330-004 will be issued BMP Certificates.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. Revise the land coverage table as follows:
 - i. Add new off-site land coverage being created in the public right-of-way.
 - ii. Add a note under parcel 098-330-004: All coverage to be transferred in, no remaining allowable coverage.
 - iii. Under parcel 098-330-001 revise "existing coverage to be removed" to "existing coverage to be relocated".
 - B. The final construction drawings shall have a note indicating conformance to the design standards for metal siding and roofs of non-glare, low reflective, and matte finish.
 - C. Indicate staging area for construction equipment and materials.

CONSENT CALENDAR ITEM NO. 3

- D. The permittee shall submit an Exterior Lighting Plan with specifications and/or details for all proposed exterior lighting fixtures and a proposed location plan. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
- E. The permittee shall submit a dewatering plan for the new upland water treatment plant, as excavation depth is approved to 12 feet below ground surface (TRPA File # LCAP2014-0419) and ground water could potentially be encountered. Acceptable dewatering plans include discharging to sanitary sewers or trucking the water out of the basin consistent with standards in Chapter 33 of the TRPA Code of Ordinances.
- F. Provide evidence that the new easements have been recorded, and the old easement, if applicable, has been extinguished.
- G. The permittee shall submit calculations demonstrating that the proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event using the updated spread sheet available at www.tahoebmp.org. The BMP calculation spreadsheet shall be provided for both parcel 098-330-001 and 098-330-004.
- H. Permittee shall transfer 11,975 square feet of coverage to parcel 098-330-04. All transferred coverage shall be from land capability class 1, 2, 3, 4, or 5, or have an IPES score; and be located within Hydrologic Area 7-McKinney Bay, unless it meets the requirements of 30.4.3.6 of the TRPA Code of Ordinances. (Note all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)
- I. Permittee shall transfer 120 square feet of stream environment zone (SEZ), Bailey's class 1b, restoration credits for coverage relocation to parcel 098-330-001.
- J. Permittee shall provide a mitigation plan for the area of feed and cover permanent disturbance.
- K. A re-vegetation and restoration plan for the coverage being restored in the Class 1b, SEZ, shall be submitted for TRPA approval. This plan shall include at a minimum:
- A description of the site, including the soil type, if applicable, the stream environment zone of backshore type, and existing vegetation.
 - A proposed list of appropriate plant species to be used at the site and a plan showing where they will be planted.
 - A description of the extent and methods of irrigation.
 - Specifications for site preparation and installation of plant materials.
 - Specifications and schedule for onsite care, including amount and method of application of fertilizers pursuant to the BMP Handbook, if necessary.

- Specification for long term plant care and protection, including the amount and method of application of fertilizer.
 - A description of mulches or tackifiers to be used.
- L. The permittee shall submit a \$108.60 air quality mitigation fee. This fee is based on the addition of 3 daily vehicle trip ends at \$36.20/trip.
- M. The permittee shall submit an offsite coverage mitigation fee. This fee will be based on the amount of offsite coverage (land coverage created in the public right-of-way) multiplied by \$8.50 a square foot.
- N. The affected property, APN: 098-330-001, has 1,161 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 7 – McKinney Bay or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 0.5% (as identified in Table A of Subsection 30.6.1.C, Chapter 30 of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$8.50 for projects within Hydrologic Transfer Area -7 McKinney Bay. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- O. The security required under Standard Condition A.3 of Attachment Q shall be \$5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and the required security administration fee.
- P. The permittee shall submit three sets of final construction drawings and site plans to TRPA or an electronic version of the final plan set for electronic stamping.
4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.
5. The permittee shall have a TYC inspection completed by TRPA staff, or a qualified professional botanist approved by TRPA. Inspections occur from June 15 to September 15 of each year. If the project does not go forward by October 15 of the year it was acknowledged, another TYC inspection shall take place prior to the start of construction. If the inspection reveals that the

CONSENT CALENDAR ITEM NO. 3

site contains TYC plants, the applicants shall submit a TYC Management Plan for the subject parcel. The protection plan shall include methods used during construction for protection of the species and the habitat, monitoring during construction, and also protection measures to be utilized long term. Construction methods must include vegetation fencing to prevent vehicular disturbance, pedestrian disturbance and storage of equipment on the beach. Long-term protection measures may include limiting beach raking, limiting access to the population/habitat, and/or avoiding population disturbance

6. If groundwater is encountered during excavation, dewatering shall occur in accordance with the approved dewatering plan.
7. The maximum depth of excavation is approved to twelve (12) feet below ground surface (TRPA file LCAP2014-0419) for installation of the required elements of the water treatment plant.
8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
10. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
11. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced. The permittee shall provide documentation of maintenance activities performed in accordance with the BMP Maintenance log found at tahoebmp.org/maintenance
12. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
13. No staging areas may be used without prior approval from the TRPA Compliance Inspector. Vehicles must be parked on paved surfaces or existing compacted road shoulders.
14. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.
15. All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin

16. All refuse enclosures, external mechanical equipment, communication equipment, and utility hardware shall be screened from public view in accordance with Subsection 36.5.2.D of the TRPA Code of Ordinances and be constructed with non-glare finishes that minimize reflectivity.
17. Tree roots must be protected during excavation to prevent damage to the tree. The following practices are recommended:
 - Tree roots four inches in diameter or greater shall not be severed, if avoidable. Hand dig around roots if necessary.
 - If roots cannot be avoided, cut as far away from the trunk as possible.
 - A clean, vertical cut will provide more protection for the tree than leaving roots torn or crushed.
 - Construction materials shall not be stored within the dripline of the tree.
18. Colors of structures shall be consistent with TRPA Code of Ordinances, Chapter 36, Section 36.6, Building Design Standards and TRPA Design Review Guidelines.
19. All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment.
20. Drop inlets and storm water conveyance and treatment facilities located downslope of excavated material shall be protected by using drop inlet inserts or fiber rolls.
21. Dust control in the way of sweeping of dirt tracked onto pavement at the end of each day is required where necessary.
22. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
23. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
24. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

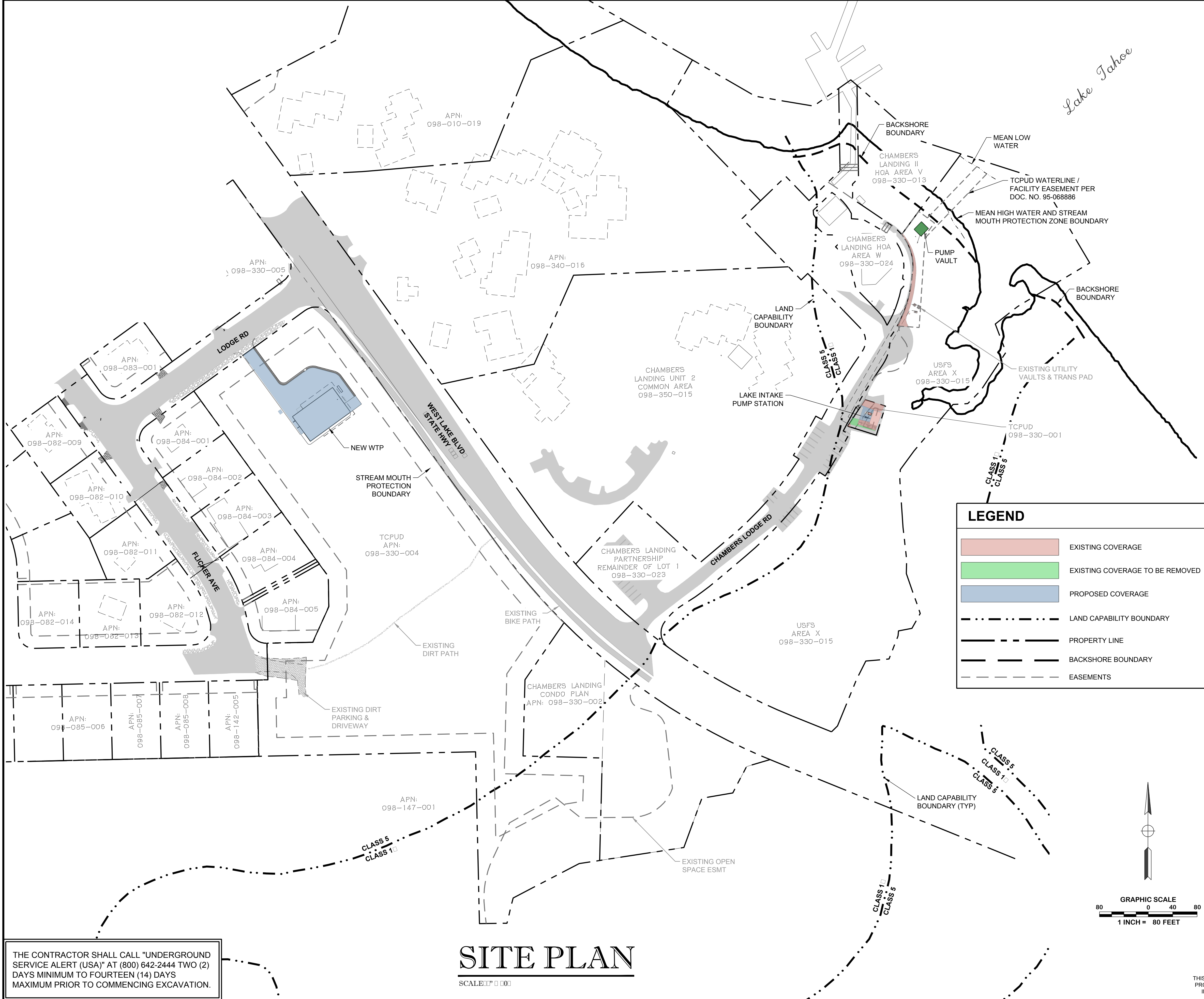
25. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.

END OF PERMIT

Attachment C

Site Plan

CONSENT CALENDAR ITEM NO. 3



LAKE INTAKE PUMP STATION

APN: 098-330-001

EXISTING COVERAGE		AREA	ALLOWABLE
CLASS 1b		2109 SF	21 SF
TOTALS:	LOT	2109 SF	ALLOWED 21 SF

LAND COVERAGE CLASS 1b		AREA
AC PAVEMENT		850 SF
BUILDING		313 SF
UTILITY VAULT		19 SF
TOTAL		1182 SF

EXISTING COVERAGE TO BE REMOVED

LAND COVERAGE CLASS 1b		AREA
AC PAVEMENT		-202 SF
TOTAL		-202 SF

PROPOSED COVERAGE

LAND COVERAGE CLASS 1b		AREA
AC PAVEMENT		699 SF
BUILDING		658 SF
UTILITY VAULT		19 SF
TOTAL		1376 SF

RELOCATION OF TRPA-VERIFIED EXISTING COVERAGE

DESCRIPTION	APN: 098-330-001
NEW COVERAGE IN CLASS 1b	394
RELOCATE AT 1.5 : 1	591
REMOVAL COVERAGE IN CLASS 1b	471
REQUIRED SEZ RETIRED COVERAGE	120
TOTAL INCLUDES CLASS 1b COVERAGE REMOVAL ON APN 098-330-015 AND 098-330-001 (269 - 202 + 471)	

PUMP VAULT

WATERLINE FACILITY EASEMENT ON APN: 098-330-015

EXISTING COVERAGE		AREA	ALLOWABLE
CLASS 1b		7075 SF	71 SF
TOTALS:	LOT	7075 SF	ALLOWED 71 SF

LAND COVERAGE CLASS 1b		AREA
AC PAVEMENT		882 SF
PUMP VAULT		269 SF
TRANSFORMER PAD		20 SF
UTILITY VAULTS		29 SF
STONE COLUMN		6 SF
TOTAL		1206 SF

EXISTING COVERAGE TO BE REMOVED

LAND COVERAGE CLASS 1b		AREA
PUMP VAULT		-269 SF
TOTAL		-269 SF

PROPOSED COVERAGE

LAND COVERAGE CLASS 1b		AREA
AC PAVEMENT		882 SF
TRANSFORMER PAD		20 SF
UTILITY VAULTS		29 SF
STONE COLUMN		6 SF
TOTAL		937 SF

TOTAL COVERAGE ADDED OR REMOVED

LAND COVERAGE CLASS 1b		AREA
TOTAL		-269 SF

NEW WTP

APN: 098-147-000

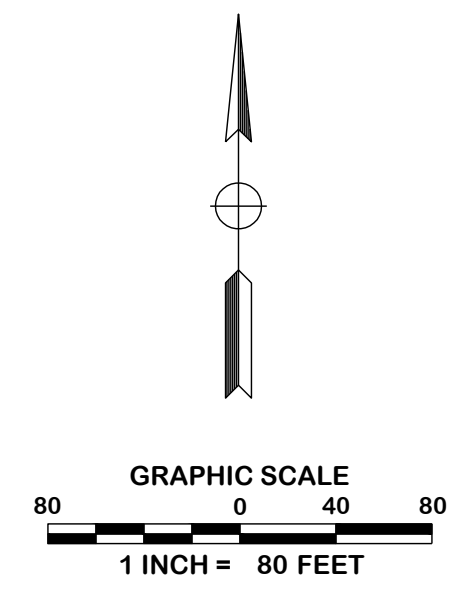
LAND CLASSIFICATIONS		AREA	ALLOWABLE
CLASS 5		24316 SF	60779 SF
CLASS 1b		39770 SF	398 SF
TOTALS:	LOT	282886 SF	ALLOWED 61177 SF

PROPOSED COVERAGE

LAND COVERAGE CLASS 5		AREA
AC PAVEMENT		7066 SF
BUILDING		4068 SF
CONCRETE CONTACTOR/CLEARWELL		376 SF
CONCRETE ENTRIES/WALKWAYS		433 SF
TRANSFORMER PAD		32 SF
TOTAL		11975 SF

LEGEND

- EXISTING COVERAGE
- EXISTING COVERAGE TO BE REMOVED
- PROPOSED COVERAGE
- LAND CAPABILITY BOUNDARY
- PROPERTY LINE
- BACKSHORE BOUNDARY
- EASEMENTS



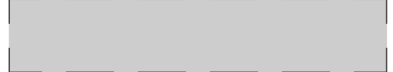






THE CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT (USA)" AT (800) 642-2444 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM PRIOR TO COMMENCING EXCAVATION.

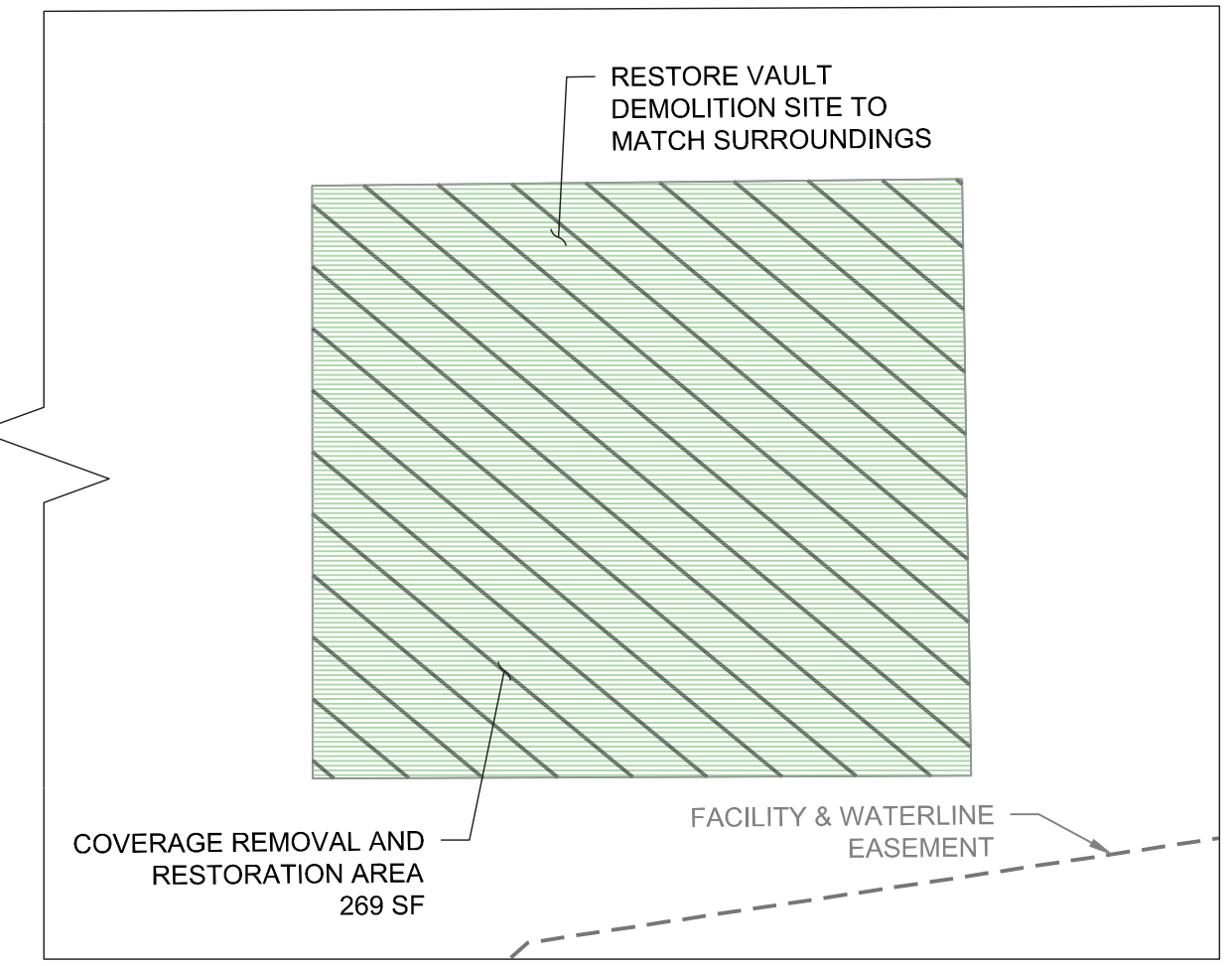
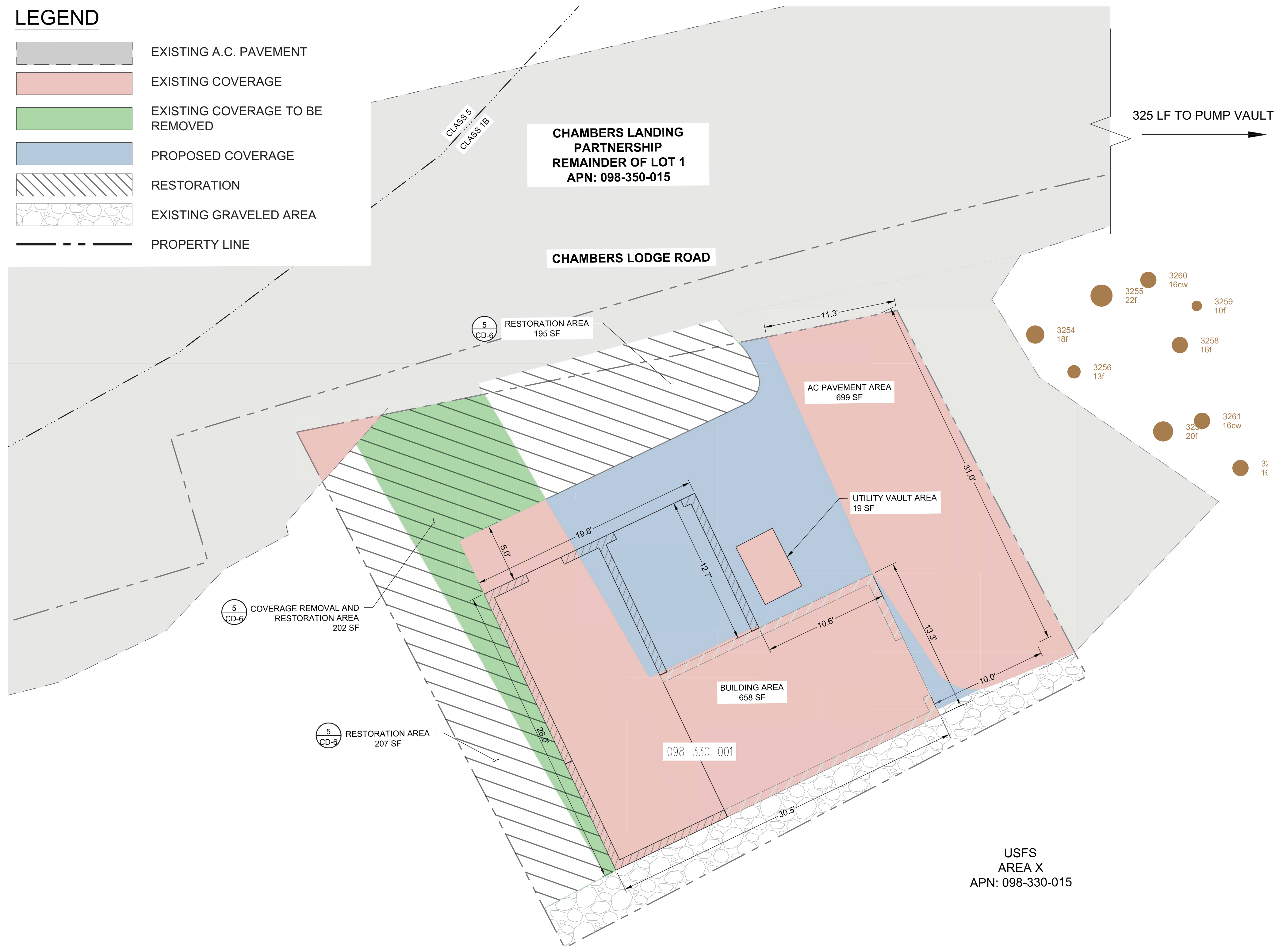
SITE PLAN

SCALE: 1" = 80'

REVISIONS BY DATE	
RECORD DRAWING DATE ENGINEER INITIAL	
Kennedy/Jenks Consultants Engineers & Scientists 10850 GOLD CENTER DRIVE, SUITE 350 RANCHO CORDOVA, CALIFORNIA, 95670 P.O. BOX 5399 • 645 W. LAKE BLVD. • TAHOE CITY, CALIFORNIA 96145 VOICE 930.591.1116 • FAX 930.591.3192 WWW.KJENGINEERING.COM	
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TAHOE CITY PUBLIC UTILITY DISTRICT WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT TRPA COVERAGE PLAN	
TAHOE CITY PLACER COUNTY CALIFORNIA	
90 DESIGN - NOT FOR CONSTRUCTION	
BAR IS ONE INCH ON ORIGINAL DRAWING PROJECT NUMBER: 22-65B SURVEY BY: AEC SURVEY DATE: - DESIGN BY: CA DRAFTING BY: CN CHECKED BY: WRA DATE: MARCH, 2020	
SCALES: 1" = 80' HORIZONTAL N/A VERTICAL	
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LEGEND

-  EXISTING A.C. PAVEMENT
-  EXISTING COVERAGE
-  EXISTING COVERAGE TO BE REMOVED
-  PROPOSED COVERAGE
-  RESTORATION
-  EXISTING GRAVELED AREA
-  PROPERTY LINE

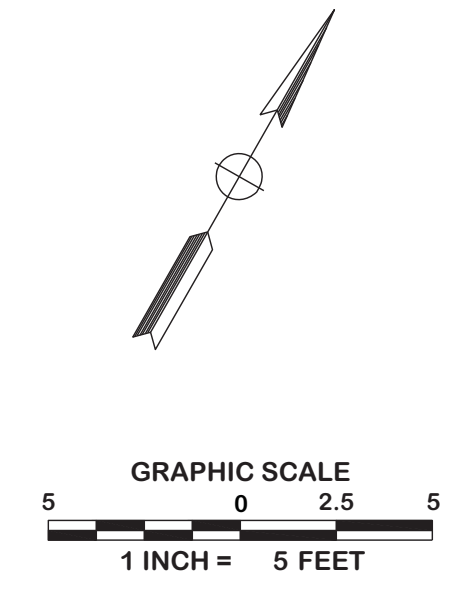


PUMP VAULT RESTORATION

SCALE: 1" = 5'

LAKE INTAKE PUMP STATION RESTORATION

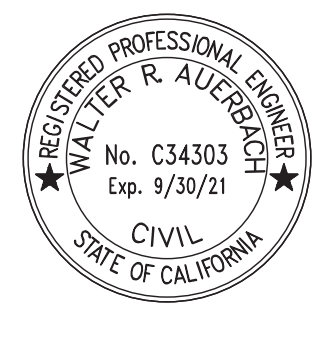
SCALE: 1" = 5'



REV	DATE	REVISIONS	BY

RECORD DRAWING

DATE _____ ENGINEER INITIAL _____



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Engineers & Scientists
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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT
 TRPA RESTORATION PLAN

TAHOE CITY PLACER COUNTY CALIFORNIA

PROJECT NUMBER:	22-65B
SURVEY BY:	AEC
SURVEY DATE:	-
DESIGN BY:	CA
DRAFTING BY:	CN
CHECKED BY:	WRA
DATE:	FEBRUARY, 2020

SCALES:	1" = 80'	G-8
HORIZONTAL:	N/A	
VERTICAL:	N/A	

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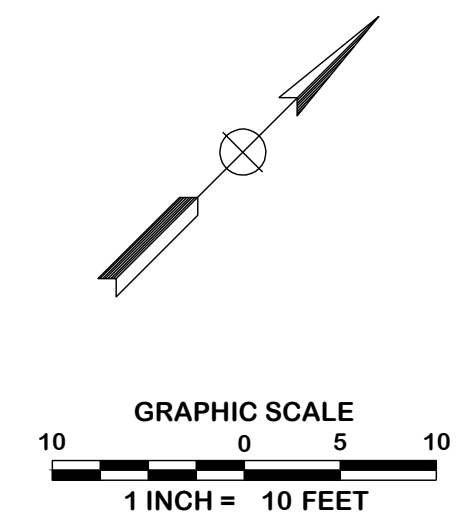
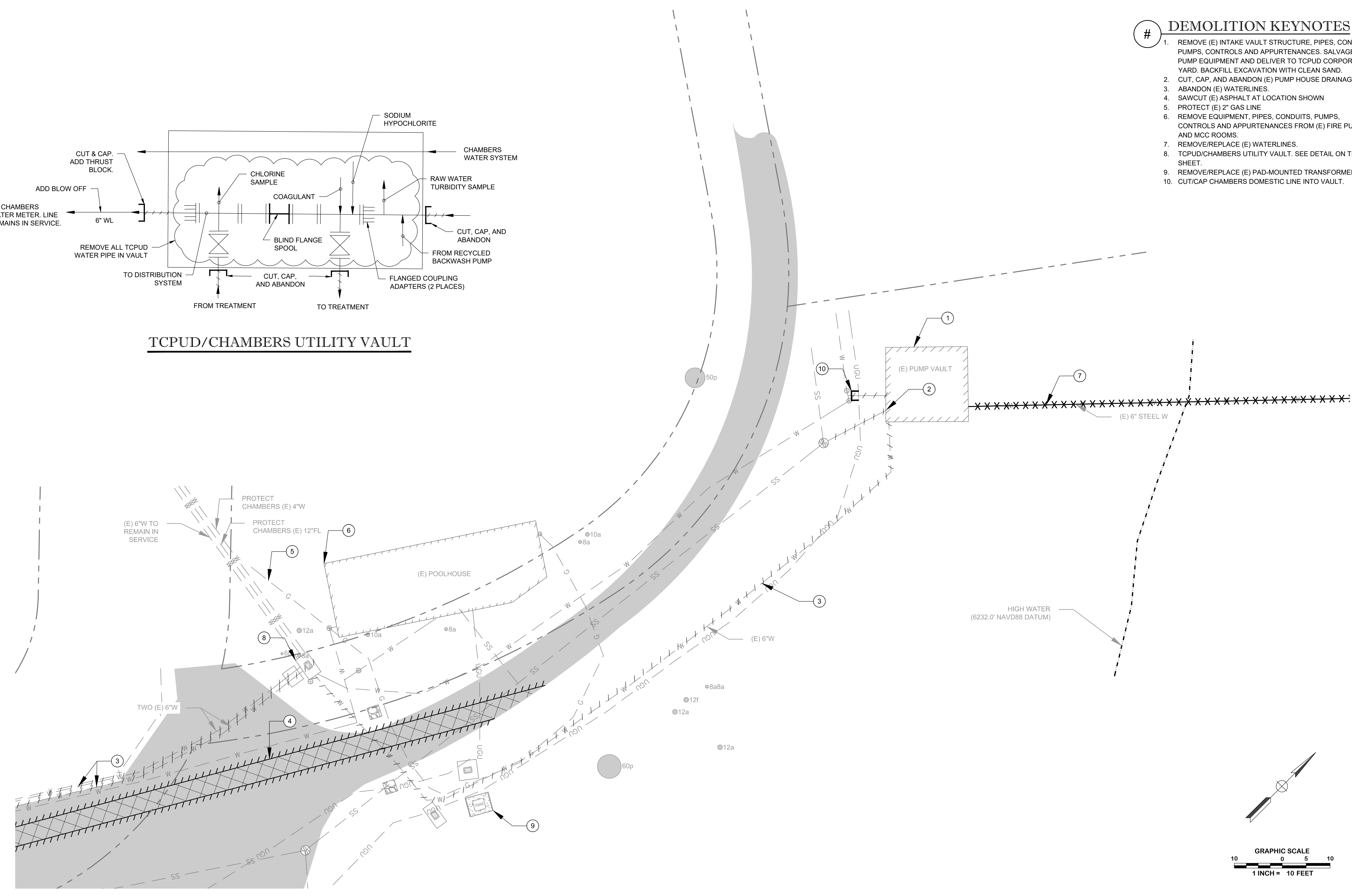
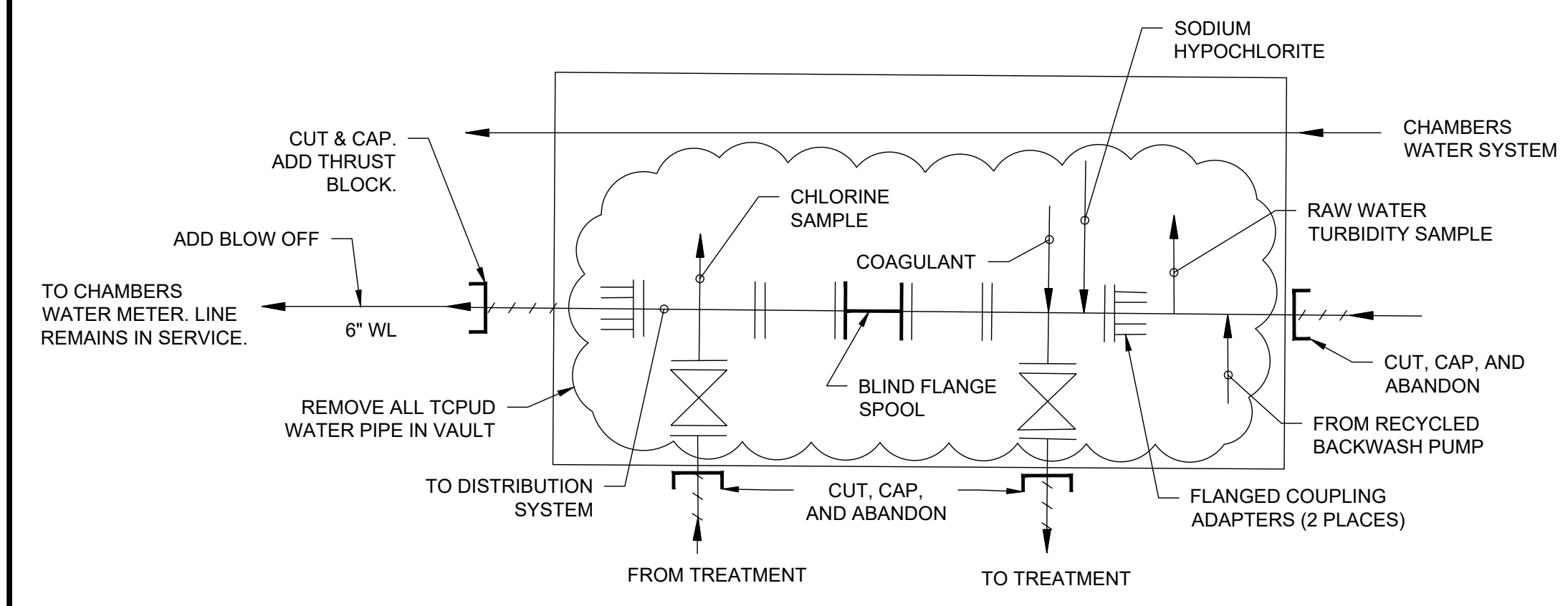
THE CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT (USA)" AT (800) 642-2444 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM PRIOR TO COMMENCING EXCAVATION.

EXISTING INTAKE PLAN

SCALE: 1" = 10'

- ### # DEMOLITION KEYNOTES
1. REMOVE (E) INTAKE VAULT STRUCTURE, PIPES, CONDUITS, PUMPS, CONTROLS AND APPURTENANCES. SALVAGE PUMP EQUIPMENT AND DELIVER TO TCPUD CORPORATION YARD. BACKFILL EXCAVATION WITH CLEAN SAND.
 2. CUT, CAP, AND ABANDON (E) PUMP HOUSE DRAINAGE PIPE.
 3. ABANDON (E) WATERLINES.
 4. SAWCUT (E) ASPHALT AT LOCATION SHOWN
 5. PROTECT (E) 2" GAS LINE
 6. REMOVE EQUIPMENT, PIPES, CONDUITS, PUMPS, CONTROLS AND APPURTENANCES FROM (E) FIRE PUMP AND MCC ROOMS.
 7. REMOVE/REPLACE (E) WATERLINES.
 8. TCPUD/CHAMBERS UTILITY VAULT. SEE DETAIL ON THIS SHEET.
 9. REMOVE/REPLACE (E) PAD-MOUNTED TRANSFORMER.
 10. CUT/CAP CHAMBERS DOMESTIC LINE INTO VAULT.

TCPUD/CHAMBERS UTILITY VAULT



90% DESIGN - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION

RECORD DRAWING
DATE: _____ ENGINEER INITIAL: _____



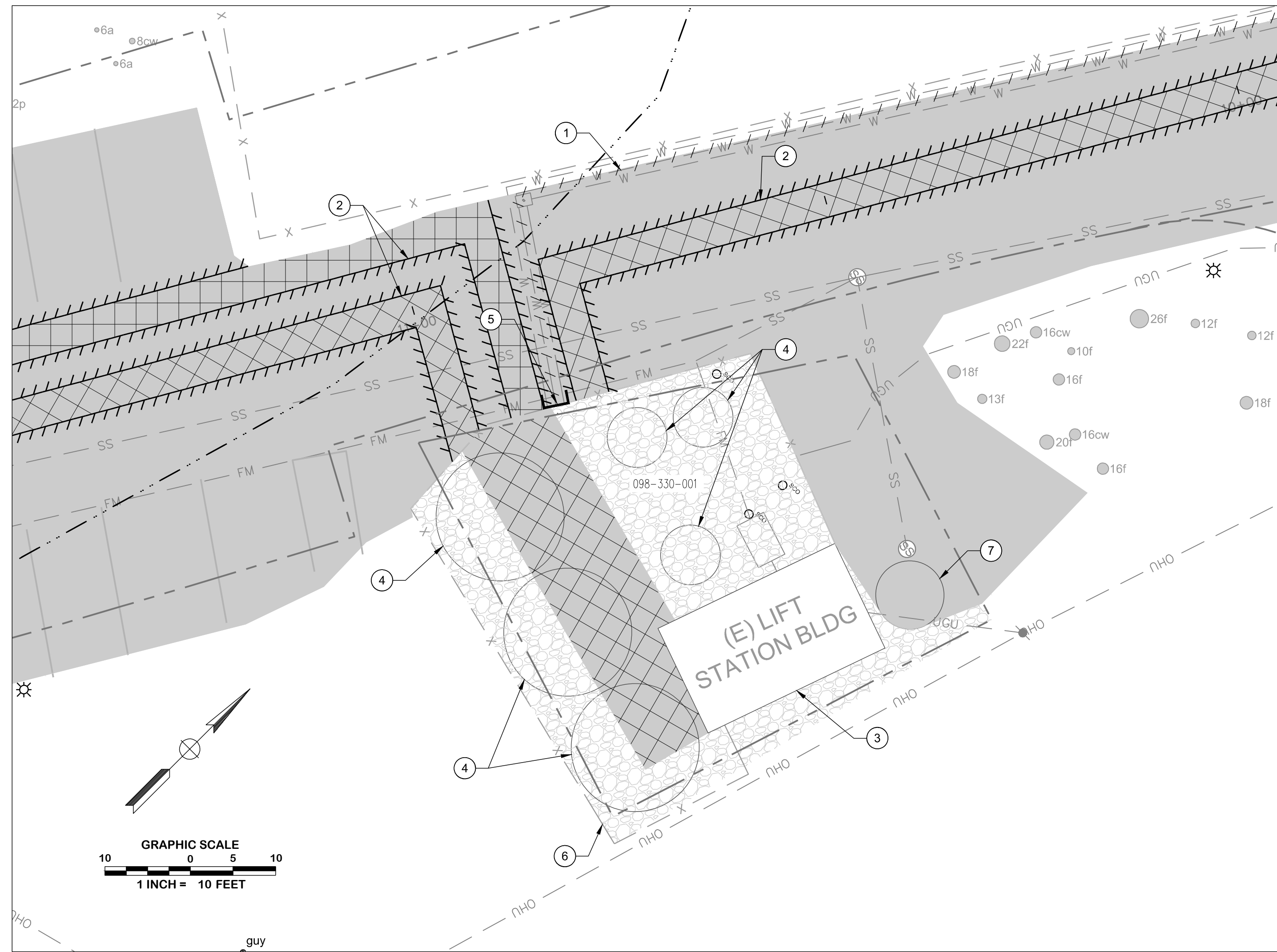
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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT
EXISTING INTAKE DEMOLITION PLAN
TAHOE CITY PLACER COUNTY CALIFORNIA

PROJECT NUMBER:	22_65B
SURVEY BY:	AEC
SURVEY DATE:	-
DESIGN BY:	NC
DRAFTING BY:	PS
CHECKED BY:	WRA
DATE:	SEPTEMBER 27, 2019
SCALES:	1" = 10'
HORIZONTAL:	C-1
VERTICAL:	N/A
SHEET:	12 of 119

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EXISTING INTERIM WTP
SCALE: 1" = 10'

- # DEMOLITION KEYNOTES**
1. ABANDON (E) WATERLINES.
 2. SAWCUT (E) ASPHALT AT LOCATION SHOWN.
 3. (E) SSWR LIFT STATION AND RELATED EQUIPMENT TO REMAIN. BUILDING MODIFICATIONS PER ARCH DWGS.
 4. REMOVE (E) WATER TREATMENT PLANT INCLUDING PUMPS, CHEMICAL FEED EQUIPMENT, CONTROLS, TANKS, PIPING AND VALVES, STANBY GENERATOR, CONDUIT, FENCE AND APPURTENANCES. SALVAGE EQUIPMENT AND DELIVER TO TCPUD CORPORATION YARD.
 5. DISCONNECT AND CAP (E) WATER LINES.
 6. DEMO (E) FENCE THROUGHOUT CONSTRUCTION
 7. PROTECT (E) BACKWASH TANK.

REV	DATE	REVISIONS	BY

RECORD DRAWING
DATE: _____ ENGINEER INITIAL: _____

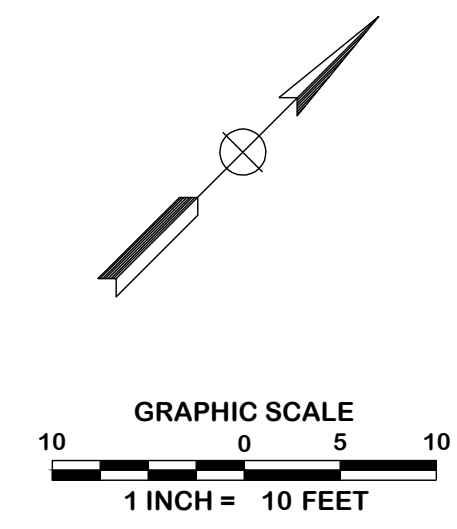


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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT
EXISTING INTERIM WTP
DEMOLITION PLAN
TAHOE CITY PLACER COUNTY CALIFORNIA



BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER:	22 65B
SURVEY BY:	AEC
SURVEY DATE:	-
DESIGN BY:	NC
DRAFTING BY:	PS
CHECKED BY:	WRA
DATE:	SEPTEMBER 27, 2019

SCALES:
1" = 10'
HORIZONTAL
N/A
VERTICAL

C-2

SHEET: 13 of 119

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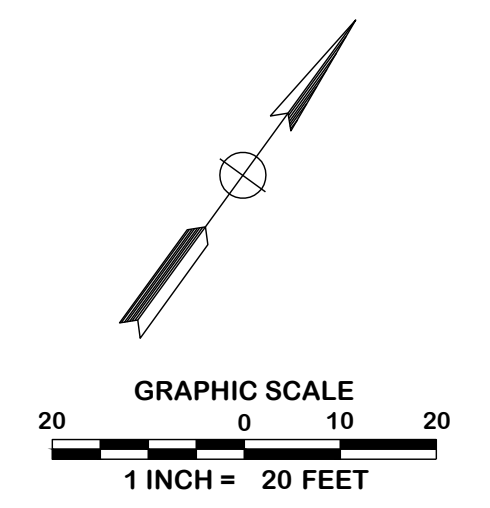
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Point #	Size/Description
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2685	32p
2237	17p
2258	16f
3538	12f
2266	12f
5022	15f
2238	8f
2686	14f
2232	22f
2688	28f
3648	16f
2240	26f
2242	12f
2690	14p
2178	10f
3650	28f
2248	10f
3656	26f
2891	8f
5006	19p
2254	6c
3662	12p
2256	14f
5014	6p
2262	17f

Point #	Size/Description
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3651	18f
5012	9f
2249	17p
3657	10f
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3653	18f
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WTP PLAN

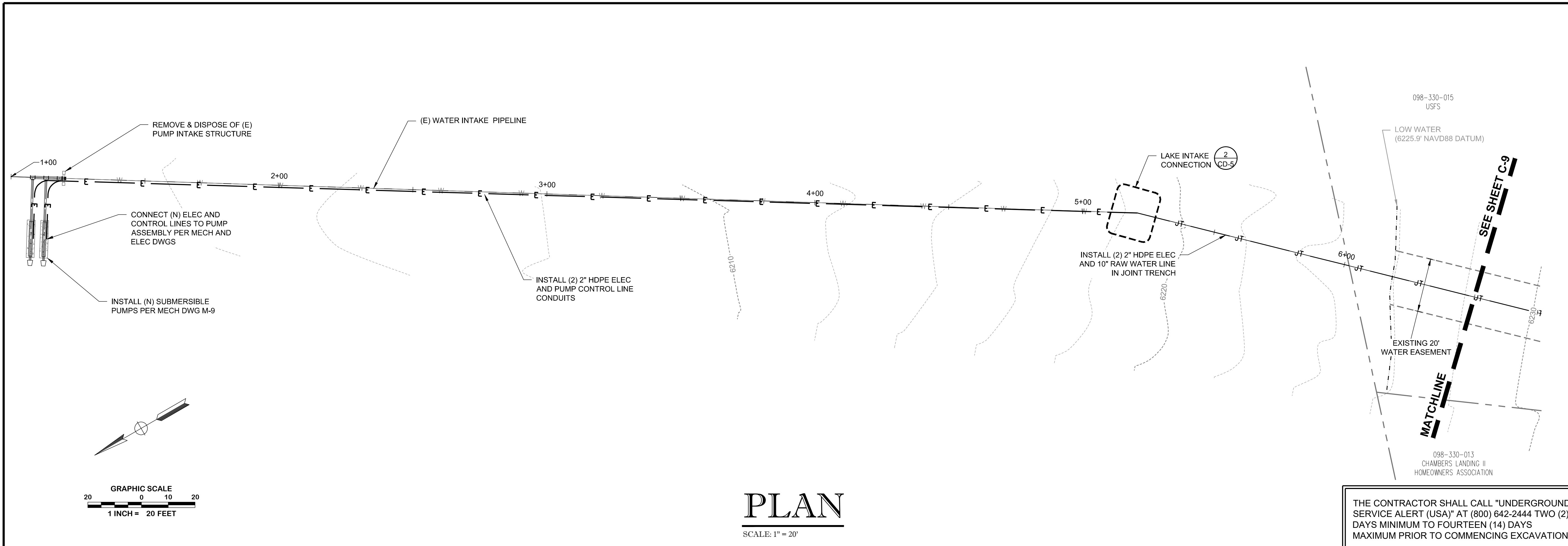
SCALE: 1" = 20'

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TAHOE CITY PUBLIC UTILITY DISTRICT WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT			WTP DEMOLITION PLAN		
TAHOE CITY		PLACER COUNTY		CALIFORNIA	
BAR IS ONE INCH ON ORIGINAL DRAWING PROJECT NUMBER: 22.65B SURVEY BY: AEC SURVEY DATE: - DESIGN BY: NC DRAFTING BY: PS CHECKED BY: WRA DATE: SEPTEMBER 27, 2019					
SCALES: 1" = 20' HORIZONTAL N/A VERTICAL					
C-4					SHEET: 15 of 119

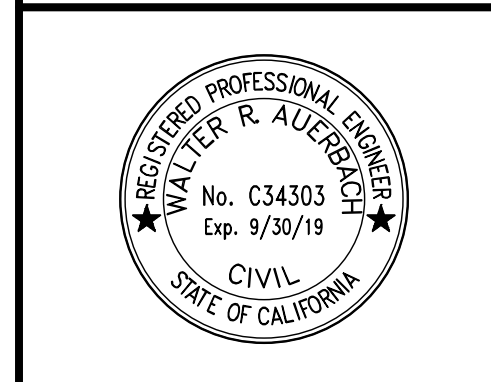


PLAN
SCALE: 1" = 20'

THE CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT (USA)" AT (800) 642-2444 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM PRIOR TO COMMENCING EXCAVATION.

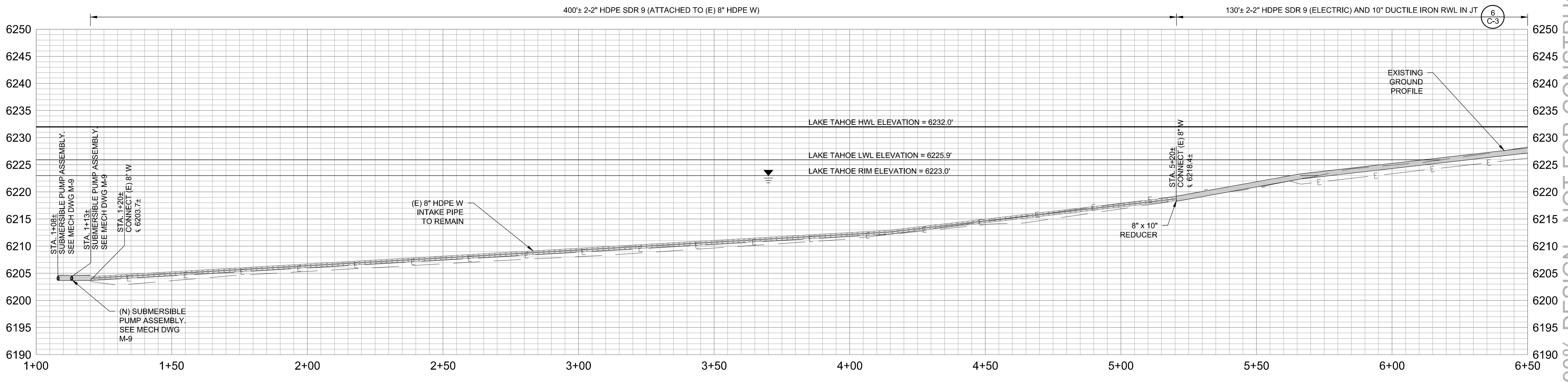
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PROFILE
SCALE: (H) 1" = 20'
(V) 1" = 10'

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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT

RAW WATER PIPELINE
PLAN AND PROFILE I

TAHOE CITY PLACER COUNTY CALIFORNIA

BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER: 22 65B
SURVEY BY: AEC
SURVEY DATE: -
DESIGN BY: NC
DRAFTING BY: PS
CHECKED BY: WRA

DATE: SEPTEMBER 27, 2019

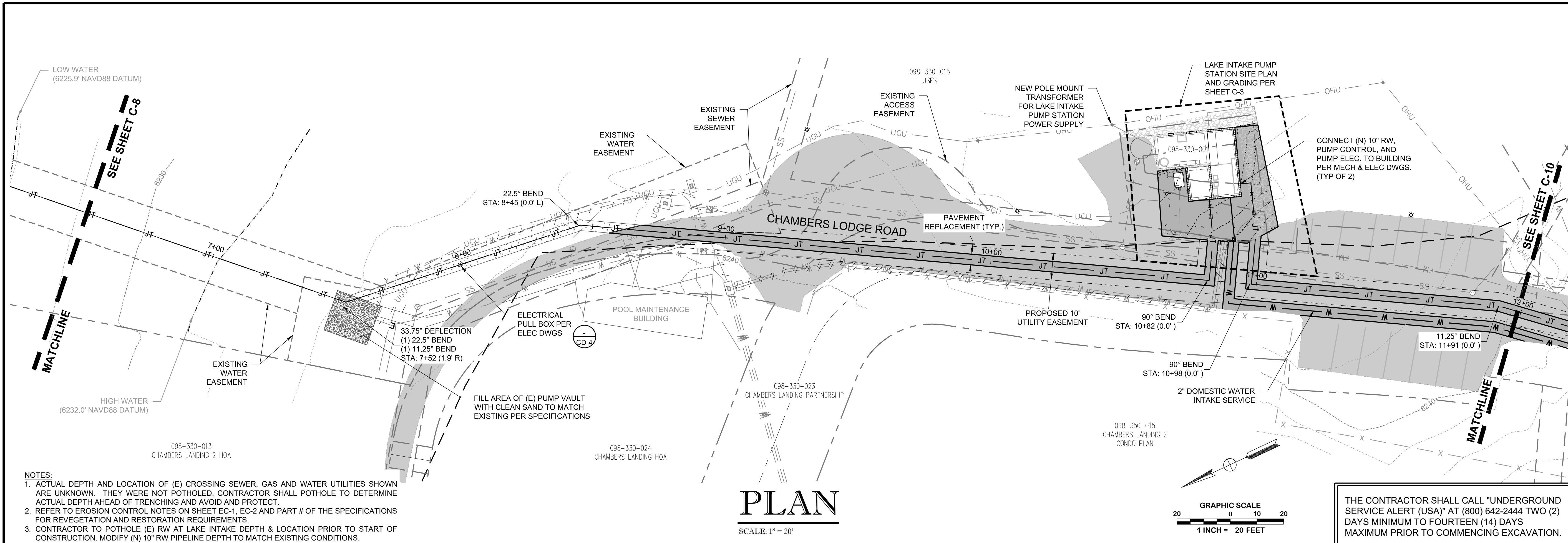
SCALES:
AS NOTED
HORIZONTAL
AS NOTED
VERTICAL

C-8

SHEET: 19 of 119

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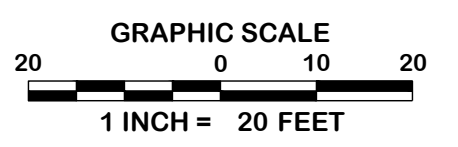
J:\22 65B\DWG\Final Sheets\22_65B_C8.dwg



- NOTES:
1. ACTUAL DEPTH AND LOCATION OF (E) CROSSING SEWER, GAS AND WATER UTILITIES SHOWN ARE UNKNOWN. THEY WERE NOT POTHOLED. CONTRACTOR SHALL POTHOLE TO DETERMINE ACTUAL DEPTH AHEAD OF TRENCHING AND AVOID AND PROTECT.
 2. REFER TO EROSION CONTROL NOTES ON SHEET EC-1, EC-2 AND PART # OF THE SPECIFICATIONS FOR REVEGETATION AND RESTORATION REQUIREMENTS.
 3. CONTRACTOR TO POTHOLE (E) RW AT LAKE INTAKE DEPTH & LOCATION PRIOR TO START OF CONSTRUCTION. MODIFY (N) 10" RW PIPELINE DEPTH TO MATCH EXISTING CONDITIONS.

PLAN

SCALE: 1" = 20'



THE CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT (USA)" AT (800) 642-2444 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM PRIOR TO COMMENCING EXCAVATION.

REV	DATE	REVISIONS	BY

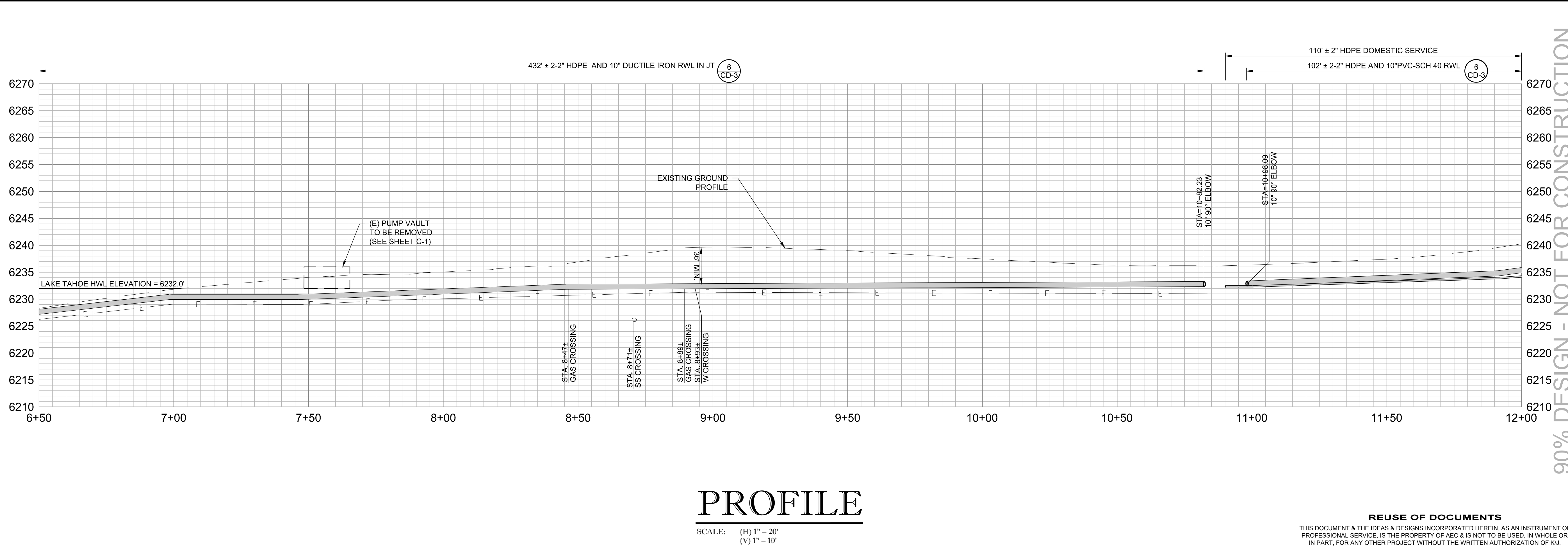
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PROFILE

SCALE: (H) 1" = 20'
(V) 1" = 10'

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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT

RAW WATER PIPELINE
PLAN AND PROFILE II

TAHOE CITY PLACER COUNTY CALIFORNIA

BAR IS ONE INCH ON ORIGINAL DRAWING

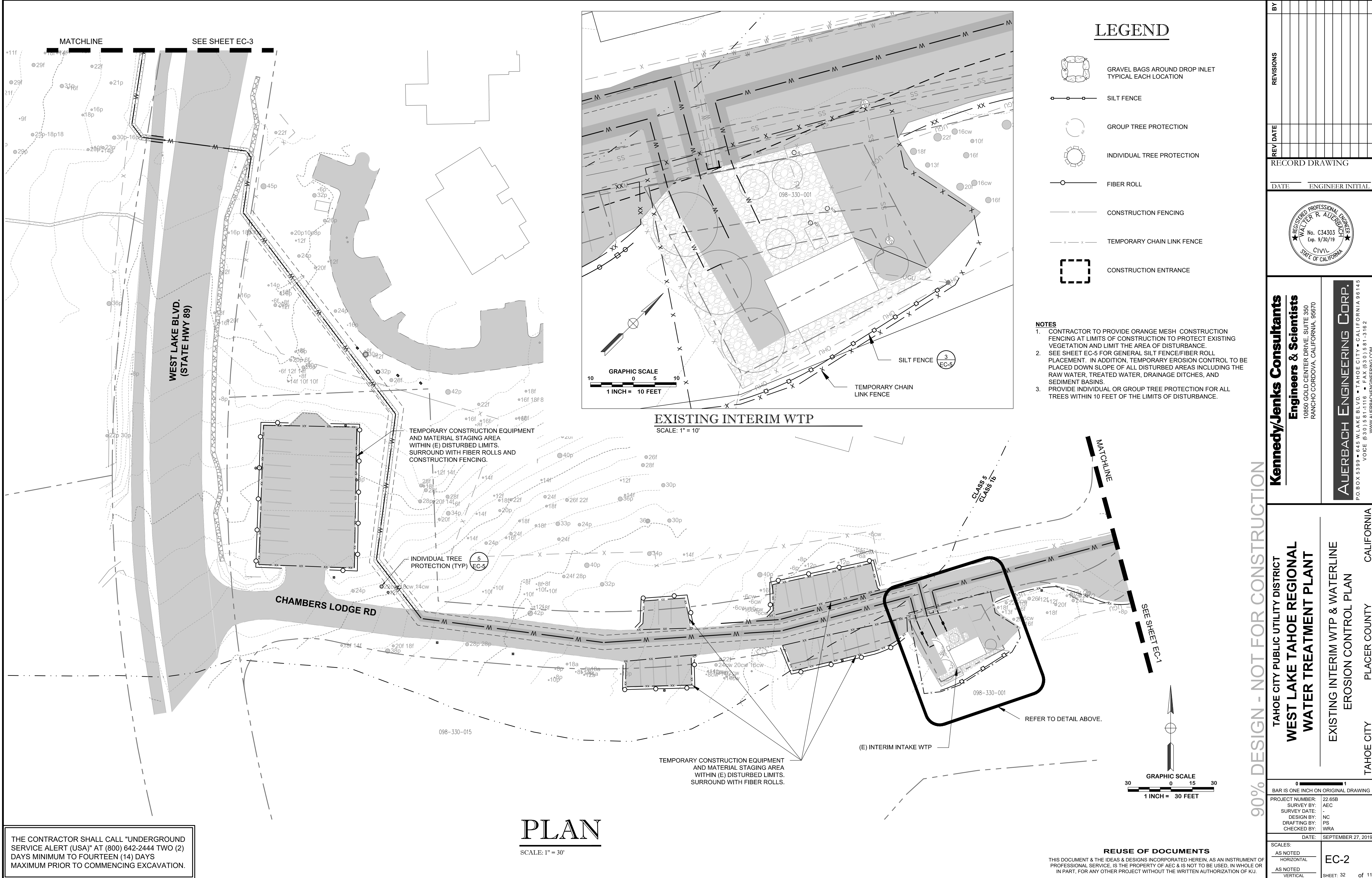
PROJECT NUMBER:	22.65B
SURVEY BY:	AEC
DESIGN BY:	NC
DRAFTING BY:	PS
CHECKED BY:	WRA
DATE:	SEPTEMBER 27, 2019

SCALES:
AS NOTED
HORIZONTAL
AS NOTED
VERTICAL

C-9

SHEET: 20 of 119

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LEGEND

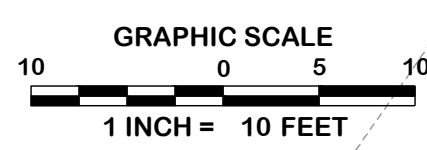
- GRAVEL BAGS AROUND DROP INLET
TYPICAL EACH LOCATION
- SILT FENCE
- GROUP TREE PROTECTION
- INDIVIDUAL TREE PROTECTION
- FIBER ROLL
- CONSTRUCTION FENCING
- TEMPORARY CHAIN LINK FENCE
- CONSTRUCTION ENTRANCE

NOTES

1. CONTRACTOR TO PROVIDE ORANGE MESH CONSTRUCTION FENCING AT LIMITS OF CONSTRUCTION TO PROTECT EXISTING VEGETATION AND LIMIT THE AREA OF DISTURBANCE.
2. SEE SHEET EC-5 FOR GENERAL SILT FENCE/FIBER ROLL PLACEMENT. IN ADDITION, TEMPORARY EROSION CONTROL TO BE PLACED DOWN SLOPE OF ALL DISTURBED AREAS INCLUDING THE RAW WATER, TREATED WATER, DRAINAGE DITCHES, AND SEDIMENT BASINS.
3. PROVIDE INDIVIDUAL OR GROUP TREE PROTECTION FOR ALL TREES WITHIN 10 FEET OF THE LIMITS OF DISTURBANCE.

EXISTING INTERIM WTP

SCALE: 1" = 10'



PLAN

SCALE: 1" = 30'

THE CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT (USA)" AT (800) 642-2444 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM PRIOR TO COMMENCING EXCAVATION.

REV	DATE	DESCRIPTION

RECORD DRAWING
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TAHOE CITY PUBLIC UTILITY DISTRICT
**WEST LAKE TAHOE REGIONAL
WATER TREATMENT PLANT**

EXISTING INTERIM WTP & WATERLINE
EROSION CONTROL PLAN

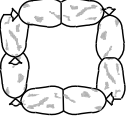
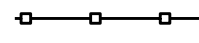

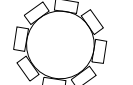
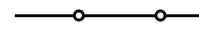
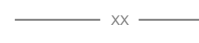

TAHOE CITY PLACER COUNTY CALIFORNIA

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PROJECT NUMBER: 22.65B
SURVEY BY: AEC
SURVEY DATE: -
DESIGN BY: NC
DRAFTING BY: PS
CHECKED BY: WRA
DATE: SEPTEMBER 27, 2019

SCALES:
AS NOTED
HORIZONTAL: EC-2
AS NOTED
VERTICAL: SHEET 32 of 119

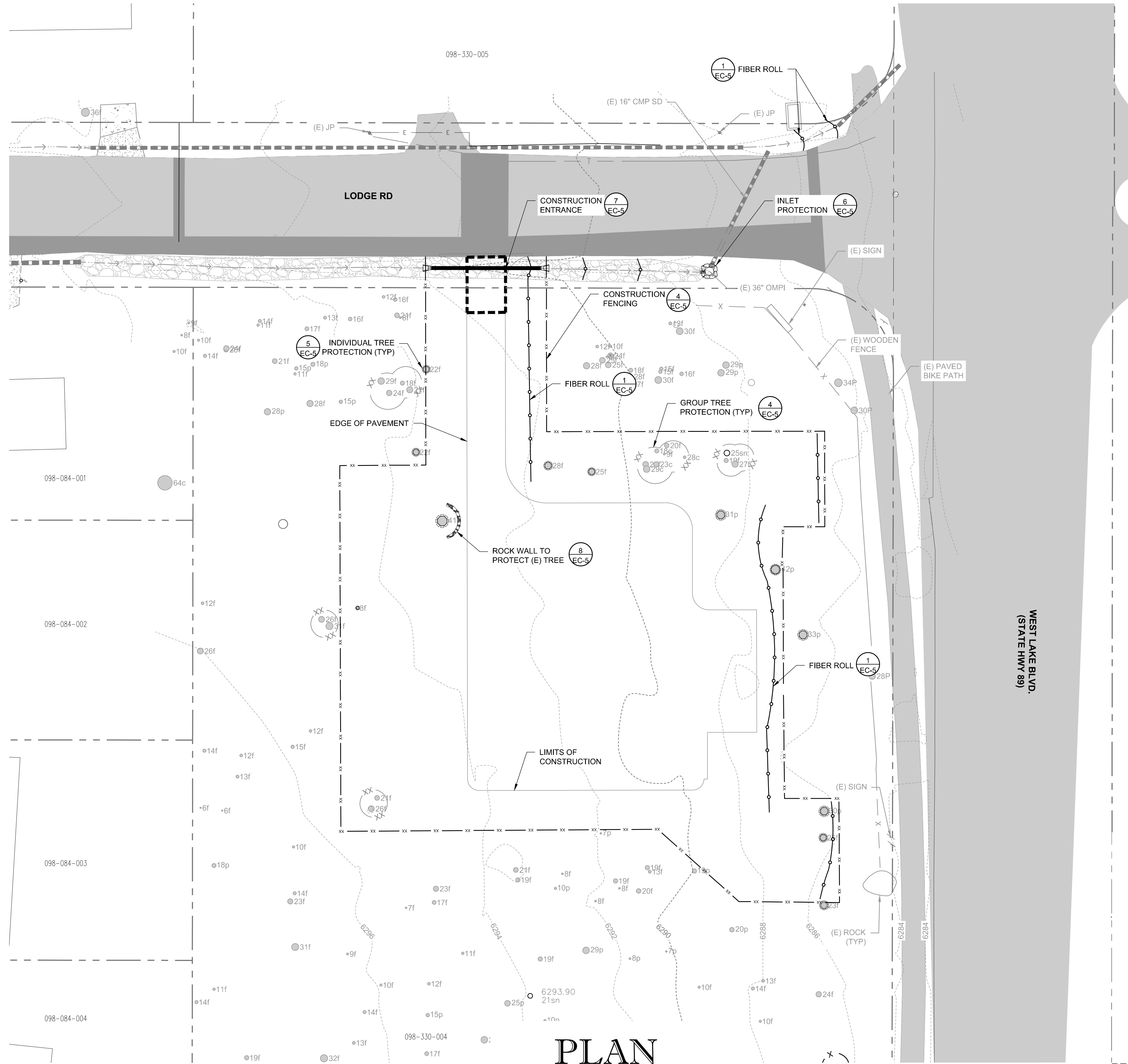
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LEGEND

-  GRAVEL BAGS AROUND DROP INLET
TYPICAL EACH LOCATION
-  SILT FENCE
-  GROUP TREE PROTECTION
-  INDIVIDUAL TREE PROTECTION
-  FIBER ROLL
-  CONSTRUCTION FENCING
-  CONSTRUCTION ENTRANCE

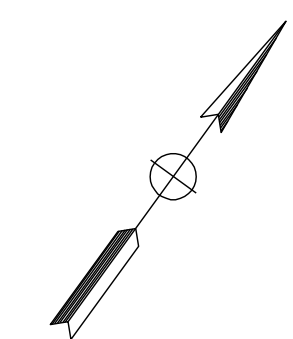
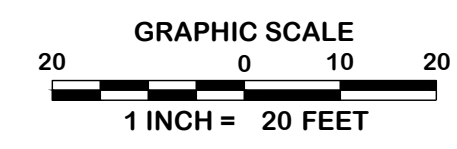
NOTES

1. CONTRACTOR TO PROVIDE ORANGE MESH CONSTRUCTION FENCING AT LIMITS OF CONSTRUCTION TO PROTECT EXISTING VEGETATION AND LIMIT THE AREA OF DISTURBANCE.
2. SEE SHEET EC-5 FOR GENERAL SILT FENCE/FIBER ROLL PLACEMENT. IN ADDITION, TEMPORARY EROSION CONTROL TO BE PLACED DOWN SLOPE OF ALL DISTURBED AREAS INCLUDING THE RAW AND TREATED WATER LINES, DRAINAGE DITCHES, AND SEDIMENT BASINS.
3. PROVIDE INDIVIDUAL OR GROUP TREE PROTECTION FOR ALL TREES WITHIN 10 FEET OF THE LIMITS OF DISTURBANCE.



PLAN

SCALE: 1" = 20'



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THE CONTRACTOR SHALL CALL "UNDERGROUND SERVICE ALERT (USA)" AT (800) 642-2444 TWO (2) DAYS MINIMUM TO FOURTEEN (14) DAYS MAXIMUM PRIOR TO COMMENCING EXCAVATION.

J:\22 656Dwg\Final Sheets\22_656B_EC4.dwg

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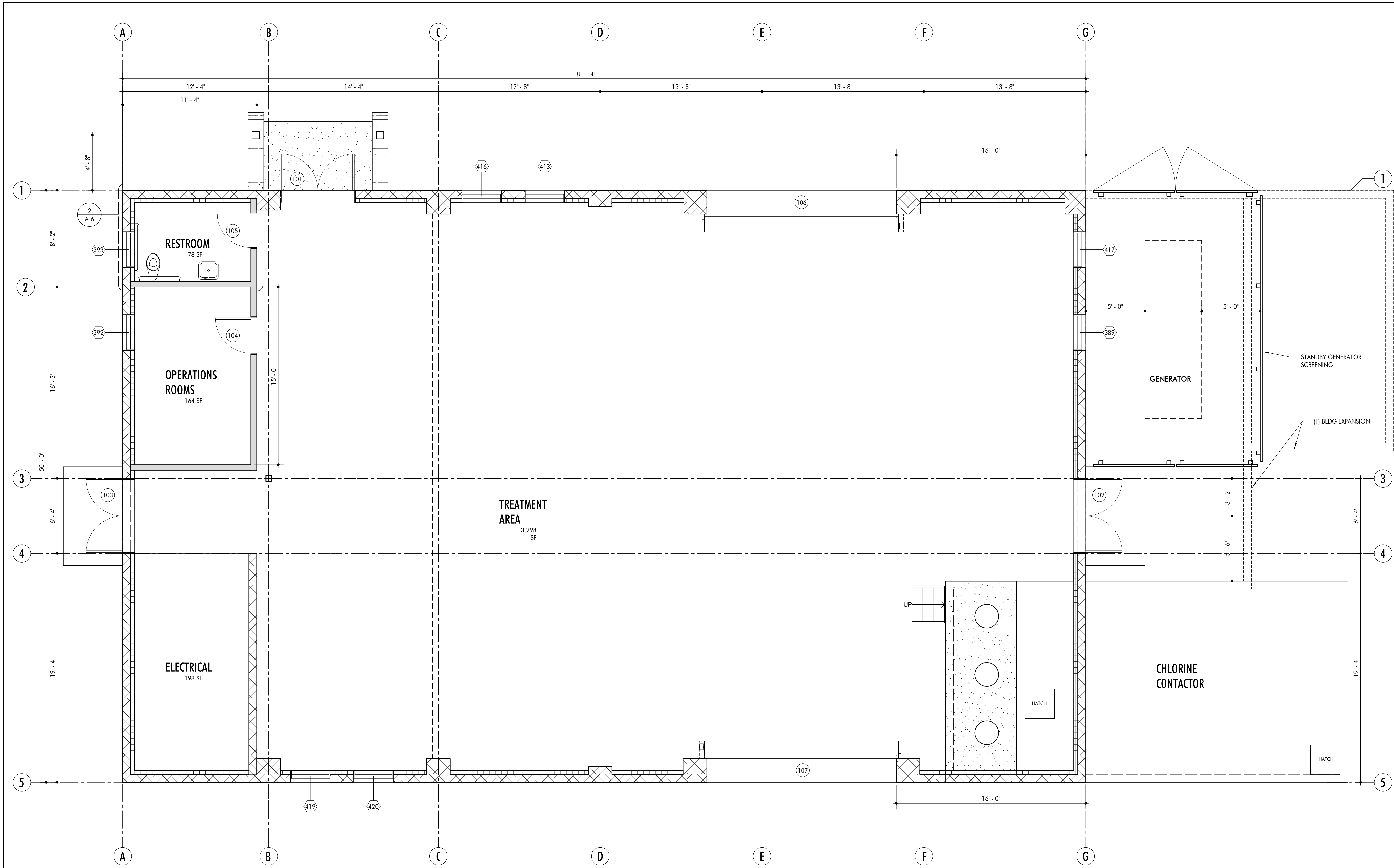
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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT
WTP
EROSION CONTROL PLAN
TAHOE CITY PLACER COUNTY CALIFORNIA

PROJECT NUMBER:	22 656B
SURVEY BY:	AEC
SURVEY DATE:	-
DESIGN BY:	NC
DRAFTING BY:	PS
CHECKED BY:	WRA
DATE:	SEPTEMBER 27, 2019

SCALES:
AS NOTED
HORIZONTAL
AS NOTED
VERTICAL

EC-4
SHEET: 34 of 119



REV	DATE	REVISIONS	BY

RECORD DRAWING
DATE _____ ENGINEER INITIAL _____

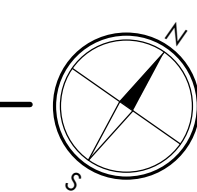
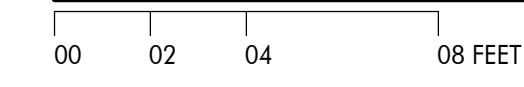
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TAHOE CITY PUBLIC UTILITY DISTRICT
**WEST LAKE TAHOE REGIONAL
WATER TREATMENT PLANT**
WTP BUILDING FLOOR PLAN
TAHOE CITY PLACER COUNTY CALIFORNIA

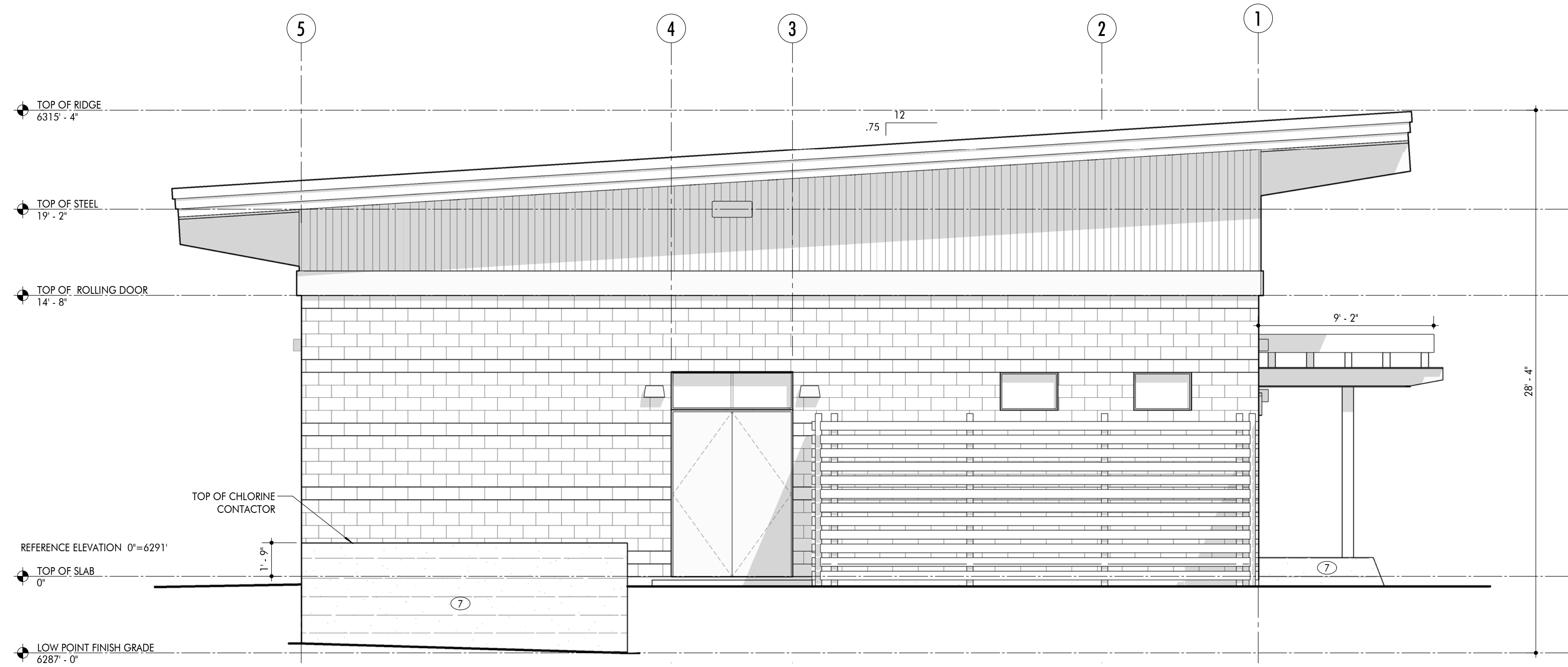
FLOOR PLAN



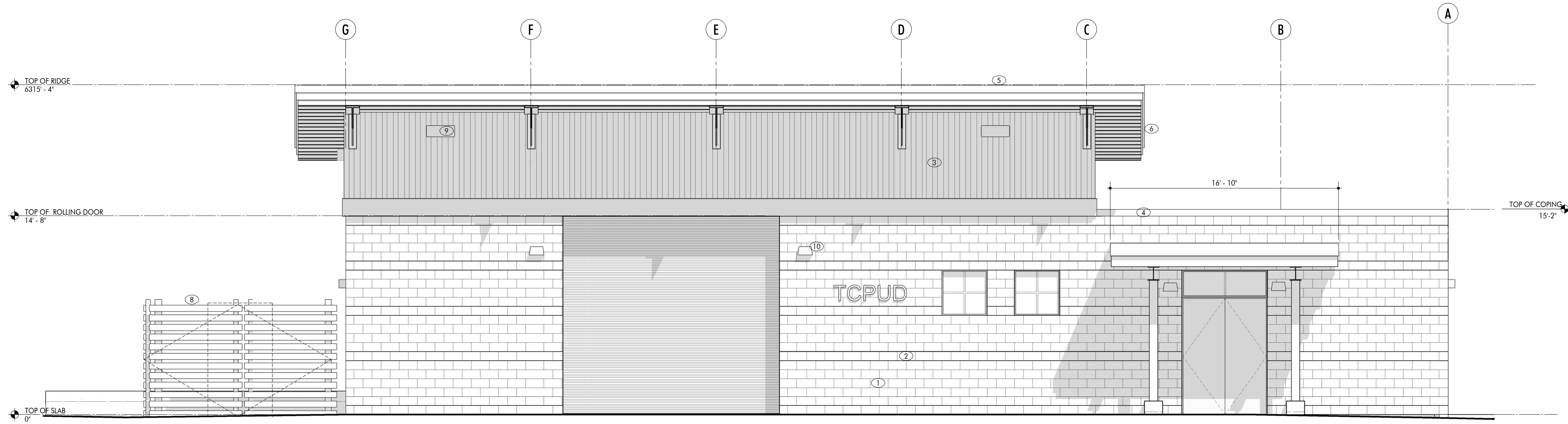
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PROJECT NUMBER:	13004.00
SURVEY BY:	AEC
SURVEY DATE:	-
DESIGN BY:	Designer
DRAFTING BY:	AS
CHECKED BY:	RL
DATE:	SEPT. 27, 2019
SCALES:	TRPA SUBMITTAL
1/4" = 1'-0"	A-2
HORIZONTAL	SHEET: _____ of _____
VERTICAL	

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EAST ELEVATION
00 02 04 08 FEET



NORTH ELEVATION
00 02 04 08 FEET

TRPA HEIGHT CALCULATION
 SLOPE ACROSS BUILDING SITE
 $6,293 - 6,288 = 5 / 100' = 5\%$ SLOPE ACROSS SITE
 TRPA TABLE 37.4.1-1
 ROOF PITCH .75:12
 ALLOWABLE AT: 26'-8"
 PROPOSED HEIGHT: 28'-4" W/ADDL. APPROVAL CRITERIA

- MATERIALS LEGEND**
- ① CMU 1: SPLIT FACE, COLOR: BASALITE 397
 - ② CMU 1: SPLIT FACE, COLOR: BASALITE 917
 - ③ METAL SIDING, COLOR: METAL SALES MEDIUM BRONZE
 - ④ METAL FINISH FOR DOOR FRAMES, DOORS, LOUVERS, TRIM, FASCIA. EXPOSED STEEL AND FLASHINGS, FINISH: PAINTED
 - ⑤ BUILT UP ROOF, COLOR: MALARKEY BLACK OAK
 - ⑥ METAL SOFFIT, COLOR: METAL SALES WEATHERED COPPER
 - ⑦ EXPOSED CONCRETE, STAIN: CHEMSTAIN DARK WALNUT
 - ⑧ EXPOSED STRUCTURAL WOOD AND SCREEN, FINISH: STAINED
 - ⑨ EXTERIOR LIGHTING: LITHONIA LIGHTING, WALL MOUNTED HIGH LUMEN LED FLOOD LIGHT, MODEL: BLACK FINISH
 - ⑩ EXTERIOR LIGHTING: FC LIGHTING, WALL MOUNTED DIE-CAST ALUMINUM LIGHT, MODEL: BLACK FINISH

BY	REVISIONS	REV DATE

RECORD DRAWING
DATE: ENGINEER INITIAL:

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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT

TAHOE CITY PLACER COUNTY CALIFORNIA

WTP ELEVATIONS I

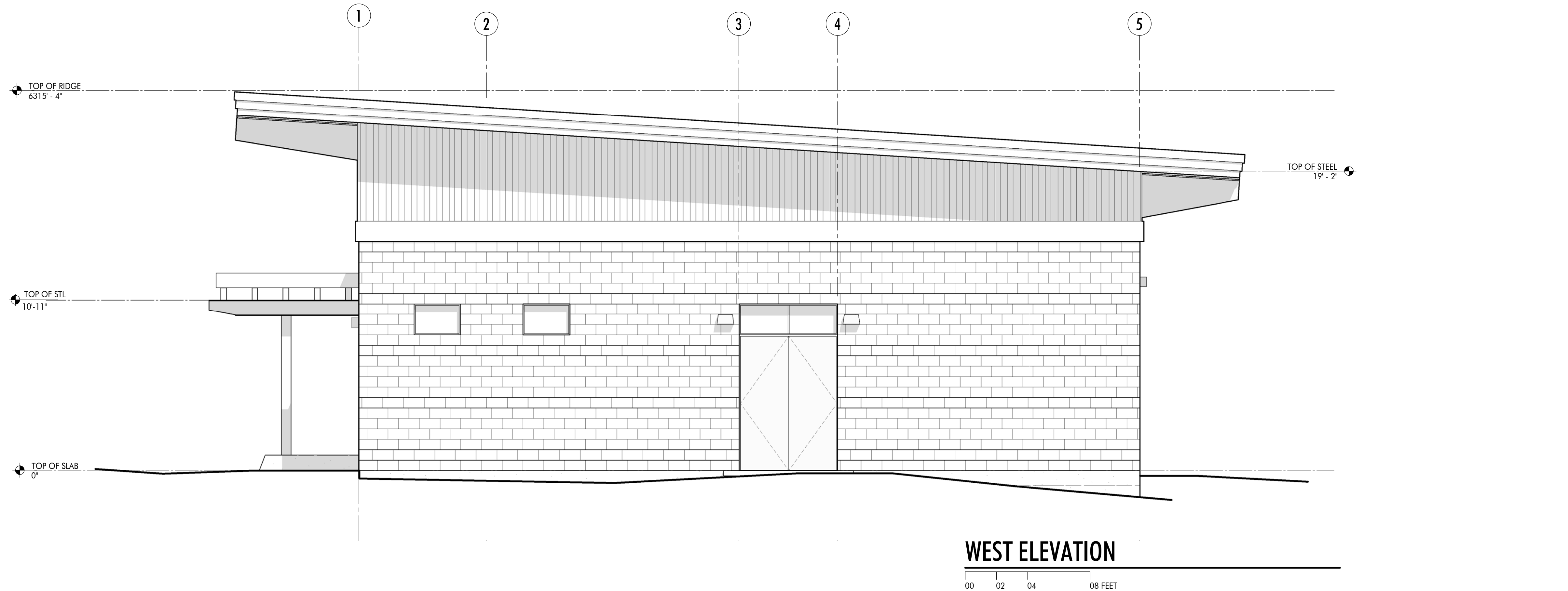
BAR IS ONE INCH ON ORIGINAL DRAWING

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SURVEY BY:	AEC
SURVEY DATE:	-
DESIGN BY:	Designer
DRAFTING BY:	AS
CHECKED BY:	RL
DATE:	SEPT. 27, 2019

SCALES:
 As indicated
 HORIZONTAL: TRPA SUBMITTAL
 A-3
 VERTICAL: SHEET: of

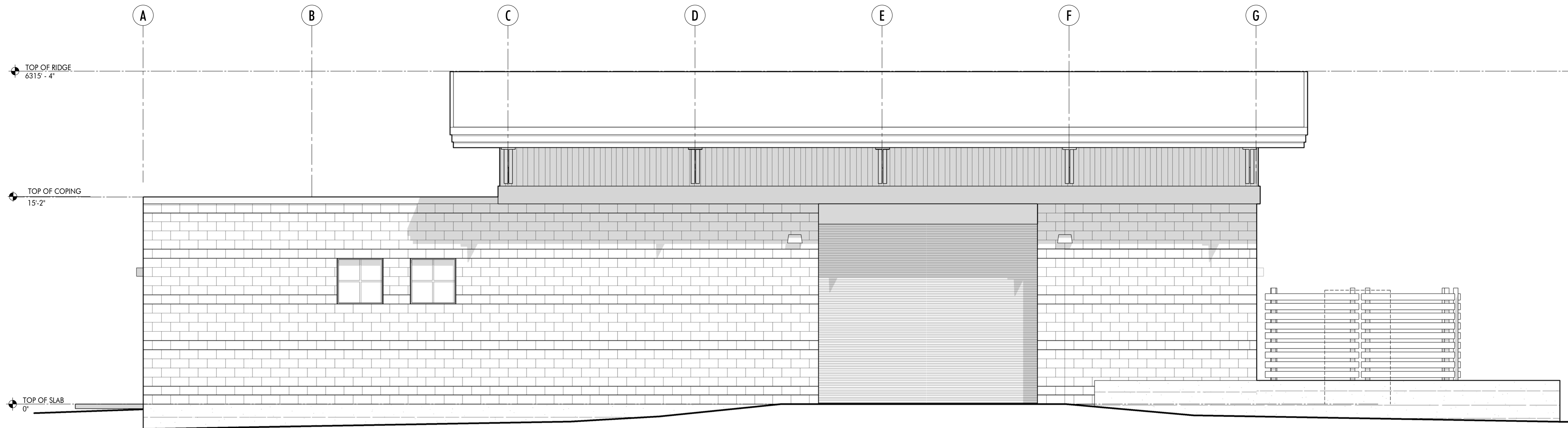
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WEST ELEVATION

00 02 04 08 FEET



SOUTH ELEVATION

00 02 04 08 FEET

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BY	REVISIONS	REV DATE

RECORD DRAWING

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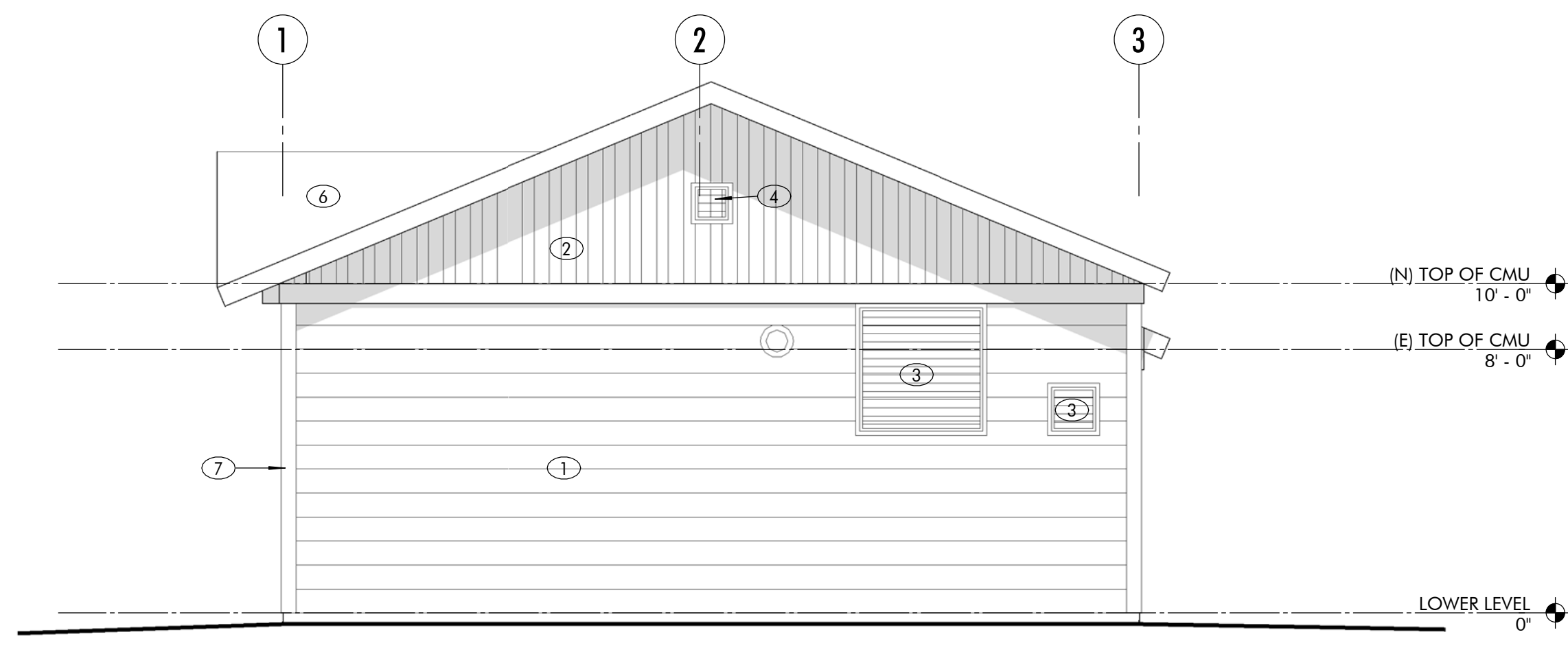
TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT

TAHOE CITY PLACER COUNTY CALIFORNIA

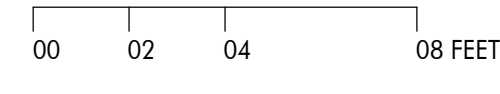
WTP ELEVATIONS II

PROJECT NUMBER:	13004.00
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SURVEY DATE:	-
DESIGN BY:	Designer
DRAFTING BY:	AS
CHECKED BY:	RL
DATE:	SEPT. 27, 2019
SCALES:	
1/4" = 1'-0"	TRPA SUBMITTAL
HORIZONTAL	A-4
VERTICAL	SHEET: _____ of _____

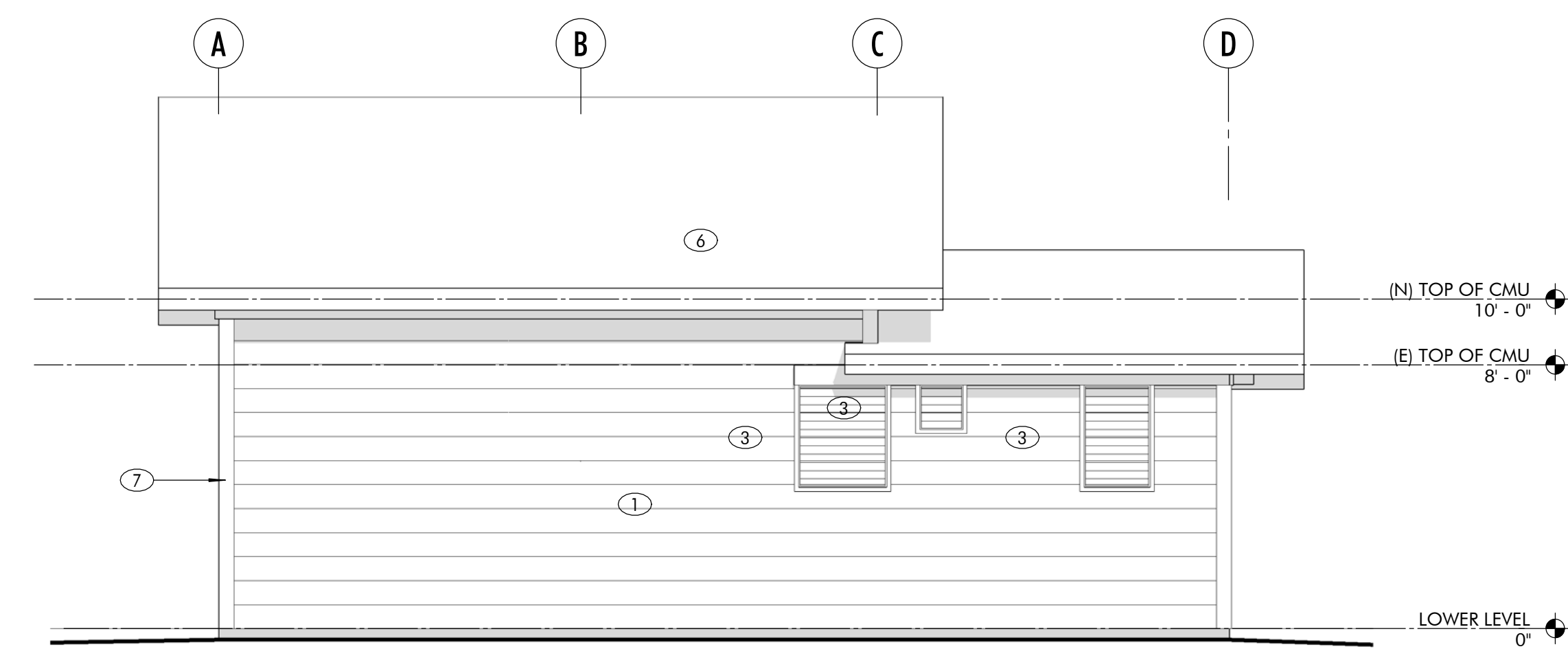
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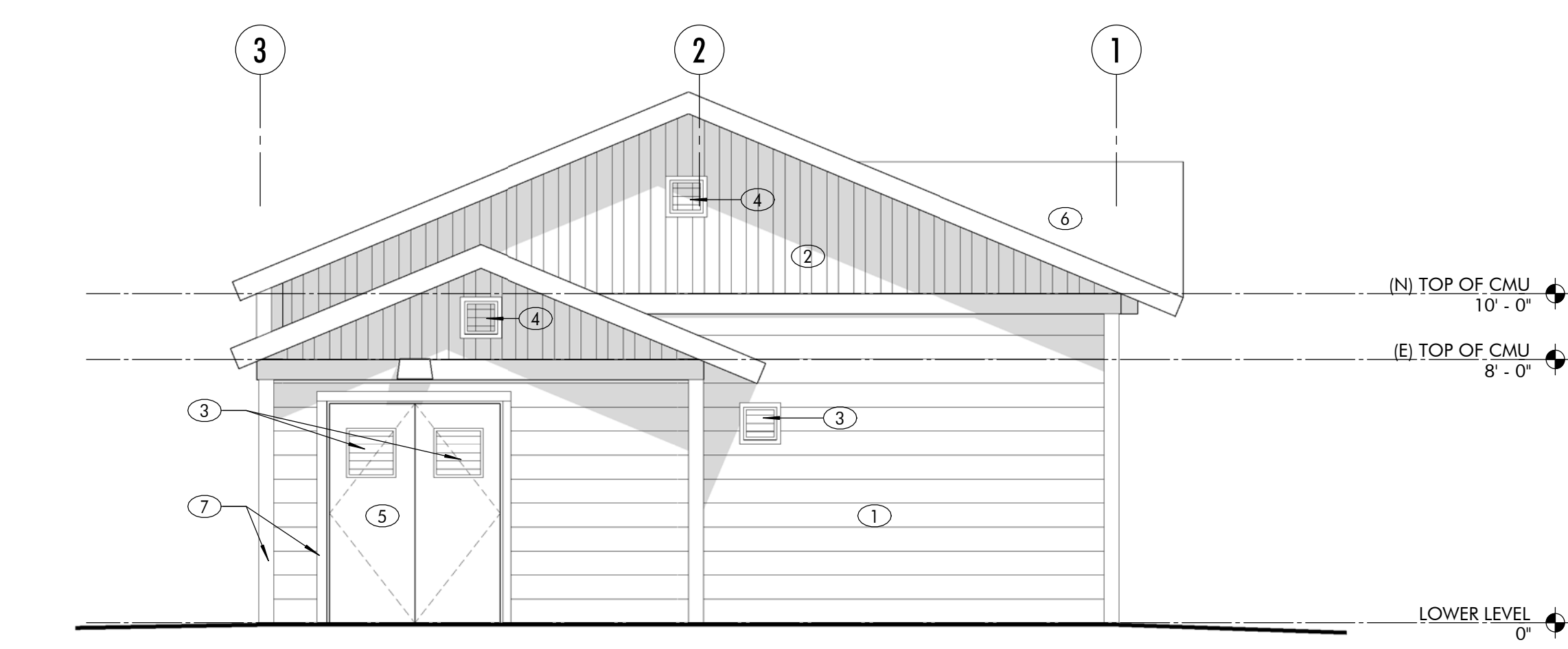
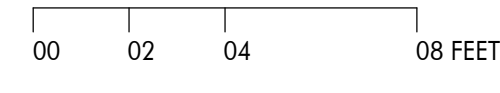
WEST ELEVATION



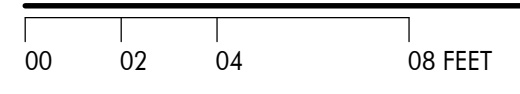
REFERENCE ELEVATION 0' = 6236.5'



SOUTH ELEVATION

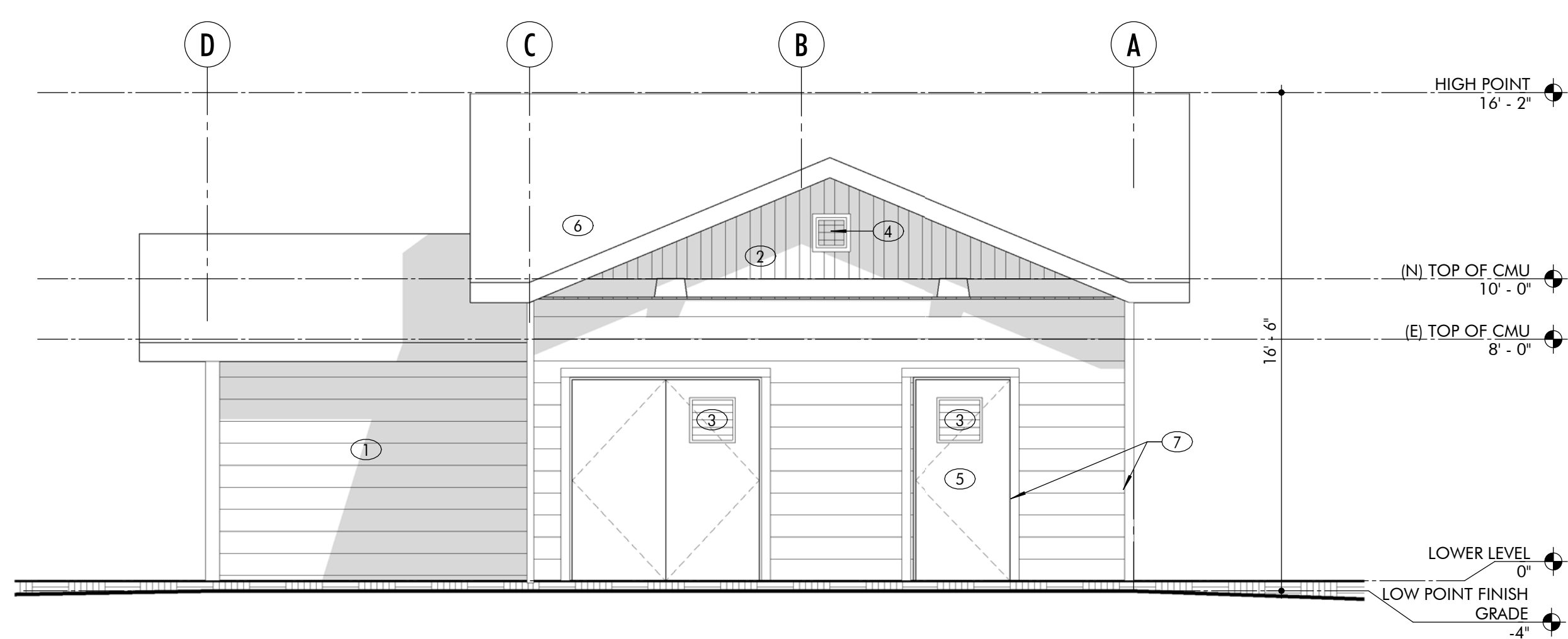


EAST ELEVATION

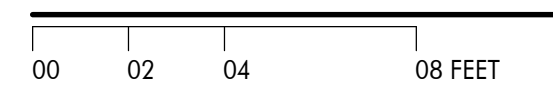


MATERIAL LEGEND

- ① 1X10 SHIPLAP WOOD SIDING, STAINED
- ② 1X6 BATTS @ 16" O.C. OVER 3/4" RESAWN PLYWOOD, STAINED
- ③ MECHANICAL LOUVERS (S.M.D.), PAINTED
- ④ ATTIC VENTILATION LOUVERS, PAINTED
- ⑤ INSULATED H.M. DOORS, PAINTED
- ⑥ COMPOSITE SHINGLE ROOFING
- ⑦ 2X WOOD TRIM, STAINED

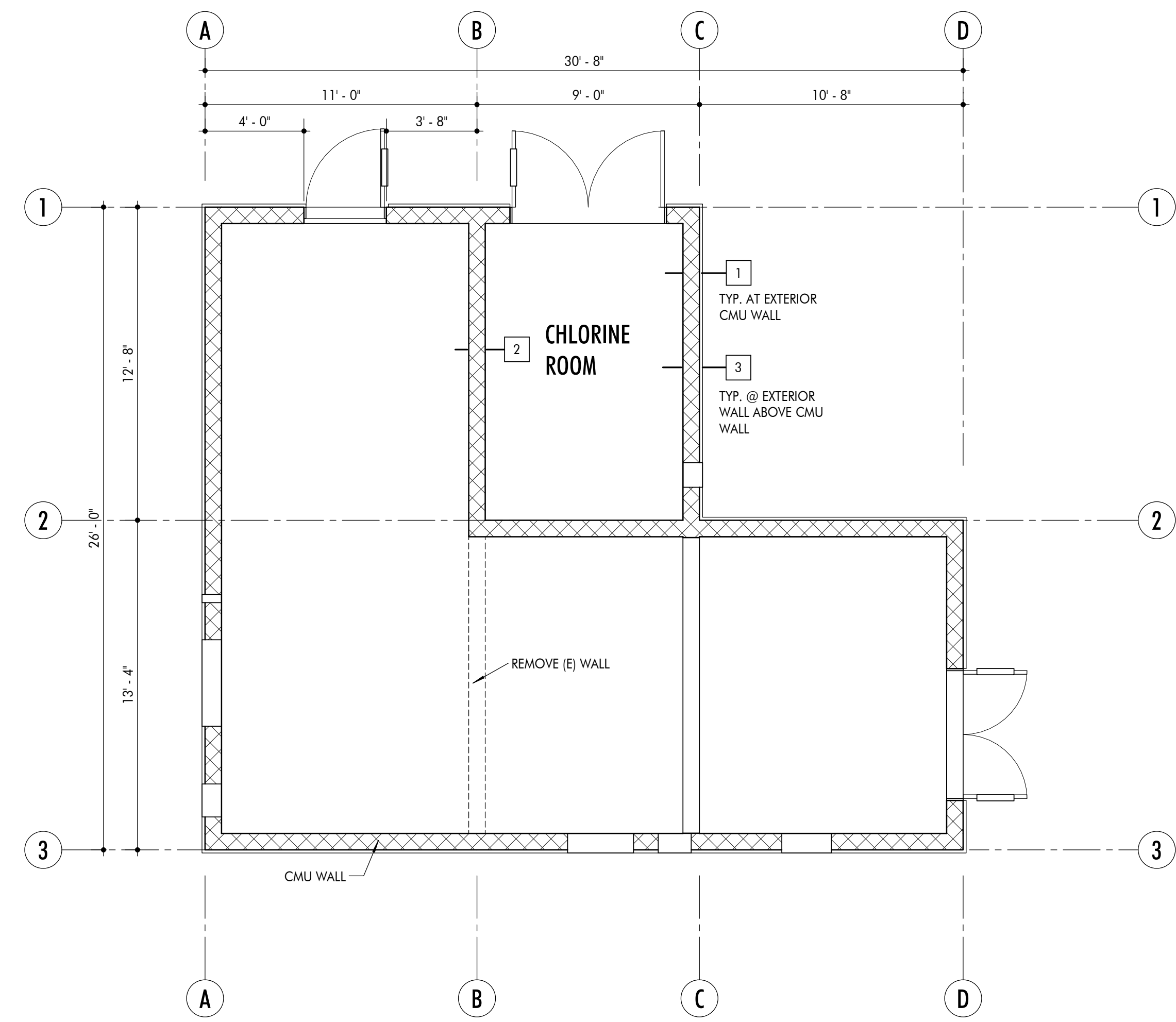


NORTH ELEVATION

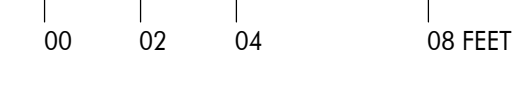


TRPA CALCULATIONS

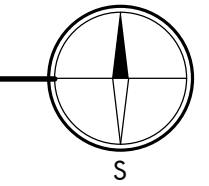
SLOPE ACROSS = 2% SLOPE ACROSS SITE
 TRPA TABLE 37.4.1
 ROOF PITCH 5:12
 ALLOWABLE HEIGHT: 30'-6"
 PROPOSED HEIGHT: 16'-6"



FLOOR PLAN



PLAN NORTH



BY	
REVISIONS	
REV DATE	
RECORD DRAWING	
DATE	ENGINEER INITIAL
Kennedy/Jenks Consultants Engineers & Scientists 10850 GOLD CENTER DRIVE, SUITE 350 RENO, NEVADA, CALIFORNIA, 89669 T 775.784.4300 F 775.784.4301 WWW.KJC.COM	
WARD YOUNG ARCHITECTURE & PLANNING 10850 GOLD CENTER DRIVE, SUITE 301 RENO, NEVADA, CALIFORNIA, 89669 T 775.784.4300 F 775.784.4301 WWW.WARDYOUNG.COM	
TAHOE CITY PUBLIC UTILITY DISTRICT WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT LAKE INTAKE PUMP STATION BUILDING - FLOOR PLAN & EXTERIOR ELEVATIONS TAHOE CITY PLACER COUNTY CALIFORNIA	
BAR IS ONE INCH ON ORIGINAL DRAWING PROJECT NUMBER: 13004.00 SURVEY BY: AEC SURVEY DATE: DESIGN BY: RL DRAFTING BY: AFD CHECKED BY: RL DATE: SEPT. 27, 2019	
SCALES: As indicated HORIZONTAL VERTICAL	
TRPA SUBMITTAL A-8.2 SHEET of	

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PLANTING NOTES

- PLANTING**
- PLANTS SHALL BE THE VARIETY AND SIZE SPECIFIED ON THE PLAN AND BE HEALTHY, SHAPELY AND WELL ROOTED AND CONFORM TO AMERICAN NURSERYMAN'S STANDARDS. TREES SHALL BE ABLE TO STAND STRAIGHT ON THEIR OWN WITHOUT SUPPORT. ANY CHANGES TO PLAN TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. LANDSCAPE ARCHITECT AND/OR OWNER RESERVES THE RIGHT OF REFUSAL SHOULD PLANT MATERIAL SIZE AND QUALITY BE DEEMED UNSATISFACTORY. INSPECTION BY LANDSCAPE ARCHITECT IS MANDATORY PRIOR TO ACCEPTANCE OF ALL PLANT MATERIALS. MATERIAL SHALL BE REPLACED AT THE EXPENSE OF THE CONTRACTOR. MATERIALS SHALL BE COMPLETELY FREE OF TRUNK, BRANCH AND BARK WOUNDS. STRUCTURE OF PLANT MATERIAL SHALL BE APPROPRIATE TO NATURAL HABIT.
 - INSTALLING CONTRACTOR SHALL VERIFY PLANT QUANTITIES AND AREAS TO BE LANDSCAPED AND NOTIFY OWNER AND/OR LANDSCAPE ARCHITECT OF DISCREPANCIES.
 - GRADING OF ENTIRE CONTRACT AREA SHALL BE SMOOTH AND EVEN AND SLOPE TO DRAIN. FINISH GRADES SHALL BE 1/2" BELOW ALL PAVED SURFACES. SLOPES, MOUNDS, AND SWALES SHALL HAVE NO ABRUPT CHANGE IN GRADIENT TO ASSURE A NATURAL AND PLEASING APPEARANCE.
 - THE PLANTING HOLE SHALL BE DUG TWICE THE WIDTH AND TO THE SAME DEPTH OF THE CONTAINER OR ROOTBALL.
 - THE PLANTING HOLE SHALL BE TESTED FOR DRAINAGE. FILL WITH WATER AND ALLOW TO DRAIN. SHOULD DRAINAGE NOT OCCUR WITHIN A FEW HOURS THE HOLE SHOULD NOT BE USED AND AN ALTERNATIVE LOCATION FOR PLANT FOUND.
 - ROOTBALL SHALL BE GENTLY REMOVED FROM CONTAINER AND ROOT INSPECTED PRIOR TO PLACEMENT IN THE HOLE. THE ROOT BALL SHALL BE TEASED BY PINCHING ROOTLETS LOOSE FROM WALL OF BALL TO ENCOURAGE ROOTS TO EXTEND OUTWARD. SHOULD PLANT BE ROOT BOUND THE BALL SHALL BE SCORED WITH A SHARP KNIFE VERTICALLY IN THIRDS DOWN THE ROOTBALL SIDES APPROXIMATELY 1/2 INCH DEEP AND TWO WAYS ACROSS THE BOTTOM, THE ROOTS SHALL THEN BE LOOSENED AND SPREAD TO ENCOURAGE OUTWARD GROWTH.
 - PLANT SHALL BE BURIED TO STRUCTURAL ROOT DEPTH. EXCESS MATERIAL ON BALLED AND BURLAP TREES SHALL BE REMOVED. REMOVE BASKETS FROM B&B TREES WITH CARE TO MAINTAIN INTEGRITY OF ROOT BALL.
 - ALL TAGS SHALL BE REMOVED FROM PLANTS.
 - A COMPOST OR HUMUS SHALL BE INCORPORATED AT A RATE OF SIX CUBIC YARDS PER 1000 SQUARE FEET FOR IMPROVED MOISTURE AND NUTRIENT RETENTION. COMPOST IS GENERALLY AVAILABLE AT MOST NURSERIES - KELLLOGG'S IS RECOMMENDED. HUMUS, AVAILABLE LOCALLY IN BULK QUANTITIES, MUST BE WELL COMPOSTED TO AVOID ROOT BURN. WHEN COMPOSTED HUMUS NOT AVAILABLE, AMENDMENT SHALL BE SUFFICIENTLY NITROGENIZED TO PREVENT LOCK UP OF NUTRIENTS AND ROOT BURN. CONTRACTOR TO PROVIDE SAMPLE SUBMITTAL TO LANDSCAPE ARCHITECT.
 - TOP SOIL SHALL BE FERTILE, FRIABLE AND FREE OF ROCKS LARGER THAN 1" DIAMETER, NOXIOUS WEED SEEDS OR EXTRANEIOUS MATTER. TOP SOIL DELIVERED TO SITE SHALL HAVE ACIDITY RANGE OF PH 5.0 TO 7.0 AND SHALL CONTAIN NOT LESS THAN 15% ORGANIC MATTER.
 - BACKFILL MATERIAL SHALL MEET THE LEVEL OF TOP OF ROOTBALL. NEVER ALLOW NEW SOIL TO REACH PLANT STEM. BACKFILL SHALL BE PRESSED FIRMLY IN AROUND ROOTBALL.
 - WHEN BACKFILLING IS COMPLETE, CONSTRUCT A WATER RETENTION BERM APPROXIMATELY THREE INCHES HIGH AND TWICE THE DIAMETER OF THE ROOT BALL. SEE DETAIL.
 - FILL BASIN INSIDE BERM WITH WATER AND ALLOW TO DRAIN. FILL ANY HOLES THAT APPEAR WITH ADDITIONAL BACKFILL MATERIAL. REPEAT UNTIL HOLES DO NOT APPEAR AND ALL SOIL AROUND ROOT BALL IS MOISTENED.
 - TOP DRESS WITH 1" LOCALLY OBTAINED PINE NEEDLES IN ALL PLANTED AREAS. IF BARK MULCH IS USED CONTRACTOR TO PROVIDE A SAMPLE SUBMITTAL TO LANDSCAPE ARCHITECT FOR APPROVAL.
 - ONE REDWOOD STAKE OF 1-1/2" BY 1-1/2" SHALL BE INSTALLED FOR WINTER SUPPORT OF MULTI-STEMMED SHRUBS UNTIL ADEQUATE BRANCH STRENGTH IS ATTAINED. SEE DETAIL.
 - ONE LODGEPOLE STAKE OF TWO INCHES DIAMETER AND 8-10 FEET IN LENGTH SHALL BE INSTALLED AT THE WINDWARD SIDE OF ALL DECIDUOUS TREES. DOUBLE STAKING WILL BE REQUIRED IN WINDIER AND HEAVY SNOW LOAD AREAS. STAKE(S) SHALL BE INSERTED INTO GROUND AT EDGE OF ROOT BALL, NEVER INTO ROOTBALL. TREE GUYING METHOD IS RECOMMENDED FOR LARGER CONIFEROUS TREES IN WINDIER LOCATIONS. SEE DETAILS.
 - TWO TO THREE TREE TIES OF DURABLE CONSTRUCTION SHALL BE USED PER TREE. THE RUBBER OR MORE PLIABLE PORTION OF THE TIE SHALL BE LOOPED AROUND THE TRUNK AND WIRE OR OTHER MATERIAL LOOPED AROUND THE STAKE IN A FIGURE EIGHT CONFIGURATION. THE WIRES ARE THEN TWISTED TOGETHER. SHOULD SECURING THE TIE IN PLACE BE REQUIRED, NAIL OR STAPLE THE TIE TO THE STAKE ONLY, NEVER TO THE TREE. DO NOT TIE THE TRUNK TOO TIGHTLY AGAINST THE STAKE. ALLOW SOME ROOM TO MOVE IN BREEZE SO AS TO DEVELOP CALIPER STRENGTH IN TRUNK. THE TRUNK SHALL BE UPRIGHT AND STRAIGHT. SEE DETAIL.
 - IN THE FALL AFTER LEAVES HAVE DROPPED, BRANCHES OF YOUNG TREES AND SHRUBS AND THOSE CLOSE TO SNOW REMOVAL/STORAGE AREAS SHALL BE BOUND IN AN UPWARD FASHION WITH VINYL TREE TAPE OR EQUAL TO MINIMIZE BREAKAGE FROM WEIGHT AND MOVEMENT OF SNOW. SEE DETAIL. THIS PROCEDURE SHOULD BE REPEATED EACH YEAR UNTIL TREES AND SHRUBS HAVE ATTAINED SUBSTANTIAL STRENGTH AND GIRTH. UNWRAP TREES AND SHRUBS IN SPRING, BEFORE NEW LEAVES APPEAR.
 - ALL CHANGES TO PLANS TO BE APPROVED BY LANDSCAPE ARCHITECT.
 - UPON COMPLETION OF ALL PROJECT PHASES, INSTALLING CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR INSPECTION AND FINAL APPROVAL.

IRRIGATION NOTES: IRRIGATION WILL BE DRIP WITH AN WEATHER BASED CONTROLLER THAT WILL ACCESS LOCAL CLIMATE INFORMATION FOR WATERING SCHEDULE CHANGES. LOCAL WEATHER STATION WILL BE USED TO BE AS ACCURATE AS POSSIBLE.

SEEDING/SODDING

- SEEDING AREAS SHALL BE PREPARED BY TILLING SOIL TO A SIX INCH DEPTH REMOVING ROCK GREATER THAN FOUR INCHES IN DIAMETER FOR WILDFLOWER AND EROSION CONTROL AREAS AND TURF GRASS AREAS. SIX INCHES OF HUMUS OR COMPOST SHALL BE TILLED IN. FOR SEEDED AREAS EVENLY SPREAD TOPSOIL/MANUFACTURED SOIL ON TOP OF NATIVE SOIL.
- SEEDING/SOD AREA SHALL BE RAKED OR ROLLED TO A SMOOTH SURFACE FILLING HOLES AND REMOVING ROCK AS NECESSARY. FOR TURF AREAS THIS PROCESS SHALL BE REPEATED AS NEEDED TO ATTAIN SMOOTHEST SURFACE POSSIBLE, ROLL IN TWO OVERLAPPING DIRECTIONS FOR BEST RESULTS.
- SEED SHALL THEN BE BROADCAST AT THE RATE PRESCRIBED BY SEED COMPANY OR LANDSCAPE ARCHITECT AND RAKED INTO THE SOIL.
- APPLY BIOSOL MIX GRANULAR FERTILIZER AT RATE RECOMMENDED.
- SEED SHALL THEN BE COVERED WITH A 1/8 TO 1/4" LAYER OF PINE NEEDLES EQUAL TO RETAIN MOISTURE AND PREVENT WIND AND BIRDS FROM CARRYING SEED AWAY.
- NO OVERHEAD WATERING IS BEING DESIGNED AT THIS TIME FOR SEEDED AREAS. SEEDING SHALL TAKE PLACE IN THE FALL PRIOR TO A WEATHER FRONT. BEST TIMING WILL BE IN OCTOBER.

PLANT LEGEND						
SYMBOL	KEY	SCIENTIFIC NAME	COMMON NAME	QTY.	PLANTED SIZE	5-YEAR GROWTH
	ABI CON	ABIES CONCOLOR	WHITE FIR	8	10-GAL, 4W x 6T	6W x 10T
	PIC ABI	PICEA ABIES	NORWAY SPRUCE	11	B&B, 6W x 10-12T	6W x 14T
	PIN JEF	PINUS JEFFREYII	JEFFREY PINE	5	B&B, 5W x 10-12T	6W x 15T
	PIC GLA	PICEA GLAUCA 'DENSATA'	BLACK HILLS SPRUCE	5	B&B, 5W X 8T	8W X 12T
	RIB NEV	RIBES NEVADENSE	MT. PINK CURRENT	66	5-GAL, 2W X 3T	3W X 4T

REVEGETATION SEED LEGEND				
BOTANICAL NAME	PLANT NAME	PLS/ACRE	QUANTITY	SYMBOL
ERIOGONUM UMBELLATUM	BUCKWHEAT SULFUR	25	7,842 S.F. 18 ACRE	
CHAMERION ANGUSTIFOLIA	FIREWEED	25		
BROMUS CARINATUS	BROME MOUNTAIN BROMAR	6.0		
POA SECUNDA SPP SECUNDA	SANDBERGS BLUEGRASS	7.0		
ARTEMISIA TRIDENTATA VASEYANA	MOUNTAIN BIG SAGEBRUSH	25		
LUPINE ARGENTEUS	SILVER LUPINE	25		
LUPINUS LEPIDUS	DWARF LUPINE	2		
ELYMUS ELYMOIDES	SQUIRREL TAIL GRASS	7		
ELYMUS TRACHYCAULUS	WHEATGRASS SLENDER	6		
LINIUM LEWISII	FLAX BLUE	.5		
PURSLA TRIDENTATA	BITTERBRUSH	.5		
ARTEMISIA TRIDENTATA	BIG BASIN SAGEBRUSH	25		
TOTAL PLS/ACRE*		30.25		

* PLS=PURE LIVE SEED.

FERTILIZER MANAGEMENT PLAN

FERTILIZER USE AND APPLICATION SHALL BE MINIMIZED, WITH ZERO APPLICATION IN THE BACKSHORE. ONLY SLOW RELEASE ORGANIC FERTILIZERS ARE TO BE USED. ALL FERTILIZER SHALL BE APPLIED PER SECTION 81.7 OF THE TRPA CODE OF ORDINANCES AND COMPLY WITH THE TRPA HOME LANDSCAPING GUIDE. BIOSOL FERTILIZER IS RECOMMENDED. APPLY PER MANUFACTURERS APPLICATION RATES.

REV#	DATE	REVISIONS	BY

RECORD DRAWING
DATE: _____ ENGINEER INITIAL: _____

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CONSTRUCTION**

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 Engineers & Scientists
 10880 GOLD CENTER DRIVE, SUITE 360
 RANCHO CORONA, CALIFORNIA, 92570

HIGH WEST
 LANDSCAPE ARCHITECTS
 40165 TRUCKEE AIRPORT RD., SUITE #301-A
 TRUCKEE, CA. 96161
 530.553.4000

TAHOE CITY PUBLIC UTILITY DISTRICT
**WEST LAKE TAHOE REGIONAL
 WATER TREATMENT PLANT**

TAHOE CITY
 PLACER COUNTY
 CALIFORNIA

WTP LANDSCAPE PLAN

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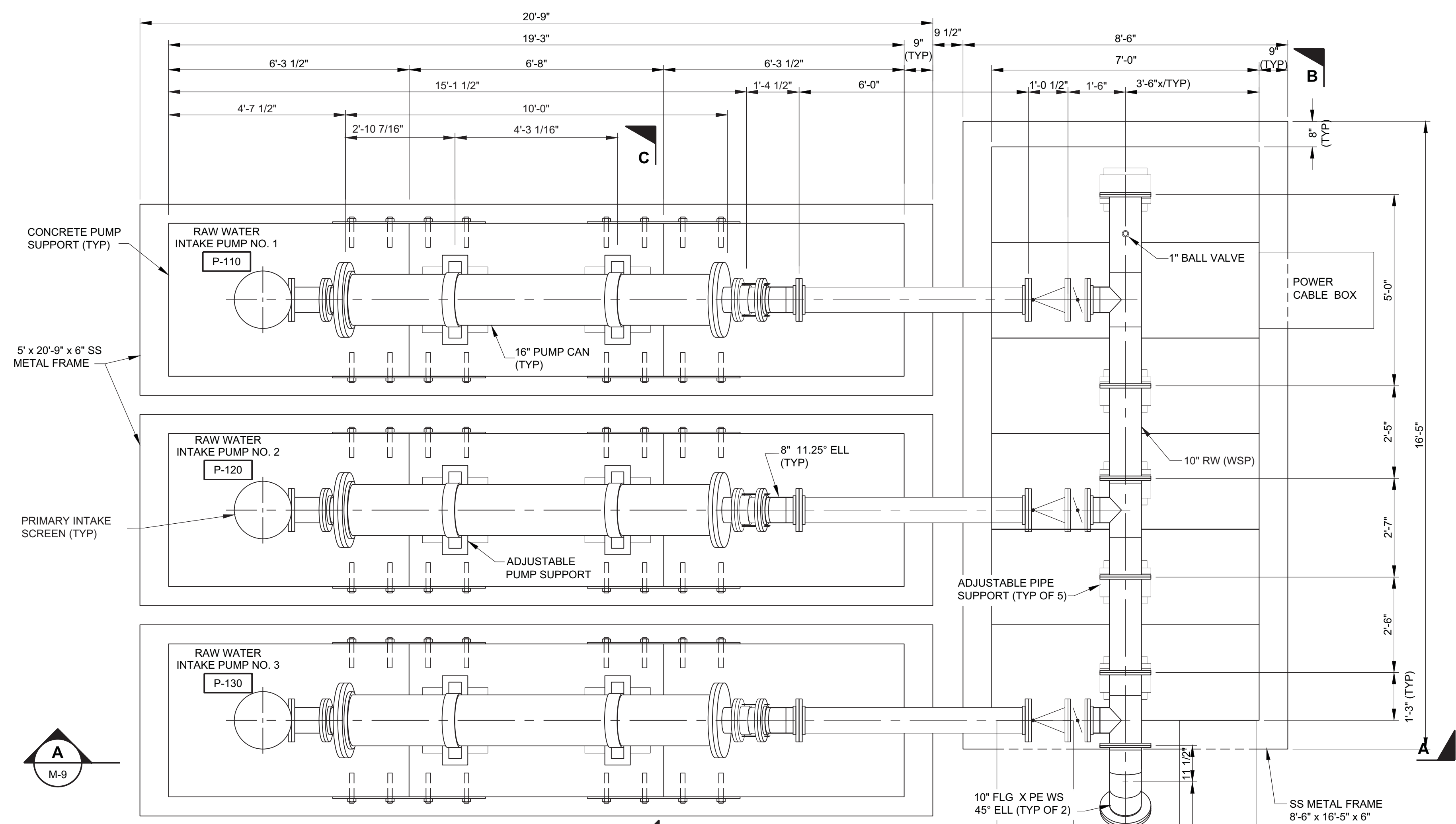
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 SURVEY DATE:
 DESIGN BY: JPP
 DRAFTING BY: JPP
 CHECKED BY:
 DATE: 9/27/2019

SCALES:
 HORIZONTAL: _____
 VERTICAL: _____

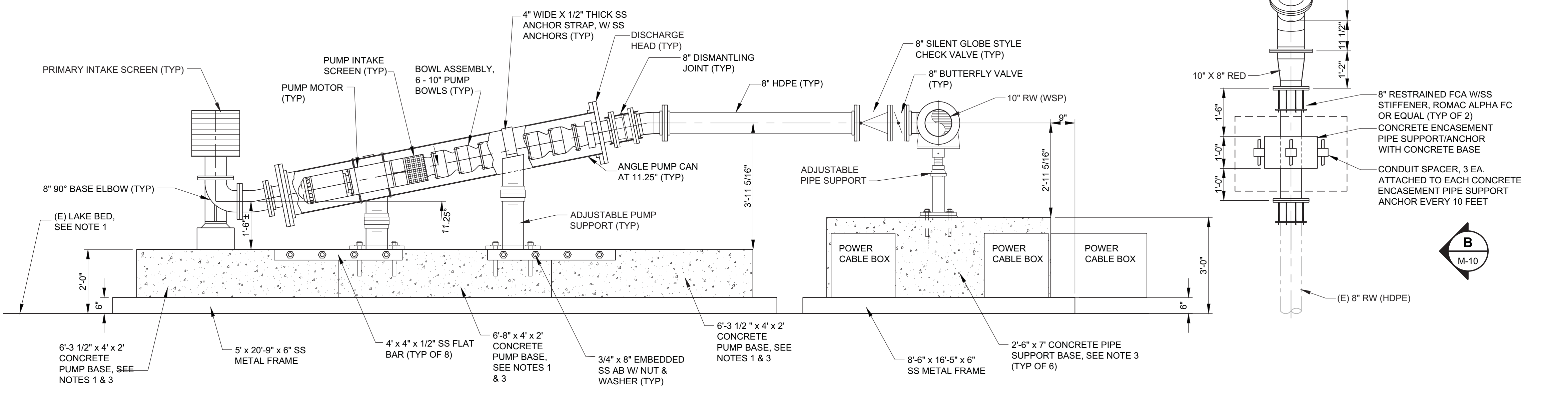
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- NOTES:**
- CONTRACTOR SHALL MOVE ROCKS IF ANY ARE LOCATED UNDER (N) CONCRETE SUPPORTS AND PLACE AT LEAST 5 FEET AWAY FROM PUMP OR DISCHARGE PIPE SUPPORTS.
 - CONTRACTOR SHALL REMOVE (E) PUMP SUCTION SCREEN ASSEMBLY (PHOTOS 1, 2, & 3 ON M-10 DRAWING) AND DISPOSE OF PROPERLY
 - REINFORCE CONCRETE WITH #5 REBAR @ 12" EA.



PLAN
SCALE: 1/2" = 1'-0"
M-9



SECTION A
SCALE: 1/2" = 1'-0"
M-9

REV	DATE	REVISIONS

RECORD DRAWING
DATE: ENGINEER INITIAL:



Kennedy/Jenks Consultants
Engineers & Scientists
10850 GOLD CENTER DRIVE, SUITE 350
RANCHO CORDOVA, CALIFORNIA, 95670

AUERBACH ENGINEERING CORP.
P.O. BOX 5399 • 645 W. LAKE BLVD. • TAHOE CITY, CALIFORNIA 96145
VOICE (530) 581-1116 • FAX (530) 581-3162
WWW.AUERBACHENGINEERING.COM

TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT
LAKE INTAKE PUMP STATION
PLAN AND SECTION
TAHOE CITY PLACER COUNTY CALIFORNIA

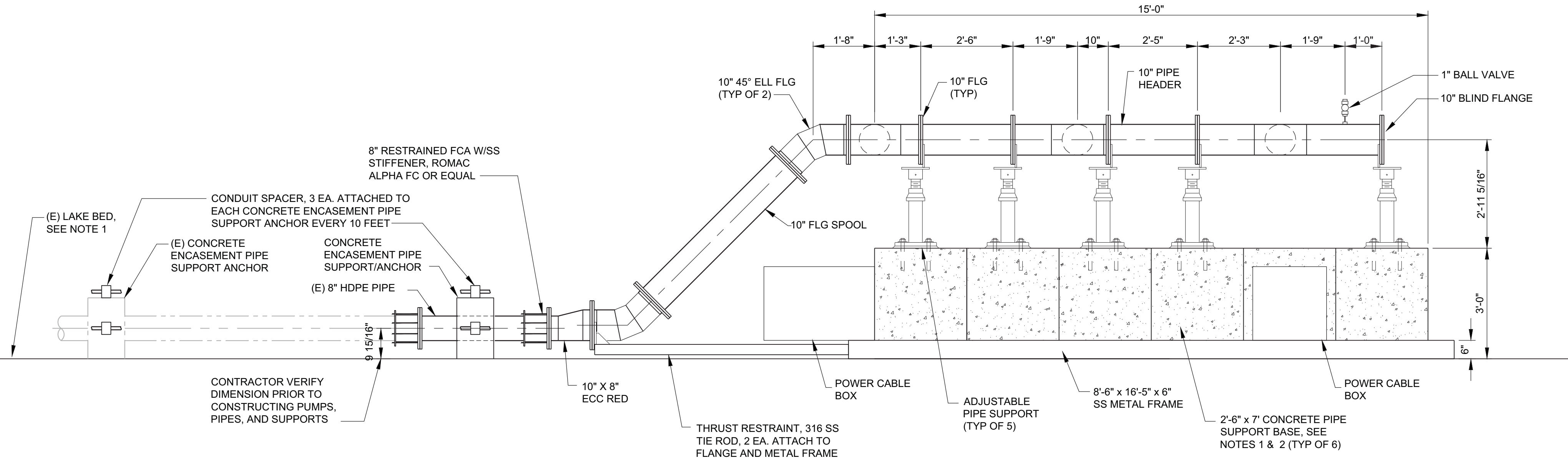
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SURVEY BY:	AEC
DESIGN BY:	TLW
DRAFTING BY:	VALUE
CHECKED BY:	VALUE
DATE:	DECEMBER 2019
SCALE:	AS NOTED
HORIZONTAL:	M-9
VERTICAL:	SHEET: of

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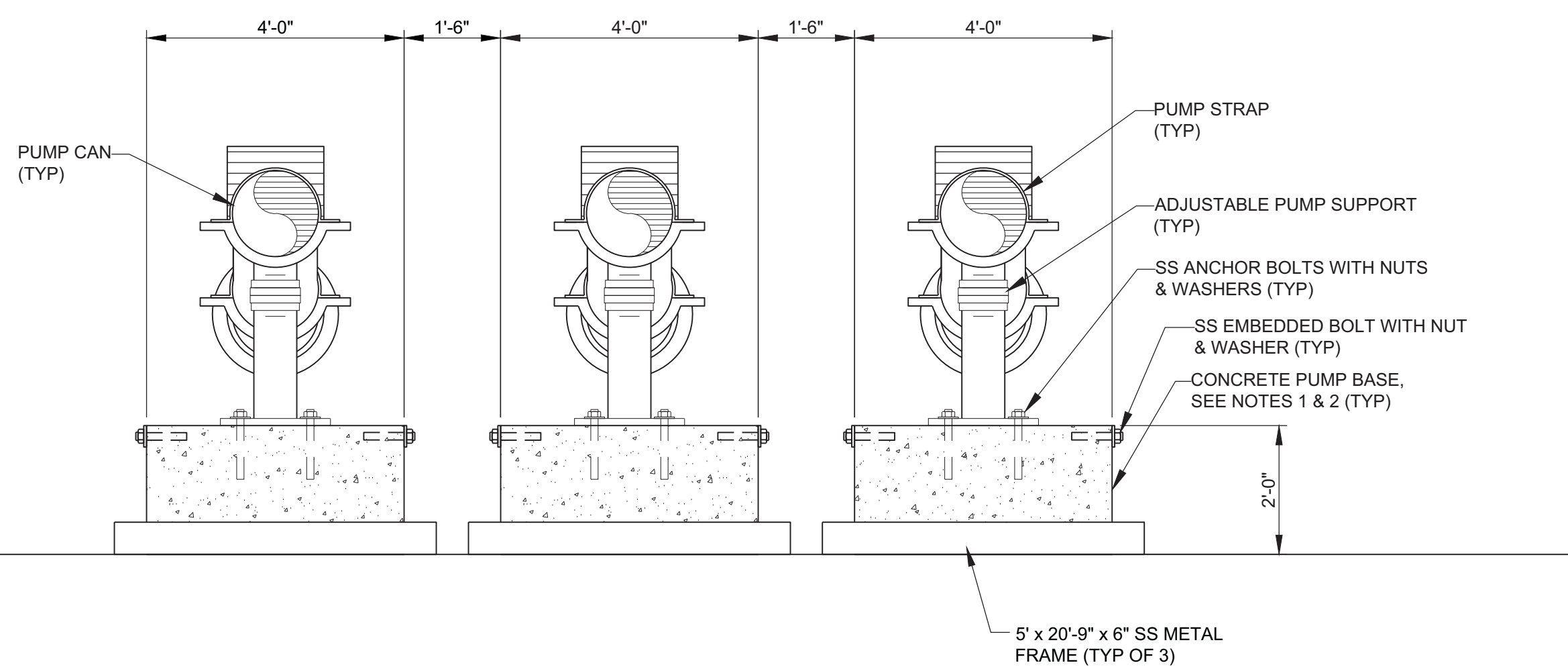
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NOTES:

1. CONTRACTOR SHALL MOVE EXISTING ROCKS IF ANY ARE LOCATED UNDER (N) CONCRETE SUPPORTS AND PLACE AT LEAST 5 FEET AWAY FROM PUMP OR DISCHARGE PIPE SUPPORTS
2. REINFORCE CONCRETE WITH #5 REBAR @ 12" EA. WAY.



SECTION B
SCALE: 1/2" = 1'-0"
M-9



SECTION C
SCALE: 1/2" = 1'-0"
M-9

REMOVE AS REQUIRED TO INSTALL NEW EQUIPMENT, PIPE AND FITTINGS

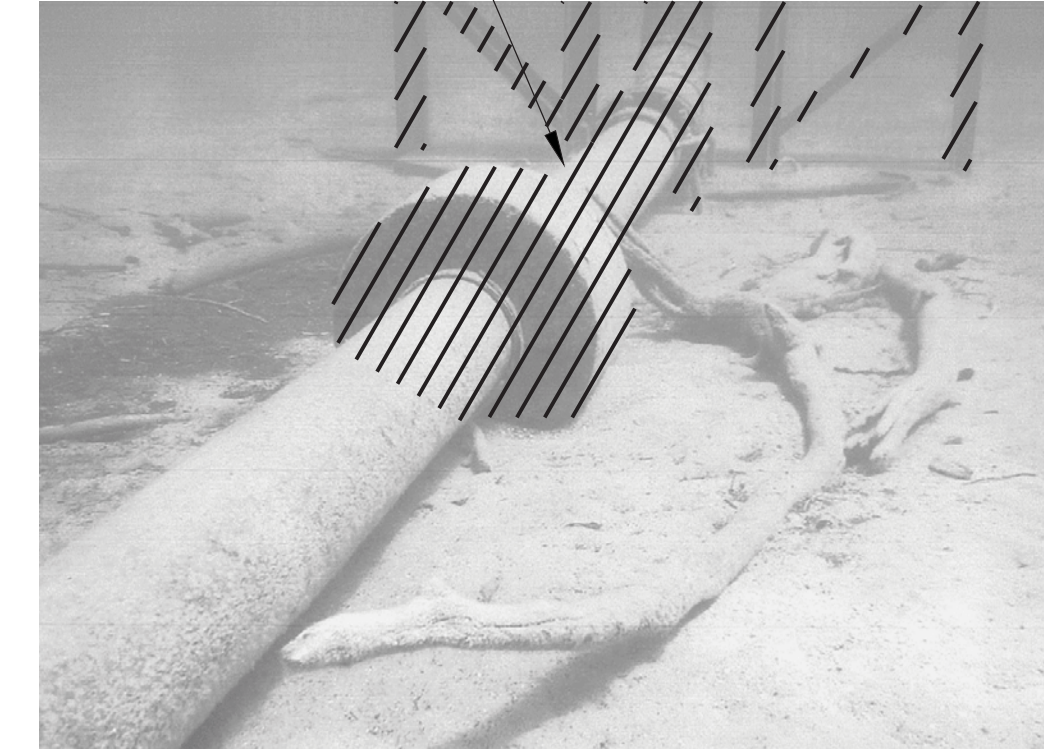


PHOTO 1
M-10

REMOVE AS REQUIRED TO INSTALL NEW EQUIPMENT, PIPE AND FITTINGS

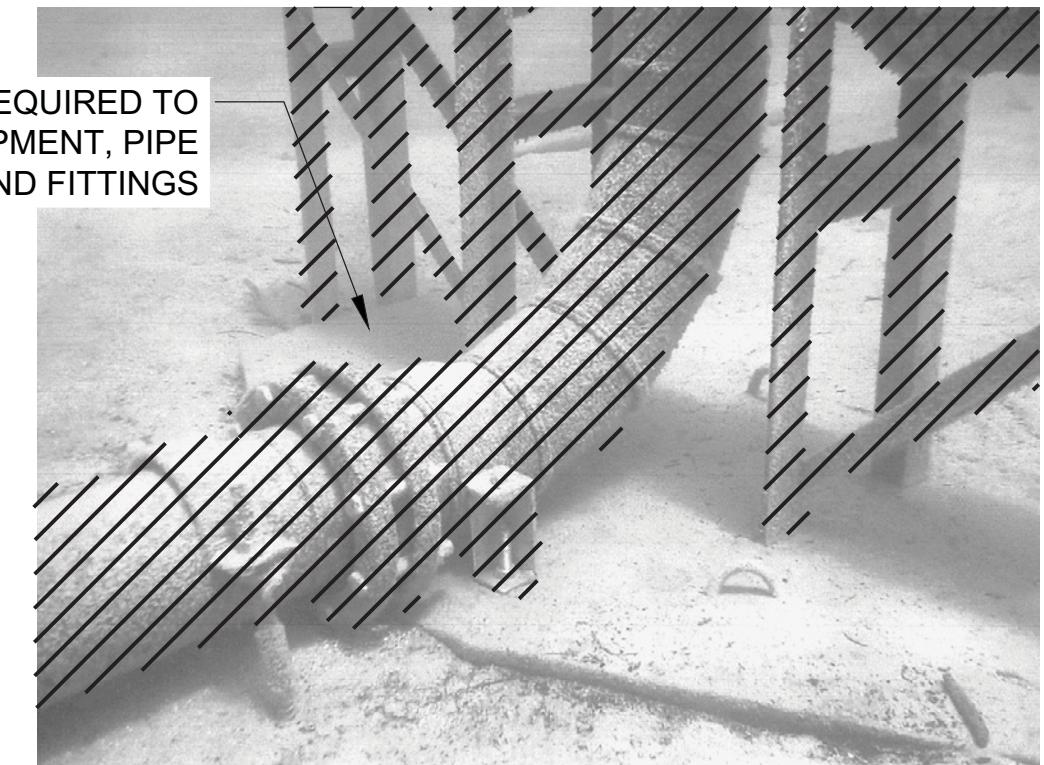


PHOTO 2
M-10

REMOVE AS REQUIRED TO INSTALL NEW EQUIPMENT, PIPE AND FITTINGS

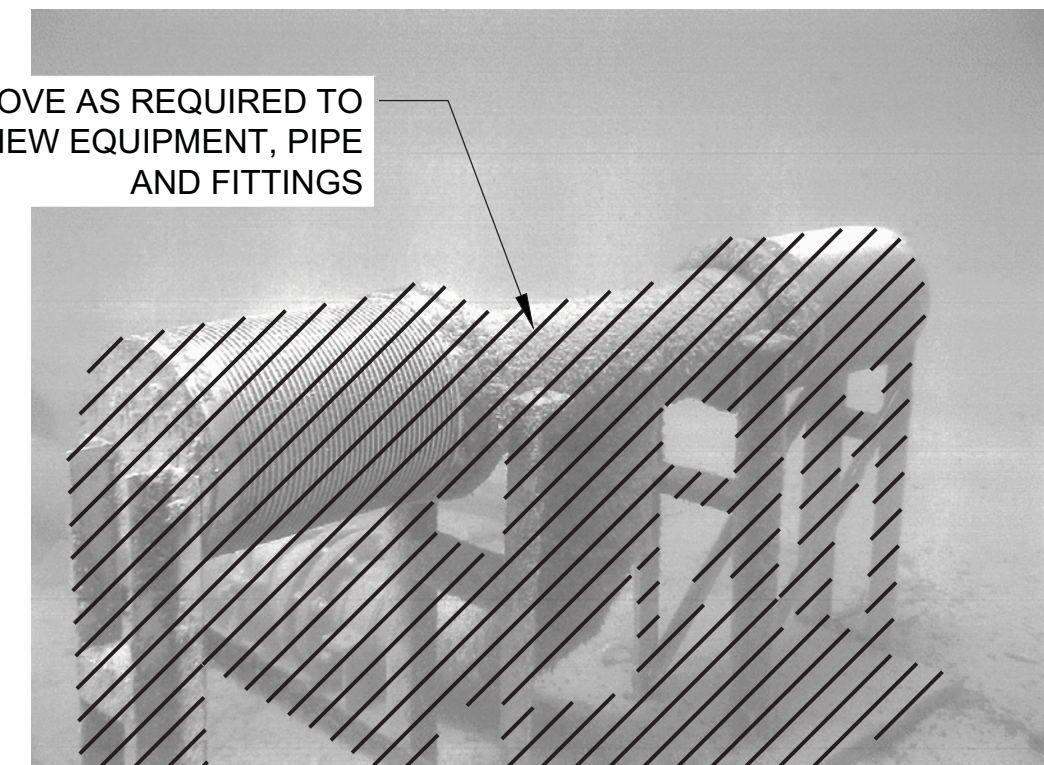
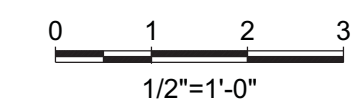


PHOTO 3
M-10



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REV	DATE	BY	REVISIONS

RECORD DRAWING

DATE _____ ENGINEER INITIAL _____



Kennedy/Jenks Consultants
Engineers & Scientists
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TAHOE CITY PUBLIC UTILITY DISTRICT
WEST LAKE TAHOE REGIONAL WATER TREATMENT PLANT

LAKE INTAKE PUMP STATION
SECTIONS AND PHOTOS

TAHOE CITY PLACER COUNTY CALIFORNIA

PROJECT NUMBER:	1470010.00
SURVEY BY:	AEC
DESIGN BY:	TLW
DRAFTING BY:	MTM
CHECKED BY:	VALUE
DATE:	DECEMBER 2019
SCALES:	AS NOTED
HORIZONTAL:	M-10
VERTICAL:	
SHEET:	of

Attachment D

Initial Environmental Checklist

Print Form

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

I. Assessor's Parcel Number (APN)/Project Location

APNs 098-330-001, 004, 015, 023, and
098-350-015

Project Name

West Lake Tahoe Regional Water Treatment



County/City

Placer County

Brief Description of Project:

The project includes the construction of a permanent Water Treatment Plant (WTP) to replace the seasonal WTP at Chamber's Landing for the purpose of providing a year-around reliable water source for the west shore communities of Lake Tahoe. The West Lake Tahoe Regional WTP along with the rehabilitation of the lake intake system will augment fire protection capabilities and reliability throughout the region, replace water supply currently provided by seasonal and antiquated facilities, and supplement groundwater production helping TCPUD meet the California Department of Public Health requirements for their overall system. In addition, the project will provide a robust and sustainable source of supply for other water districts and private water companies in the future. The project includes the following modernizations:

- o Install three submersible pumps at the existing Chamber's Landing lake intake structure to replace the pumps currently located in a vault (pump house) on the Chamber's Landing Beach.
- o Install a connecting power cable from the new submersible pumps to a new Lake Intake Pump Station, to be located where current seasonal WTP and McKinney Sewer Pump Station is.
- o Construct a new WTP building on an undeveloped parcel located across SR 89 from Chambers Landing.
- o Install a new 10-inch diameter raw water pipe to replace the existing 6-inch pipe from the location of the Lake Intake Pump Station lakeward to where it will be coupled to the existing 8-inch pipe.
- o Demolish existing pump house on Chamber's Landing beach; restore to natural beach.
- o Decommission current interim WTP; retain existing sewer lift station.
- o Construct a new Lake Intake Pump Station at the existing seasonal WTP/McKinney Sewer Pump Station site.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes No
 No, With Mitigation Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes No
 No, With Mitigation Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes No
 No, With Mitigation Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

The proposed depth for an element of the water treatment plant is 12 feet. TCPUD received approval from TRPA to grade to that depth.

- Yes No
 No, With Mitigation Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes No
 No, With Mitigation Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes No
 No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes No
 No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes No
 No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes No
 No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

- Yes No
 No, With Mitigation Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes No
 No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

Diesel fuel will be used during construction. Existing diesel fuel generators used for backup power are being replaced.

- Yes
- No, With Mitigation
- No
- Data Insufficient

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

The existing seasonal WTP and pump station are located within the 100 year floodplain. They will be replaced and expanded using flood resistant elements.

- Yes
- No, With Mitigation
- No
- Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

Approximately 125 feet of buried 6-inch pipe will be dredged and excavated. All construction will be done from an aquatic barge and inside a turbidity curtain.

- Yes
- No, With Mitigation
- No
- Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes No
 No, With Mitigation Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes No
 No, With Mitigation Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes No
 No, With Mitigation Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes No
 No, With Mitigation Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes No
 No, With Mitigation Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

The proposed project is the rehabilitation of an existing water intake.

- Yes No
 No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes No
 No, With Mitigation Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes No
 No, With Mitigation Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes No
 No, With Mitigation Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes No
 No, With Mitigation Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

A pre-construction Tahoe Yellow Cress survey will be completed to identify any existing populations.

- Yes No
 No, With Mitigation Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes No
 No, With Mitigation Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes No
 No, With Mitigation Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes No
 No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes No
 No, With Mitigation Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

A Biological Assessment was completed for the project. No rare or endangered species of animals are thought to reside in the project area to be disturbed.

- Yes No
 No, With Mitigation Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes No
 No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

The intake pipe that will be replaced is in feed/cover and the new submersible pumps will be placed in marginal fish habitat. Mitigation is proposed.

- Yes No
 No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

The new emergency backup generator at the WLTRWTP would exceed nighttime noise limits, so it is to be tested during the day, where it meets limits.

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
 No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
 No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

Down lighting, compliant with TRPA rules and regulations have been incorporated into the design of the pump station and WLTRWTP.

- Yes No
 No, With Mitigation Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes No
 No, With Mitigation Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes No
 No, With Mitigation Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes No
 No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes No
 No, With Mitigation Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes No
 No, With Mitigation Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes No
 No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes No
 No, With Mitigation Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes No
 No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: 0

Number of Proposed Dwelling Units: 0

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes No
 No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes No
 No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes No
 No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes No
 No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes No
 No, With Mitigation Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
 No, With Mitigation Data Insufficient

c. Schools?

- Yes No
 No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
 No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
 No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
 No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes No
 No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

- Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
 No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes No
 No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
 No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
 No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
 No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

The WLTRWTP will be visible from SR 89. Proposed building material and landscaping have been designed to screen and blend with the surroundings.

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

The WLTRWTP will be visible from the West Shore Bike Trail. Building materials and landscaping will screen and blend with the surroundings.

- Yes
- No
- No, With Mitigation
- Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

Based on findings for public service the building will exceed the allowable height set forth in table 37.4.1-1 by 1'8", meeting the minimum amount necessary.

- Yes
- No
- No, With Mitigation
- Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes
- No
- No, With Mitigation
- Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes No
 No, With Mitigation Data Insufficient

b. Create additional recreation capacity?

- Yes No
 No, With Mitigation Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes No
 No, With Mitigation Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes No
 No, With Mitigation Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

A Cultural Resources Assessment was completed by Peak & Associates in July, 2015 as part of the project. No supplementary mitigation was recommended.

- Yes No
 No, With Mitigation Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes No
 No, With Mitigation Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes No
 No, With Mitigation Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes No
 No, With Mitigation Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes No
 No, With Mitigation Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes No
 No, With Mitigation Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes No
 No, With Mitigation Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes No
 No, With Mitigation Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes No
 No, With Mitigation Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

Alyson Borawski

Digitally signed by Alyson Borawski
DN: cn=Alyson Borawski, o=TRPA, ou, email=aborawski@trpa.org,
c=US
Date: 2020.04.10 11:33:21 -0700

Person Preparing Application

At

Placer

County

Date: _____

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes

No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes

No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

Yes

No

Signature of Evaluator

Date: _____

Alyson Borawski Senior Planner

Title of Evaluator

ADDENDUM FOR TRANSFERS/CONVERSIONS OF USE

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any development right transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (*) notes threshold subjects.

a) Land*

Does the proposal result in any additional land coverage?

- Yes No
 No, With Mitigation Data Insufficient

b) Air Quality*

Does the proposal result in any additional emission?

- Yes No
 No, With Mitigation Data Insufficient

c) Water*

Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

- Yes No
 No, With Mitigation Data Insufficient

d) Does the proposal result in an increase in the volume of discharge?

- Yes No
 No, With Mitigation Data Insufficient

e) Noise*

Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

- Yes No
 No, With Mitigation Data Insufficient

f) Aesthetics

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

- Yes No
 No, With Mitigation Data Insufficient

g) Recreation*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

- Yes No
 No, With Mitigation Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

- Yes No
 No, With Mitigation Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

- Yes No
 No, With Mitigation Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

- Yes No
 No, With Mitigation Data Insufficient

k) Transportation

Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

- Yes
- No
- No, With Mitigation
- Data Insufficient

m) Utilities

Does the proposal result in additional water use?

- Yes
- No
- No, With Mitigation
- Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

- Yes
- No
- No, With Mitigation
- Data Insufficient

o) Historical

Does the proposal result in the modification or elimination of a historic structure or site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

_____ At _____ Date: _____
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

STAFF REPORT

Date: May 20, 2020
To: TRPA Governing Board
From: TRPA Staff
Subject: APC Membership Reappointment

Summary and Staff Recommendation:

Staff recommends Governing Board approve a two-year reappointment for Douglas County's recommended reappointment of Garth Alling, Advisory Planning Commission lay member.

Required Motion:

In order to approve the proposed APC reappointment, the Board must make the following motion, based on the staff report:

- 1) A motion to approve the proposed reappointment.

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

Background:

The Tahoe Regional Planning Agency Compact provides for a two-year term for lay member appointments to the Advisory Planning Commission, which term may be renewed. The Douglas County Board of County Commissioners voted to renew Garth Alling's lay member reappointment to APC and advanced that recommendation to TRPA for action.

Contact Information:

For questions regarding this agenda item, please contact Joanne Marchetta, at (775) 589-5226 or jmarchetta@trpa.org.

STAFF REPORT

Date: May 20, 2020
To: TRPA Governing Board
From: TRPA Staff
Subject: Resolution 2020 – __ approving Quagga/Zebra Mussel Infestation Prevention Grant Program Application and Funding Agreement in the amount of \$399,989.81

Summary and Staff Recommendation:

Staff recommends that the Governing Board adopt the proposed Resolution (Attachment A) authorizing the Executive Director to enter into a funding agreement with the California Parks and Recreation, Division of Boating and Waterways under its Quagga/Zebra Mussel Infestation Prevention Grant Program.

Required Motion:

In order to adopt the proposed Resolution (Attachment A) the Board must make the following motion:

- 1) A motion to adopt the proposed Resolution (Attachment A).

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Project Description/Background:

The State of California initiated the Quagga/Zebra Mussel Infestation Prevention Grant Program to provide funding for prevention programs operating within the state of California. These funds are made available through additional California boat registration fees collected by the Department of Motor Vehicles in the form of a grant administered by the California Division of Boating and Waterways (DBW).

TRPA received funds through this program in:

- 2015 to help fund operations of the boat inspection station located at Alpine Meadows Ski Resort,
- 2016 to enhance boat inspection data collection, assist in developing a shared inspection station, and,
- 2017 to fund 2 years of independent assessments of the Lake Tahoe Watercraft Inspection Program.

With this 2020 grant application, TRPA is requesting \$399,989.81 towards funding for staff that oversee, coordinate, manage and operate the Meyers Watercraft Inspection Station for two boating seasons in order to protect Lake Tahoe from the introduction of invasive dreissenid mussel species.

The Meyers Station is the busiest inspection station in the Program - 2019, the Meyers Station performed almost 2700 inspections, approximately 37% of all inspections Program wide. In addition, just over 1400 decontaminations were conducted.

The major task goals of the Meyers Project will include the following:

Task 1- Inspection operations

Task 2- TRCD Project Coordination

Task 3- TRPA Project Oversight & Partner Coordination

Task 4- Complete the Final Project Report

Regional Plan Compliance:

The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 6 of the TRPA Code of Ordinances.

Contact Information:

For questions regarding this Agenda item, please contact Tom Boos, at (775) 589-5240 or tboos@trpa.org.

Attachments:

- A. Quagga/Zebra Mussel Infestation Prevention Fee Grant Program Application and Funding Agreement Resolution

Attachment A

Quagga/Zebra Mussel Infestation Prevention Fee Grant Program Application and Funding Agreement
Resolution 2020 - __

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2020 – XX
DRAFT

QUAGGA/ZEBRA MUSSEL INFESTATION PREVENTION FEE GRANT PROGRAM APPLICATION AND
FUNDING AGREEMENT RESOLUTION

WHEREAS, prior to the State of California Parks and Recreation, Division of Boating and Waterways approving Applications and executing Funding Agreements, the Tahoe Regional Planning Agency Governing Board is required to pass a resolution, authorizing a designated representative(s) to execute said Applications, Funding Agreements, amendments, and certifications, designating a representative to approve claims for reimbursement, designating a representative to sign the Funding Requests and Project Status, designating a representative to sign Project Completion Certifications, and designating a representative to sign the Contractor's Release Form; and

WHEREAS, the Tahoe Regional Planning Agency has the authority to construct, operate, and maintain the Lake Tahoe Watercraft Inspection Program; and make an application to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for a grant in the amount of \$399,989.81 under the Harbors and Watercraft Revolving Fund for the Quagga and Zebra Mussel Infestation Prevention Grant Program; and

WHEREAS, the Tahoe Regional Planning Agency desires to enhance, modify, or rebuild the Lake Tahoe Watercraft Inspection Program to implement a plan for the prevention of an infestation of the quagga and zebra mussel; and

WHEREAS, by the Tahoe Regional Planning Agency accepted application the Lake Tahoe Watercraft Inspection Program will adopt a project budget totaling \$557,754.22; and

WHEREAS, by the Tahoe Regional Planning Agency that, pursuant and subject to all of the terms and provisions of the Quagga and Zebra Mussel Infestation Prevention Grant program, application be made to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for funding.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Executive Director of said Tahoe Regional Planning Agency is hereby authorized and directed to do the following acts, including but not limited:

1. Cause the necessary data to be prepared and application to be signed and filed with DBW; and
2. Sign the DBW Quagga and Zebra Mussel Infestation Prevention Grant Agreement and any amendments thereto; and
3. Approve Claims for Reimbursement; and
4. Execute the Budget and Expenditure Summary; and
5. Sign the Contractor's Release Form; as applicable; and
6. Certify that the project is complete, and ready for final inspection, as applicable.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY AT ITS REGULAR MEETING HELD ON THE 27th OF MAY 2020 BY THE FOLLOWING VOTE:

Ayes:

Nays:

Abstain:

Absent:

Bill Yeates, Chair
Tahoe Regional Planning Agency
Governing Board



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
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www.trpa.org

STAFF REPORT

Date: May 20, 2020
To: Tahoe Metropolitan Planning Organization (TMPO) Governing Board
From: TMPO Staff
Subject: Approval of the TMPO Lake Tahoe Transportation Overall Work Program for FY 2021

Summary and Staff Recommendation:

Governing Board adoption of the attached resolution (Attachment A) approving the TMPO FY 2020 Lake Tahoe Transportation Overall Work Program (OWP).

Staff recommends the Tahoe Metropolitan Planning Organization Board adopt the attached TMPO Resolution 2020 - __ approving the FY 2021 OWP.

The Tahoe Transportation Commission recommended approval of the OWP to the TMPO Board at its May 8, 2020 meeting.

Required Motion:

In order to adopt the attached resolution approving the proposed OWP, the Board must make the following motion, based on this staff report and the evidence in the record:

- 1) A motion to adopt TMPO Resolution 2020 - __ (Attachment A) to approve the FY 2021 OWP (Exhibit 1, thereto).

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

Project Description/Background:

Federal regulations (Title 23, Sec. 450.314) require each Metropolitan Planning Organization to prepare an annual program of work in cooperation with the States and operators of publicly owned transit services. The regulations specify the OWP shall discuss transportation planning priorities for the Region and all transportation and transportation-related air quality planning activities anticipated in the area during the fiscal year (July 1, 2020-June 30, 2021). The detailed delineation of the transportation planning activities in the OWP serves as the direction for the expenditure of various transportation planning funds received by TMPO/ Tahoe Regional Planning Agency (TRPA). For the TRPA, the transportation OWP then forms the basis for inclusion of the transportation planning functions of the agency into the TRPA annual work program and budget. Staff has attached an executive summary of the FY 2020 OWP (Attachment B) for additional information.

Highlights of the coming year include:

- Finalization of the Regional Transportation Plan
- Improvements to Transportation Modeling and Information Sharing
- Collaborative Regional Transit Planning
- Partner-Based Corridor Planning (US 50 East and SR89/Emerald Bay)
- Federal and State Funding Distribution and Accounting
- Continued and Enhanced Partnerships with Transportation Management Associations (TMAs)
- Continue to Conduct Robust Public Outreach around TRPA Transportation Planning Efforts

TRPA staff prepared the initial draft and started the required 30-day public comment period on March 24, 2020, sharing copies of the draft with the public, state, and federal agencies, as well as the Tahoe Transportation Commission (TTC). A public hearing was conducted at the April 10, 2020 TTC meeting, and the public comment period closed on April 24, 2020. All comments received have been considered and included as appropriate.

Regional Plan Compliance:

The proposed resolution complies with all requirements of the TRPA Regional Plan Goals and Policies, Area Plans, and the Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Michelle Glickert, Principal Transportation Planner, at (775) 589-5204 or mglickert@trpa.org.

Attachments:

- A. TMPO Resolution No. 2020 - __
 - Exhibit 1 FY 2021 Overall Work Program
- B. Executive Summary of the FY 2021 OWP

Attachment A

TMPO Resolution No. 2020 -__

TAHOE METROPOLITAN PLANNING ORGANIZATION
TMPO RESOLUTION NO. 2020-__

ADOPTION OF THE TMPO 2021 TRANSPORTATION OVERALL WORK PROGRAM

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under Title 23, CFR 450; and

WHEREAS, each MPO is required to adopt an Overall Work Program (OWP), also referred to as the Unified Planning Work Program (UPWP), describing the planning priorities facing the Region and the planning activities anticipated for the Region over the next year; and

WHEREAS, staff have prepared an OWP that describes the anticipated revenues and expenditures and planning activities and products for transportation and air quality planning purposes over the next year; and

WHEREAS, the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have reviewed and commented upon a draft version of the 2021 OWP; and

WHEREAS, the Tahoe Transportation Commission has conducted public meetings at which the 2021 OWP was an officially noticed item that was discussed and was recommended for approval; and

WHEREAS, staff is requesting that the TMPO Governing Board adopt a final 2021 OWP for submittal to state and federal agencies for approval, and authorize staff to take actions necessary for this approval; and

WHEREAS, the TMPO certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of the federal statutes listed on the MPO Planning Process Certification and Federal Transit Administration certifications included in the 2021 OWP document.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization approves the 2021 Tahoe Basin Transportation Overall Work Program, appended hereto as Exhibit 1.

PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization this 27th day of May, 2020, by the following vote:

Ayes:

Nays:

William Yeates, Chair
Tahoe Metropolitan Planning Agency
Governing Board

Exhibit 1 to Attachment A
FY 2021 Overall Work Program



TRANSPORTATION PLANNING OVERALL WORK PROGRAM 2020-2021

TAHOE METROPOLITAN PLANNING ORGANIZATION ||
TAHOE REGIONAL PLANNING AGENCY

Lake Tahoe



The Lake Tahoe Transportation Overall Work Program for FY 2020/2021 is a comprehensive annual plan of work for the Tahoe Regional Planning Agency's Transportation Planning Program and is funded through transportation planning grants administered by the following agencies:

California Department of Transportation (Caltrans)



Nevada Department of Transportation (NDOT)



Federal Highway Administration (FHWA)
California Division Office
Nevada Division Office



U.S. DOT Credit/Disclaimer:

This report was funded in part through grants from the Federal Highway Administration, U.S. Department of Transportation. The views and opinions of TRPA expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.

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GLOSSARY OF ACRONYMS AND ABBREVIATIONS

Caltrans	California Department of Transportation
CARB	California Air Resources Board
CFPG	California Federal Programming Group
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Process
CSLT	City of South Lake Tahoe
DBE	Disadvantaged Business Enterprise
EDCTC	El Dorado County Transportation Commission
EIP	Environmental Improvement Agency
EPA	Environmental Protection Agency
FAST Act	Fixing America's Surface Transportation Act (2016 Federal Transportation bill)
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GHG	Greenhouse Gas
HPMS	Highway Performance Monitoring System
ITS	Intelligent Transportation Systems
LTF	Local Transportation Funds
MAP-21	Moving Ahead for Progress in the 21 st Century (2012 Federal Transportation bill)
MPO	Metropolitan Planning Organization
NDOT	Nevada Department of Transportation
OWP	Overall Work Program
PEA	Planning Emphasis Areas
PPP	Public Participation Plan
RIP	Regional Improvement Program
RSTP	Regional Surface Transportation Program
RTC	Regional Transportation Commission
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
SB 375	California State Senate Bill 375
SB 575	California State Senate Bill 575
SCS	Sustainable Communities Strategy
SSTAC	Social Services Transportation Advisory Council
SS/TMA	South Shore Transportation Management Association
STA	State Transit Assistance
STIP	Statewide Transportation Improvement Program
TART	Tahoe Truckee Area Regional Transit
TDA	California Transportation Development Act
TDM	Transportation Demand Management
TMPO	Tahoe Metropolitan Planning Organization
TNT/TMA	Truckee North Tahoe Transportation Management Association
TRPA	Tahoe Regional Planning Agency
TTC	Tahoe Transportation Commission
TTD	Tahoe Transportation District
UPWP	Unified Planning Work Program (also referred to as OWP)
USFS-LTBMU	United States Forest Service, Lake Tahoe Basin Management Unit

INTRODUCTION

The Overall Work Program (OWP), also referred to as a Unified Planning Work Program, defines the continuing, comprehensive, and coordinated regional transportation planning process for the Lake Tahoe Basin. It establishes transportation, air quality, and other regional planning objectives for Fiscal Year 2020/2021 covering the period of July 1, 2019 through June 30, 2021 (FY 20/21), and a corresponding budget to complete the work. The OWP is a strategic management tool for the Tahoe Regional Planning Agency (TRPA) serving as the Tahoe Metropolitan Planning Organization (TMPO) for the Lake Tahoe Region organized by work elements that identify activities and products to be accomplished during the year. These activities include core metropolitan planning functions, mandated metropolitan planning requirements and other regional transportation planning activities. The OWP presents an annual outline of the TRPA's transportation planning resources and includes a budget containing a variety of funding sources that are available to the TRPA for FY 20/21.

All activities contained in this OWP are carried out by TRPA's Metropolitan Planning Organization (MPO) function and will be referred to as TRPA throughout the document. The OWP is also as an informative tool for the Tahoe Transportation Commission (TTC) who serves as an advisory board to the TMPO. The MPO Policy Board, referred to as the TMPO, convenes as a separate entity that is made up of the TRPA Governing Board with the addition of a United States Forest Service voting representative. The TMPO is convened as necessary to act on all MPO related actions.

LAKE TAHOE TRANSPORTATION PLANNING OVERVIEW

TRPA holds three integrated regional transportation planning authorities: 1) Tahoe Regional Planning Compact (PL 96-551) planning requirements, 2) Regional Transportation Planning Agency for the California portion of the Lake Tahoe basin, and 3) the Metropolitan Planning Organization for the Tahoe Region. The Tahoe Regional Planning Compact also created the Tahoe Transportation District in Article IX which includes public transit and transportation implementation responsibilities.

The 1980 Tahoe Regional Planning Compact includes the following transportation related provisions:

“...there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.”

The TRPA Regional Plan shall be a single enforceable plan with the following related elements:

- ✓ A Goals and Policy Plan
- ✓ A Transportation Plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities and appurtenant terminals and facilities for the movement of people and goods, within the region.
- ✓ The goal of transportation planning shall be:

- To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and
- To reduce, to the extent feasible, air pollution caused by motor vehicles.
- ✓ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation.
- ✓ The plan shall provide for an appropriate transit system for the region.
- ✓ The plan shall give consideration to:
 - Completion of the Loop Road in the states of Nevada and California
 - Utilization of a light rail mass transit system in the South Shore area
 - Utilization of a transit terminal in the Kingsbury Grade area

TRPA establishes transportation and land use policy direction by virtue of the Code of Ordinances, Goals and Policies, Plan Area Statements, and Local Area Plans. Additionally, TRPA administers the Environmental Improvement Program (EIP), a regional investment program focused on the restoration and protection of Lake Tahoe. The EIP is a programmatic approach to implementing transportation improvements, in addition to other resource area investments. The Transportation and Air Quality subprogram of the EIP is the largest category of identified investments in the EIP and is coordinated with federal funding allocations and programming activities of TRPA.

In addition to the responsibilities under the Tahoe Regional Planning Compact, TRPA is recognized as the Regional Transportation Planning Agency (RTPA) in California. As the RTPA, TRPA is charged with developing a Regional Transportation Plan (RTP), a Regional Transportation Improvement Program (RTIP) to account for California state transportation funding programs.

The Metropolitan Planning Organization (MPO) authority was established in 1999 by the Governors of California and Nevada by designating the Lake Tahoe MPO under authority provided in federal regulations. TRPA's MPO role is primarily a transportation planning and financial programming role. The three primary products required of an MPO by federal rule are a Regional Transportation Plan, Federal Transportation Improvement Program (FTIP), and an OWP. The MPO Governing Board is comprised of the TRPA Governing Board, with the addition of a voting representative of the United States Forest Service, Lake Tahoe Basin Management Unit (USFS-LTBMU).

The integration of the three authorities listed above is supported by the various activities and programs carried out by TRPA's Transportation Planning Program. The ability to integrate land use and transportation planning at a regional level, while considering impacts on implementation efforts, is a prime focus of this program and supports federal and state planning guidance.

Lake Tahoe's unique setting and environmental stature necessitates developing transportation plans and projects that are evaluated in conjunction with TRPA's environmental standards called "environmental threshold carrying capacities" (under the following nine categories: water quality, air quality, noise, scenic quality, soil preservation and stream environment zones, wildlife, fisheries, vegetation conservation, and recreation) and transportation goals.

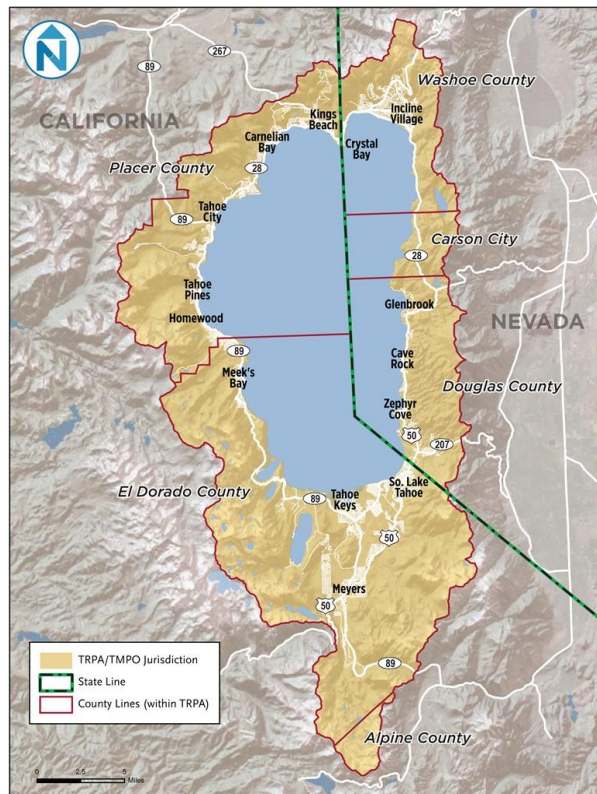
SETTING

The Tahoe Region is located on the border of the states of California and Nevada, between the Sierra Crest and the Carson Range. Approximately two-thirds of the Region is located in California, with one-third within the state of Nevada. The Tahoe Region contains an area of about 501 square miles, of which approximately 191 square miles comprise the surface waters of Lake Tahoe and includes a 37 square mile urban boundary containing the commercial and residential activity. Lake Tahoe dominates the features of the Region and is the primary focus of local and regional environmental regulations to protect its exceptional water clarity. Over 80% of the land area in the Lake Tahoe Basin is publicly owned and represents a major recreation attraction.

Located within the California portion of the Tahoe Region is the incorporated City of South Lake Tahoe and portions of El Dorado County and Placer County. This part of the Region is within the fourth Congressional District of California. Based on the 2010 Census, the resident population of the Tahoe Region was 54,862. This is a significant decline from the 62,894 population estimated by the 2000 Census. Of the 54,862 population figure, 41,176 people reside within the California portion, while the Nevada side of the Tahoe Region, portions of Washoe County, Douglas County, and the rural area of Carson City make up the remaining 13,686 in population. The Nevada portion of the Region is within Nevada’s second Congressional district.

Lake Tahoe and the surrounding areas serve as a major recreation destination for residents of the surrounding metropolitan areas of northern Nevada and California. The primary market for recreation at Lake Tahoe is from northern California, primarily the Sacramento and San Francisco Bay Area. Residents from Reno/Sparks and Carson Valley are also frequent day visitors to the area. Additional domestic and international visitors arrive via Reno Tahoe International and Sacramento International Airports. Visitors account for over 10 million cars annually.

Serving the resident and visitor populations are public and private fixed route transit, shuttles, and specialized transit services, as well as general aviation services at the South Lake Tahoe Airport. The Federal and State highway network around the Lake serve as community main streets. There are seven access points to the Basin from outside the region. A variety of state route segments encircle the lake. Portions of the Region are served by a growing bicycle and pedestrian network. Public transit is provided on the north shore by Tahoe Truckee Area Regional Transit (TART), operated by Placer County and transit service on the south shore is provided by the TTD. Both public transit systems are complemented by a variety of private shuttles for summer and winter activities. Airport shuttle operations, including the North Lake Tahoe Express and the South Tahoe Airporter, provide shuttle service to the Reno/Tahoe Airport.



TAHOE BASIN TRANSPORTATION PLANNING INSTITUTIONAL STRUCTURE

As noted previously, the Lake Tahoe Region holds various federal, state and local transportation planning authorities. The Region's planning complexity requires the utmost coordination and collaboration among transportation and land use planning partners. The following section provides a brief description of the regional entities that have a role in the transportation policy or technical decision-making process.



The Tahoe Regional Planning Agency (TRPA) was created by the Tahoe Regional Planning Compact (updated in 1980 through P.L. 96-551) and is governed by a fourteen-member Governing Board, with a non-voting federal representative as the fifteenth member. Each state has seven representatives, with each local jurisdiction within the Region also represented. TRPA is unique because of its regional bi-state responsibilities under the Compact for land use planning, transportation planning, project review and approval, enforcement of regional land-use and environmental ordinances, and the achievement of environmental goals. The TRPA Governing Board has established an Environmental Improvement Program Committee that provides feedback on various transportation planning and funding allocation proposals.



TRPA, as the Metropolitan Planning Organization, is responsible for taking the required actions under federal regulations regarding metropolitan planning. The MPO metropolitan planning area is concurrent with that of the TRPA. The MPO Board of Directors is comprised of the fourteen voting members of the TRPA Governing Board, and a voting representative of the United States Forest Service, USFS-LTBMU. The MPO voted to provide that the Chair and Vice-Chair of the TRPA serve as Chair and Vice-Chair of the MPO, unless the MPO votes otherwise. The Placer County seat on the TMPO board is the transit operator representation required by MAP-21.

It is important to note that these two policy bodies, although they include many of the same individuals, have diverse missions and responsibilities. The TRPA's overriding obligation is adherence to the Compact, including attaining and maintaining environmental thresholds. The MPO's mission, on the other hand, is to provide policy decisions on transportation plans and programs. As described above, integration of the land use and transportation planning process is in place to support the TRPA mission and policies through the MPO and Regional Transportation Planning Agency authorities and planning requirements.



TRPA is statutorily designated by the State of California as a Regional Transportation Planning Agency for the Tahoe Region. As an RTPA, TRPA must fulfill various statutory requirements, including those of the Transportation Development Act, coordination with California Department of Transportation (Caltrans) on the development of Regional Transportation Plans and Regional Transportation Improvement Programs and other project related activities. The TRPA Governing Board indicates that it is sitting as the RTPA when taking a policy action, but no changes to the membership of the Governing Board occur.



Article IX of the Tahoe Regional Planning Compact created the Tahoe Transportation District. The TTD is responsible for the implementation of transportation plans, programs and projects. The TTD may acquire, own and operate public transportation systems and parking facilities, and other transportation infrastructure serving the Tahoe Region and provide access to convenient transportation terminals outside of the Region. The TTD also has limited authority to generate revenue to support transit and transportation facilities. Board membership includes representation from the Basin's two Transportation Management Associations, an at-large member representing transit providers, and a representative for any special transit districts formed under California law. Caltrans and the Nevada Department of Transportation (NDOT) each have a non-voting member on the Board of Directors. New legislation from the State of California (SB-785) and Nevada amended Article IX Transportation District of the compact changing membership of the board by adding to the board three new appointees; one by the Governor of California, one by the Governor of Nevada and one by the Tahoe Regional Planning Agency. The TTD is an important partner for implementing the RTP and increasing project implementation capacity region-wide.

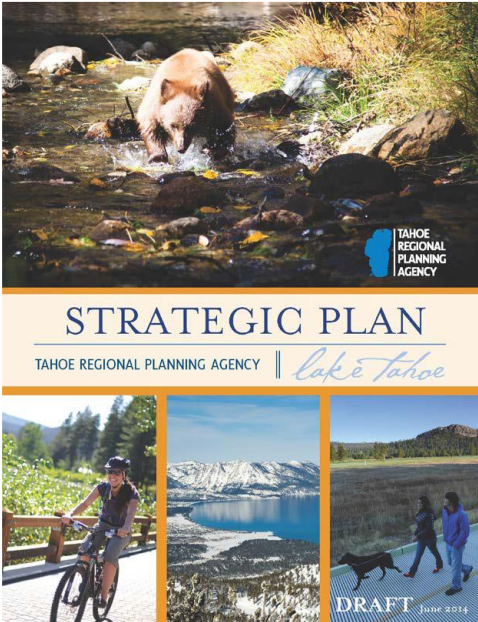
TAHOE TRANSPORTATION COMMISSION

The Tahoe Transportation Commission (TTC) is a designated advisory body in the metropolitan planning process responsible with providing the MPO and TRPA transportation planning and policy recommendations. The TTC was formalized through TRPA and TMPO resolutions passed in 1999.

The TTC is charged with providing the MPO with technical input and recommendations on transportation plans and programs, offering proactive public participation through its meeting noticing requirements, and providing the MPO Board time necessary to address the full range of complex and interrelated transportation issues facing the Lake Tahoe Basin. The TTC provides policy guidance to the TRPA and is where additional debate can take place prior to final actions being taken. The TTC is comprised of the voting membership of the TTD, with the addition of representatives from the Washoe Tribe of California and Nevada, USFS-LTBMU and the TRPA Advisory Planning Commission (APC).

TRPA STRATEGIC PLAN AND THE TRANSPORTATION PROGRAM

The Transportation Planning Program plays an integral role in implementing the TRPA Strategic Plan. The TRPA Strategic Plan encompasses the intent of the federal cooperative, continuing, and comprehensive transportation planning approach required of MPOs. Building partnerships that result in projects that support the human and natural environment is a fundamental vision of the Strategic Plan.

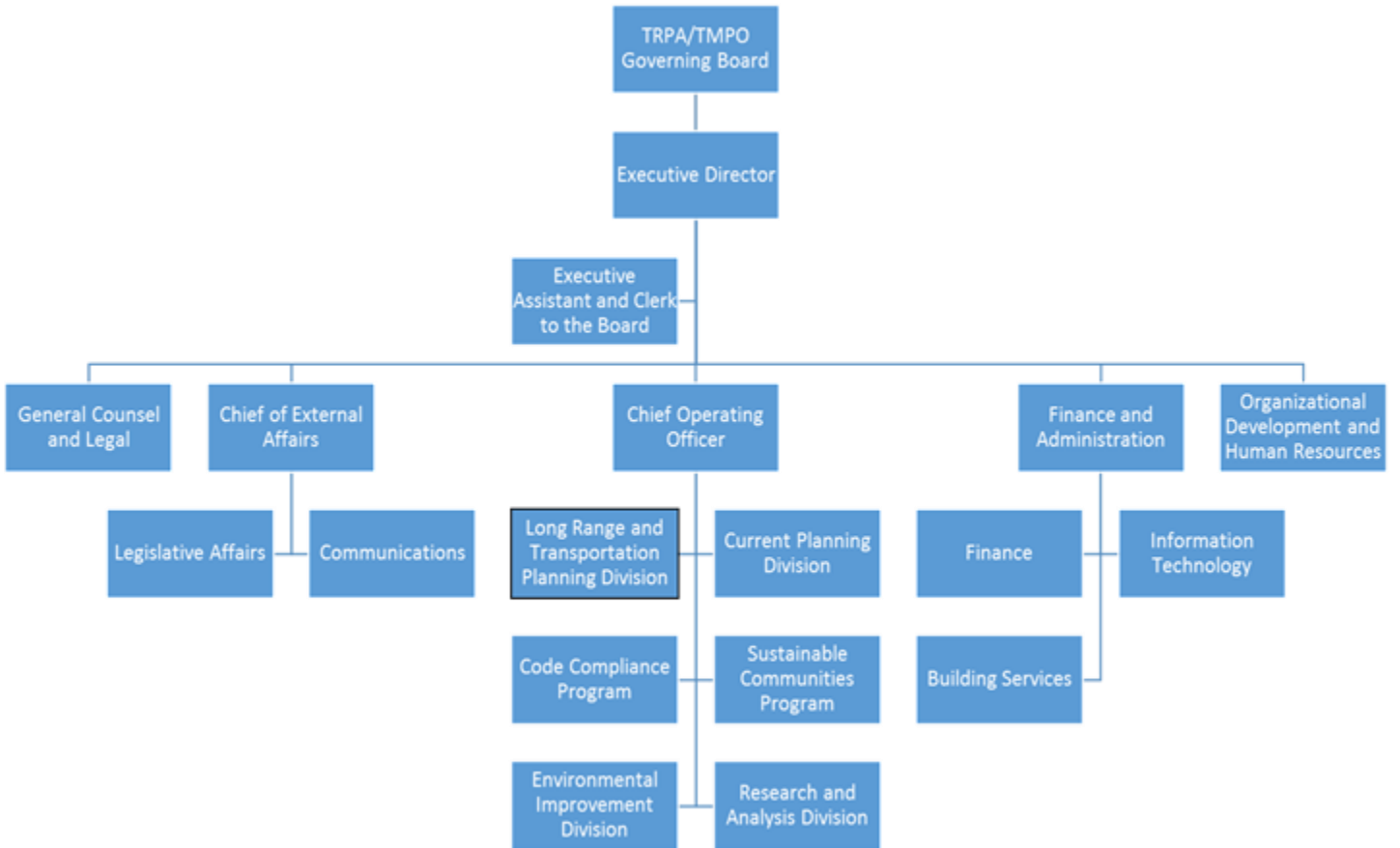


TRPA “Strategic Goals” include:

- 1) Accelerate Threshold Attainment**
Focus on Regional issues and develop new funding opportunities to continue the Environmental Improvement Program.
- 2) Propel the Development and Use of Best Information, Data and Science**
Continue strong relations with the science community and improve measurement and reporting for accountability.
- 3) Establish TRPA as a Leader in Environmental & Sustainability Programs**
Seek best practices and form new strategic alliances.
- 4) Operate as a High-Performance Organization**
Create an enduring organizational culture of high performance and continuous improvement.

TRPA Strategic Plan	Work Elements							
<u>Strategic Priorities</u>	101	102	103	104	105	106	107	108
1) Accelerate Threshold Attainment		◊		◊		◊	◊	◊
2) Propel the Development and Use of Best Information, Data and Science	◊		◊	◊	◊		◊	◊
3) Establish TRPA as a Leader in Environmental & Sustainability Programs				◊			◊	◊
4) Operate as a High-Performance Organization	◊		◊				◊	◊

TAHOE REGIONAL PLANNING AGENCY
ORGANIZATIONAL CHART



**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

Representing:

California Senate Rules Committee Appointee William Yeates, Chair
Governor of Nevada Appointee Mark Bruce, Vice Chair
Carson City Representative Shelly Aldean
Nevada Department of Conservation & Natural Resources..... James Lawrence
Governor of California Appointee Casey Beyer
Douglas County Commissioner Wesley Rice
El Dorado County Supervisor Sue Novasel
Nevada Secretary of State Barbara Cegavske
Placer County Board of Supervisors Cindy Gustafson
City of South Lake Tahoe Council Member Brooke Laine
Washoe County Commissioner..... Marsha Berkbigler
Governor of California Appointee Vacant
Nevada At-Large Member Timothy Cashman
California Assembly Speaker Appointee Belinda Faustinos
President of the United States Appointee..... A.J. "Bud" Hicks

TRPA Executive Director Joanne S. Marchetta

**TAHOE METROPOLITAN PLANNING ORGANIZATION
GOVERNING BOARD**

Representing:

California Senate Rules Committee Appointee William Yeates, Chair
Governor of Nevada Appointee Mark Bruce, Vice Chair
Carson City Representative Shelly Aldean
Nevada Department of Conservation & Natural Resources..... James Lawrence
Governor of California Appointee Casey Beyer
Douglas County Commissioner Nancy McDermid
El Dorado County Supervisor Sue Novasel
Nevada Secretary of State Barbara Cegavske
Placer County Board of Supervisors Cindy Gustafson
City of South Lake Tahoe Council Member Brooke Laine
Washoe County Commissioner..... Marsha Berkbigler
Governor of California Appointee E. Clement Shute, Jr.
Nevada At-Large Member Timothy Cashman
California Assembly Speaker Appointee Belinda Faustinos
President of the United States Appointee..... A.J. "Bud" Hicks
USFS Forest Supervisor..... Jeff Marsolais

TRPA Executive Director Joanne S. Marchetta
Long Range and Transportation Planning Division Manager..... Nick Haven

**TAHOE TRANSPORTATION COMMISSION
BOARD OF DIRECTORS**

Representing:

South Shore TMA	Steve Teshara, Chair
Carson City.....	Lucia Maloney, Vice Chair
Douglas County	Wesley Rice
City of South Lake Tahoe	Cody Bass
Placer County.....	Cindy Gustafson
Washoe County.....	Marsha Berkbigler
Truckee - North Tahoe TMA	Andy Chapman
El Dorado County	Sue Novasel
Member At-large.....	Vince Arthur
USFS Lake Tahoe Basin Management Unit.....	Michael Gabor
TRPA Advisory Planning Commission	Vacant
California Department of Transportation (non-voting).....	Sukhvinder (Sue) Takhar
Nevada Department of Transportation (non-voting).....	Sondra Rosenberg
Washoe Tribe of Nevada and California	Serrell Smokey
Long Range and Transportation Planning Division Manager.....	Nick Haven

OUTREACH AND PUBLIC INVOLVEMENT

An important component of the MPO transportation planning process is consultation and public participation in the development of plans, programs and policy. The regional transportation planning program establishes an important forum for discussing and resolving regional transportation issues. Some examples of executing the continuing, coordinated, and cooperative planning process include board meetings, public workshops, technical committees, issue specific meetings, public hearings, and formal public document review periods. TRPA has developed specific policies and procedures for consulting partners and engaging public participation through the recently updated *Public Participation Plan (PPP)* ([link](#)). The PPP emphasizes efforts to coordinate with underserved and underrepresented groups and the utilization of both new technology and conventional in-person communication to maximize public participation and engagement. Additional information regarding TRPA’s effort to provide a transparent non-discriminatory operation is documented by the [TRPA Title VI Program](#).

NATIVE AMERICAN TRIBAL GOVERNMENT CONSULTATION

The Lake Tahoe Region is home to one Tribal Government, the Washoe Tribe of California and Nevada. TRPA conducts regular government-to-government communication with the Washoe Tribe to consider tribal needs in the planning and programming process. The Washoe Tribe is a voting member of the Tahoe Transportation Commission, the advisory body to the TMPO Governing Board. TRPA is actively working with the Washoe Tribe on a MOU to memorialize the government-to-government relationship between the two parties.

CORE MPO PLANNING FUNCTIONS

TRPA ensures MPO core planning functions are identified in the OWP and include a clear description of the activities, products, and schedules that support the federal transportation planning process as identified in 23 CFR 450. MPO Core Functions include:

- Overall Work Program (**Work Element 101**)
- Public Participation and Education (**Work Element 103**)
- Regional Transportation Plan (**Work Element 104 and 108**)
- Federal Transportation Improvement Program (**Work Element 106**)
- Congestion Management Process (**Work Element 107**)
- Annual Listing of Projects (**Work Element 106**)

FEDERAL HIGHWAY ADMINISTRATION (FHWA) PLANNING FACTORS

The latest Federal transportation bill (FAST Act) expanded the scope of factors to consider in the transportation planning process. The matrix below illustrates how FAST Act planning factors (23 USC Section 134(h)) are addressed across work elements in the OWP.

Fiscal Year 20/21 FHWA Transportation Planning Factors

		Work Elements							
		101	102	103	104	105	106	107	108
FAST Act Planning Considerations	<i>Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency</i>				X			X	
	<i>Increase the safety of the transportation system for motorized and non-motorized users.</i>				X			X	X
	<i>Increase the security of the transportation system for motorized and non-motorized users.</i>				X			X	X
	<i>Increase the accessibility and mobility of people and for freight.</i>		X		X			X	X
	<i>Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.</i>				X		X	X	X
	<i>Enhance the integration and connectivity of the transportation system, across and between modes, people and freight.</i>			X	X			X	X
	<i>Promote efficient system management and operation.</i>		X		X		X	X	X
	<i>Emphasize the preservation of the existing transportation system.</i>				X				X
	<i>Improve transportation system resiliency and reliability and reduce or mitigate the storm water impacts of surface transportation</i>				X		X	X	X
	<i>Enhance travel and tourism coordination</i>				X	X		X	X

FY 20/21 WORK ELEMENTS

Outreach and Administration

WE 101 – Program Administration

WE 102 – Transportation Development Act

WE 103 – Public Outreach and Coordination

Regional Intermodal Planning

WE 104 – Regional Intermodal Planning

WE 105 – Transportation Data Management and Forecasting

Tracking & Financial Management

WE 106 – Project Tracking and Financial Management

Regional Partnerships

WE 107 – Performance-Based Planning

Sustainable Communities

WE 108 – Sustainable Communities Planning

NOTE: All activities and products identified in the following Work Elements are part of the regional transportation planning process and are assumed to be eligible expenses for the budgeted funding sources.

WORK ELEMENT 101: PROGRAM ADMINISTRATION

PURPOSE

To support tasks necessary for the overall administration of the regional transportation planning program; to support the MPO core planning function to provide on-going management of the OWP/UPWP; to support staff career development through professional trainings and seminars related to transportation planning.

DISCUSSION

The TRPA regional transportation planning program is administered through a Unified Planning Work Program (UPWP), also known as an Overall Work Program (OWP). The OWP must include all anticipated transportation planning activities proposed with federal and state planning funds. As a priority MPO core planning function, TRPA staff develops the OWP in a transparent public process and is ultimately adopted by the MPO Governing Board.

In the most recent federal transportation authorization bill, Fixing America’s Surface Transportation Act (FAST Act), the Lake Tahoe Region was recognized as a Transportation Management Area (TMA) with a total population of 210,000. As a TMA there are additional requirements that address congestion management, additional planning and programming considerations, and FHWA Planning Certification reviews every four years. The activities included in this work element involve administrative efforts to support the MPO program as required by federal planning statues. TRPA completed its first Federal Certification Review as a TMA in 2019 and had no corrective actions and one commendation regarding its public involvement process. The next certification review is due by December of 2023. Specific ongoing TMA planning activities are called out in subsequent Work Elements.

TRPA invests in the professional development of its workforce to aid in creating a high-performance organization.

PREVIOUS WORK

- FY 19/20 OWP administration and financial reporting
- TRPA staff attended transportation planning professional development trainings
- Supported FHWA/FTA Planning Certification Review process

PRODUCTS		COMPLETION DATE
P-1	Closeout FY 19/20 OWP	July 2020
P-2	Final FY 20/21 OWP and OWPA	July 2020
P-3	FY 20/21 OWP Amendment(s)	April 2021
P-4	Draft FY 21/22 OWP	March 2021

TASKS

- T-1 Overall Work Program/Budget**
- Administer FY 20/21 OWP document and related amendments
 - Coordinate quarterly and end of year reporting
 - Provide grant management and oversight of transportation planning grants
 - Budget and agreement administration

- Host annual meeting with State and Federal partners to review proposed FY 21/22 OWP initiatives
 - FY 21/22 OWP development
- T-2 **Staff Development in Regional Transportation Planning**
- Support internal cross training to promote diverse staffing capabilities in regional transportation planning
 - Attend trainings, both in-house and outside courses and seminars, that directly relate to transportation planning

Work Element 101 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
TRPA General	\$20,000	Travel/Training	\$20,000
Subtotal:	\$20,000	Subtotal:	\$20,000
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$55,000		
-Toll Credits (PL-CA)	\$6,309		
FHWA PL (CA-Carryover)	\$72,976		
-Toll Credits (CA-PL Carry)	\$8,370		
		Wages/Benefits:	\$73,130
		Est. Indirect Cost:	\$54,846
Subtotal:	\$127,976	Subtotal:	\$127,976
Total:	\$147,976	Total:	\$147,976

**Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.

WORK ELEMENT 102: TRANSPORTATION DEVELOPMENT ACT

PURPOSE

To administer requirements of the California Transportation Development Act (TDA); to process the Local Transportation Funds (LTF) and State Transit Assistance (STA) funds for allocation to local entities; to prepare the annual Unmet Transit Needs Assessment; to monitor the completion of necessary operational and financial audits; to conduct productivity and efficiency analysis of TDA-funded transit operations per TDA requirements and provide recommendations.

DISCUSSION

LTF and STA funds are eligible for funding transportation projects in the Tahoe Region. TRPA, serving as the Regional Transportation Planning Agency, is responsible for processing and monitoring the distribution and use of these funds. These required roles help TRPA ensure LTF and STA funds are being administered in accordance with TDA requirements.

One of the annual tasks included in this work element is the “Unmet Transit Needs” process, which is required under California Public Utilities Code (PUC) Section 99401.5. TRPA’s unmet transit needs process is accomplished through the Social Services Transportation Advisory Council (SSTAC), in accordance with TDA requirements, with additional assistance from the Tahoe Area Coordinating Council for the Disabled (TACCD), Truckee - North Tahoe Transportation Management Association (TNT-TMA), Community Collaborative of Truckee Tahoe (CCTT), South Shore Transportation Management Association (SSTMA). The process is also conducted in cooperation with Placer County Transportation Planning Agency (PCTPA) and Nevada County Transportation Commission (NCTC). The unmet needs process is also coordinated with transit operators and short-range transit plan development.

Per PUC Section 99244, TRPA is required to annually identify, analyze, and recommend potential transit productivity improvements, which could lower operating costs and increase efficiency. TRPA fulfills this requirement with the Transit Productivity Improvement Program (PIP) that monitors operations data and works cooperatively with the transit operators to implement recommended service improvements.

All TDA funds are used for public transit, therefore TRPA conducts unmet needs hearings as transit forums that provide for the identification of needs and direct operational feedback to transit operators. SSTAC reviews the information annually at a public hearing.

PREVIOUS WORK

- Began work on Triennial Performance Audits of transit operators receiving TDA funds
- Completed updated TDA Handbook for use by claimants
- Provided LTF and STA Estimates
- Processed TDA Claims
- Held 2019 Unmet Transit Needs Forum

PRODUCTS	COMPLETION DATE
P-1 Submit TDA Schedule of Performance Audits	August 2020
P-2 Submit Annual Report of Financial Transactions	September 2020
P-3 Develop Productivity Improvement Recommendations	October 2020
P-4 Complete claimant and TRPA Financial Audits	December 2020

P-5	Conduct and document Unmet Transit Needs/Transit Forums	October 2020
P-6	Release LTF and STA Preliminary Findings of Apportionment	February 2021
P-7	Prepare and produce FY 20 Unmet Transit Needs Assessment	March 2021
P-8	Release Final LTF Apportionments	May 2021
P-9	LTF and STA allocation instructions to County Auditors	June 2021
P-10	Triennial Performance Audits	September 2020

TASKS

T-1 TDA Administration

- Process TDA Claims: notify claimants of funds available for apportionment; process claims for TRPA approval; submit allocation instructions to Auditor-Controllers
- Monitor quarterly reports from Auditor-Controllers
- Audit Coordination: provide assistance to auditors for TRPA fiscal audits; monitor completion and submittal of claimant audits.
- Review statutes, rules and regulations, and pending legislation pertinent to transit and transit funding
- Analyze service performance and recommend productivity improvements

T-2 Social Services Transportation Advisory Council

- Preparation and coordination for holding unmet transit needs/transit forum hearings
- Conduct meetings of the SSTAC on the north and south shores

T-3 Unmet Transit Needs

- Review and analyze Unmet Transit Needs, make a determination to the SSTAC regarding unmet transit needs and those that are reasonable to meet, discuss, review and accept the Transit Needs Assessment
- Conduct and document unmet transit needs hearings and outreach efforts with traditionally underrepresented and underserved populations and their community leaders (i.e., elderly, disabled, low income, and minorities: Black, Hispanic, Asian American, American Indian/Alaskan Native, and Pacific Islander)

Work Element 102 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
TDA Administration	\$16,358	TDA Financial Audit	\$16,358
Subtotal:	\$16,358	Subtotal:	\$16,358
TMPO Staff:		TMPO Staff:	
TDA Administration	32,000	Wages/Benefits:	\$18,941
TDA Planning	1,147		
		Est. Indirect Cost:	\$14,206
Subtotal:	\$33,147	Subtotal:	\$33,147
Total:	\$49,505	Total:	\$49,505

**Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.

WORK ELEMENT 103: PUBLIC OUTREACH AND COORDINATION

PURPOSE

To support policy boards and attend various local, regional, state, and federal meetings; to coordinate and involve community members, visitors, organizations, and individuals, including the Washoe Tribe of California and Nevada in the regional transportation planning process; to utilize electronic and innovative outreach to maximize the reach to the public; to monitor and report on outreach effectiveness in the next Public Participation Plan (PPP)

DISCUSSION

As part of the regional transportation planning process, staff supports the TRPA/MPO Governing Board and Tahoe Transportation Commission through the development of agendas, staff reports and other board requests. TRPA's regional transportation planning and programming process fosters coordination, consultation, and cooperation and includes participation in various local, regional, state, and federal meetings and committees. Regional collaboration is one of TRPA's core functions. The approach to public involvement and reporting on effectiveness of outreach is contained in the [TRPA Public Participation Plan \(PPP\)](#) and is updated every four years prior to the development of the Regional Transportation Plan.

TRPA has established a transparent inclusive regional transportation planning forum that invites and solicits public input on proposals. Existing policies and procedures are in place to ensure a non-discriminatory transparent public process and are documented in [TRPA's Title VI program](#).

TRPA engages with the Washoe Tribe of California and Nevada through coordination meetings that ensure the Washoe Tribe is involved and aware of transportation policies and projects under consideration in the region. This consultation with the Washoe Tribe is considered a formal government-to-government consultation and is above and beyond any general public outreach. As a member of the TTC, the Washoe Tribe is formally included in the regional planning process and has additional opportunity to provide input on various transportation and associated environmental considerations affecting Tribal interests. TRPA is engaging with the Washoe Tribe to formalize the government to government consultation process through a Memorandum of Understanding (MOU) between TRPA and the Washoe Tribe.

TRPA actively engages with agency partners, key stakeholder groups, and the public on a variety of transportation topics and planning processes. Establishing open communication channels for dialogue through interactive web tools, social media, e-newsletters, workshops, events, and speaker series deepens public understanding of transportation issues and provides continual input for planners.

TRPA continues to improve access to information by making documents and data readily available to the public in both electronic and print versions, including key documents translated to Spanish. The recently updated TRPA transportation website is maintained to provide the latest information.

PREVIOUS WORK

- Adopted the 2019 Public Participation Plan
- Maintained on-going communication with the public through press releases, updates to the web site, and social media on transportation planning activities and concepts

PRODUCTS	COMPLETION DATE
P-1 Quarterly Transportation E-Newsletter	Quarterly
P-2 TRPA website and social media updates to promote new programs and news	Monthly
TASKS	
T-1 TRPA Board Support and Regional Coordination	
<ul style="list-style-type: none"> • Development of agendas, staff reports, technical analysis, and related materials for public and board distribution • Preparation for and participation in local, regional, state, and federal committees, ad hoc meetings, and workshops directly relating to regional transportation planning 	
T-2 Tribal Government Coordination, Consultation, and Collaboration	
<ul style="list-style-type: none"> • Confer with Washoe Tribe of California and Nevada regarding transportation plans and programs via meetings, TTC agendas, direct correspondence, and response to issues raised by the Tribal government • Formalize government-to-government partnership approach with the Washoe Tribal government 	
T-3 Public Participation and Involvement	
<ul style="list-style-type: none"> • Administer the Public Participation Plan (PPP), including documented public involvement procedures • Support public outreach strategy for the 2020 Linking Tahoe: RTP/SCS • Release public notices and other public information to media outlets as appropriate • Produce maps, brochures, displays, and other visualization tools supporting transportation proposals • Participate in and hold public meetings and workshops for various transportation planning concepts and issues • Participate in appropriate regional events to support and promote regional transportation goals and current transportation planning initiatives • TRPA transportation program web maintenance and content updates • Produce monthly e-newsletters for regional transportation news and involvement opportunity issues • Support community participation and education workshops, speaker series, and brown bag presentations (such as Tahoe Talks) • Participate in the Bi-state Transportation Consultation Group as needed, a cabinet-level working group representing high-level officials from the States of California and Nevada, Federal agencies, Local Government, and private sector partners. 	
T-4 Transportation Management Association Coordination	
<ul style="list-style-type: none"> • Work with SS/TMA and TNT-TMA, local jurisdictions, and other community groups to generate partnerships to support effective and widespread adoption and monitoring of TDM program strategies including Commute Tahoe. • Coordinate with TTD, Tahoe Chamber, Lodging and Visitor Associations, and Recreation Providers to strategize on various transportation issues (local work force, resource sharing, improved communication, etc.) and generate targeted recommendations and identify opportunities for public/private partnerships. 	

- T-5 **Environmental Justice**
 - Preparation for and conduct meetings designed to inform and solicit feedback from minority and low-income populations regarding the transportation planning process and to assess impacts on those communities
- T-6 **Civil Rights**
 - Title VI, DBE, ADA program management, compliance, monitoring, and reporting

Work Element 103 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
FHWA PL (CA)	\$22,000	Noticing/Advertising/Meetings	\$15,000
-Toll Credits (CA-PL)	\$2,523	*Subscriptions/Dues	\$12,000
FHWA PL (CA-Carryover)	\$20,000	TMA Cooperative Agreements	\$27,000
-Toll Credits (CA-Carry)	\$2,294		
TRPA General	\$12,000	*Not funded by CPG funds	
Subtotal:	\$54,000	Subtotal:	\$54,000
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$120,000		
-Toll Credits (CA-PL)	\$13,764		
FHWA PL (CA-Carryover)	\$40,834		
-Toll Credits (CA-Carry)	\$4,684		
		Wages/Benefits:	\$91,906
		Est. Indirect Cost:	\$68,928
Subtotal:	\$160,834	Subtotal:	\$160,834
Total:	\$214,834	Total:	\$214,834

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WORK ELEMENT 104: REGIONAL INTERMODAL PLANNING

PURPOSE

To carry out and support the integration of federal, state, and local transportation planning processes; to complete activities and products to satisfy core planning functions, federal metropolitan planning requirements (FAST Act), and California and Nevada requirements; to support transportation policy development and analysis; to consider all modes of transportation in implementing regional transportation goals; to support corridor-level transportation planning; to develop innovative transportation demand management programs; to develop partnerships inside and outside of the Region to further transportation goals.

DISCUSSION

TRPA, in its role as the Metropolitan Planning Organization, supports the established continuing, comprehensive, and *coordinated transportation planning process to establish* a multi-modal transportation system that can adapt to the continually evolving goals and needs of the Lake Tahoe Region and its diverse communities. Transportation staff will develop planning studies in-house, contract for planning services by consultants, conduct public hearings, hold meetings on specific issues with affected public agencies, the general public, and interest groups through various outreach efforts, including community workshops.

The TRPA has committed to an adaptive policy management framework that will provide for coordinated updates of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) every four years, or as otherwise necessary. The Tahoe Region is maximizing the effectiveness of having integrated land use and transportation plans, as supported by federal and state planning guidance. TRPA is underway in the development of the 2020 Linking Tahoe: RTP/SCS. A primary focus of this work element is the development of the new RTP. This RTP/SCS update is a targeted refinement of the transit and funding sections of the 2017 Linking Tahoe: RTP/SCS and will include baseline and forecast analysis (WE105) and environmental review.

TRPA is increasing its focus on coordination with public and private sector entities to share research and increase awareness of existing travel options for residents and visitors. The Transportation Demand Management (TDM) tasks will also include an assessment of existing conditions and strategies to increase awareness of employer transportation options. TRPA will begin focusing on large employers through the Commute Tahoe program with assistance from the TNT-TMA and SS/TMA. TRPA will continue to support the annual Bike Challenge to increase active transportation in the Region.

In addition to the Regional Transportation Plan TRPA also maintains various modal specific plans including the Active Transportation Plan (ATP)-formerly the Bicycle and Pedestrian Plan, and Intelligent Transportation Systems (ITS) Plan. TRPA also supports the transit operators in updating short-range transit plans. TRPA coordinates with local or state led safety, goods movement, aviation, and system management planning efforts. As a recognition of the impact of the visitor market to Lake Tahoe's transportation system, TRPA will continue to increase participation in other Northern California Megaregion planning efforts. The shared interests of surrounding transportation agencies, including Sacramento Area Council of Governments (SACOG), the Washoe County Regional Transportation Commission (Washoe RTC), county and local governments support a partnership approach to identifying inter-regional transportation solutions.

PREVIOUS WORK

- Maintained the Active Transportation Plan
- Initiated Commute Tahoe program activities
- Coordinated local Area Plans and project consistency with *2017 RTP/SCS*
- Convened the Pathway Partnership to coordinate project prioritization, tracking, and programming
- Drafted Lake Tahoe Transit Monitoring Protocol
- Completed White Paper on Emerging Mobility Services
- Completed Technical Memo on existing E-Bike Policies
- Developed Outreach Plan for the 2020 RTP/SCS
- Submitted 2020 RTP/SCS Methodology to CARB

PRODUCTS		COMPLETION DATE
P-1	Draft <i>2020 Linking Tahoe: RTP/SCS</i> Sections	August 2020
P-2	Final <i>2020 Linking Tahoe: RTP/SCS</i>	October 2020
P-3	Final 2021 Active Transportation Plan	March 2021
P-4	Annual Transit Productivity Improvement Report	May 2021

TASKS

- | | |
|-----|--|
| T-1 | <p>Regional Transportation Plan (Core Planning Function)
 <u><i>2017 RTP/SCS</i></u></p> <ul style="list-style-type: none"> • Administration of <i>2017 RTP/SCS</i>, including coordinating with state, local, and federal partners to explore funding opportunities to implement the plan • Process amendments to <i>2017 RTP/SCS</i> as necessary • Participate in public and interagency meetings as a transportation technical resource • Conduct public outreach on <i>2020 Linking Tahoe: RTP/SCS</i> to promote vibrant communities, and improve public health • Develop special studies as needed for the <i>2020 Linking Tahoe: RTP/SCS</i> (i.e.: public-private partnerships, transit, freight, aviation, etc.) • Develop Draft and Finalize <i>2020 Linking Tahoe: RTP/SCS</i> • Review projects to ensure consistency with established transportation plans and <u><i>2020 RTP/SCS</i></u> policies |
| T-2 | <p>Inter-Regional Planning</p> <ul style="list-style-type: none"> • Develop formal planning partnerships with surrounding transportation agencies (Northern California Megaregion – SACOG, MTC, San Joaquin, Washoe RTC, etc.) • Identify freight movement issues and coordinate with Nevada DOT and Caltrans on State Freight Plans • Support the Tahoe-Truckee PEV Readiness Plan and coordinate Regional EV strategy |
| T-3 | <p>Active Transportation Planning</p> <ul style="list-style-type: none"> • Update the <i>Linking Tahoe: Active Transportation Plan</i> for approval in 2020 • Monitor and utilize state and federal bicycle and pedestrian planning requirements and other resources • Support the Pathway Partnership to coordinate regional partners on active transportation policy and planning. |

- T-4 **Transit Planning**
- Administer Transit Planning MOU between TMPO/TRPA, TTD, and Placer County
 - Collect operating data identified by the Transit Planning MOU to support regional performance measures and transit data reporting
 - Develop supporting analysis and materials regarding transit for the *2020 Linking Tahoe: RTP/SCS*
 - Support the update of Short-Range Transit Plans (next 1-5 years) for TTD and TART services
 - Partner with TART and TTD to conduct periodic rider surveys and other outreach to assess current service and provide recommendations based on survey results
 - Coordinate transit elements of regional emergency preparedness programs
 - Notify transit operators of available funding and grants for transit
 - Coordinate with other service providers to plan for inter-regional connections (i.e. Washoe RTC, Carson City RTC, Capitol Corridor JPA, SACOG, SacRT, Etc.)
 - Centralize monitoring of regional transit data and utilize www.LakeTahoeinfo.org to share and display data
 - Analyze transit system performance, develop recommendations, and document via the Transit Productivity Improvement Program (PIP)
- T-5 **Transportation Demand Management (Travel Management)**
- Work with TNT-TMA, SS/TMA and employers to support the Commute Tahoe Program
 - Work in partnership with Lake Tahoe Bicycle Coalition and support the annual Tahoe Bike Challenge
 - Coordinate the Safe Routes to School Program, active transportation education and community outreach program
 - Disseminate educational materials related to Commute Tahoe strategies and programs.
 - Update www.linkingtahoe.com website to include information on existing transportation options
- T-6 **Intelligent Transportation Systems**
- Maximize efficiency of the existing roadway network through the use of technology
 - Encourage the use of Intelligent Transportation Systems (ITS) consistent with the *Lake Tahoe ITS Architecture and Strategic Plan*.
 - Coordinate with EDCTC, TMA's, NDOT, Caltrans, and local jurisdictions regarding traveler information, adaptive roadway management, and emergency planning between Sacramento and South Lake Tahoe, through participation on SP & R grant project team and other relevant efforts.
 - Continue evaluation and gaining endorsement of a transportation trip planning platform to coordinate and increase awareness of inter-regional and intra-regional travel options and pilot a regional application with a recreation focus.
 - Provide recommendations and coordinate with State DOTs and local jurisdictions regarding traffic signalization improvements Region-wide.
- T-7 **Aviation/Rail/Freight Planning**

- Coordinate with Caltrans Division of Aeronautics and CSLT on Lake Tahoe Airport ground transportation access, resiliency and reliability planning, and the Lake Tahoe Airport Master Plan
- Encourage connections to Lake Tahoe in State Rail Plans in California and Nevada
- Coordinate with State Freight Plans and associated freight programs

T-8

Safety Planning

- Continue to test and refine the Safety Strategy Evaluation Tool
- Support local agency grant applications for safety projects identified in the Safety Strategy
- Support implementation of recommended best practices for safety data collection and reporting
- Gain agreement with regional implementing agencies on project design volumes and best practices for the design of safety improvements.

Work Element 104 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
FHWA PL (CA)	\$87,880	RTP/SCS Update Support Svcs.	\$147,188
-Toll Credits (CA-PL)	\$10,080	Transit Planning Support Svcs.	\$60,000
FHWA PL (CA-Carryover)	\$16,150		
-Toll Credits (CA-Carry)	\$1,852		
FTA 5303 (CA)	\$79,415		
-Toll Credits (FTA 5303 CA)	\$9,109		
FTA 5303 (CA Carryover)	\$5,312		
-Toll Credits (CA 5303-Carry)	\$609		
TDA Planning	\$18,431		
Subtotal:	\$207,188	Subtotal:	\$207,188
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$202,548		
-Toll Credits (PL-CA)	\$23,232		
FHWA PL (CA-Carryover)	\$26,823		
-Toll Credits (CA-Carry)	\$3,077		
FHWA PL (NV)	\$26,228		
FTA 5303 (NV)	\$31,730	Wages/Benefits:	\$165,934
TDA Planning	\$3,050	Est. Indirect Cost:	\$124,446
Subtotal:	\$290,380	Subtotal:	\$290,380
Total:	\$497,568	Total:	\$497,568

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WORK ELEMENT 105: TRANSPORTATION DATA MANAGEMENT AND FORECASTING

PURPOSE

To administer the regional transportation data collection and modeling efforts of TRPA; to collect the necessary transportation, demographic, and land use information to support transportation planning; to analyze different planning scenarios and impacts of regional land use and transportation proposals; to support data requests from staff, partners, and the general public; to support the refinement of transportation measures that support regional goals; to provide the results of annual monitoring to the public and partners; to coordinate data collection among TRPA, state DOTs, and local agencies to support various data needs.

DISCUSSION

The Lake Tahoe Region continues to develop a centralized regional information website www.laketahoeinfo.org that provides a transparent platform for coordinating and disseminating regional data, project-level details, and information on the transportation performance-based planning framework. Transportation monitoring data is easily accessible on the Transportation Monitoring Dashboard (<https://transportation.laketahoeinfo.org/MeasuresDashboard/Index>). Another valuable transportation planning and programming tool is the Transportation Tracker (<https://transportation.laketahoeinfo.org/>) that provides project level funding and performance data that supports the RTP, FTIP and other key transportation planning efforts.

TRPA is responsible for the collection, analysis, and dissemination of transportation data to support the regional transportation planning process. In addition to supporting data needs for recent performance-based planning requirements discussed in Work Element 106, a critical role is travel demand forecasting. Currently TRPA utilizes its travel demand model package (TransCAD) to assess the effect of proposed land use and transportation proposals on various aspects of the region. An on-going transportation data collection program is in place and provides data on levels of use of the system, vehicle delay, and travel mode share. Other data collection, consistent with TRPA’s annual transportation data collection program, includes regional travel patterns, bicycle and pedestrian counts, transit performance, and traffic counts at identified locations. Purchased data sets are also an efficient tool to supply difficult to obtain data for analysis. TRPA has utilized the latest data to update primary inputs to the travel demand model to provide the base and forecast analysis for the 2020 RTP/SCS. TRPA convenes a Model Working Group to provide a venue to discuss model updates, new techniques and data availability among various stakeholders and technical users of TRPA’s model data.

PREVIOUS WORK

- Maintained Transportation Monitoring Dashboard to include new sources to display up to date transportation data.
- Initiated updates to the travel demand model including new data sources, and functionality
- Convened Model Working Group to share 2020 RTP/SCS model updates and assumptions, including longer term model improvements
- Analysis using new Streetlight Data package

PRODUCTS

COMPLETION DATE

P-1	Publish transportation monitoring data to LakeTahoeinfo.org	Quarterly
P-2	Final Forecast Scenarios for 2020 RTP/SCS	August 2020

TASKS

- T-1 **Data Management**
 - Manage and make available various transportation data sources utilized by TRPA
 - Develop and manage monitoring programs and data collection through LT Info

- T-2 **Performance Measure Data Collection**
 - Coordinate data from local jurisdictions, transit operators, and state DOTs in response to established performance measure targets
 - Coordinate bicycle/pedestrian monitoring data and reporting in accordance with established monitoring protocol
 - Coordinate transit monitoring data and reporting in accordance with established transit monitoring protocol and Transit Productivity Improvement Program (TPIP)

- T-3 **Air Quality**
 - Conduct necessary air quality technical analysis, and model outputs to support RTP and FTIP

- T-5 **Modeling**
 - Support Model Working Group
 - Refine project scale forecasting capabilities
 - Maintain travel demand model as necessary for monitoring and 2020 RTP/SCS including data, functionality and new tools
 - Develop and refine modeling scenarios for 2020 RTP
 - Continue to utilize Streetlight Data package to improve analysis capabilities

Work Element 105 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
FTA 5303 (CA Carryover)	\$25,000	Data and Forecasting System Svcs.	\$50,000
-Toll Credits (CA 5303-Carry)	\$2,868	Data Collection Contract Svcs.	\$50,000
TRPA General	\$50,000		
Subtotal:	\$100,000	Subtotal:	\$100,000
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$45,839		
-Toll Credits (PL-CA)	\$5,258		
FHWA PL (CA-Carryover)	\$52,793		
-Toll Credits (CA-Carry)	\$6,055		
FTA 5303 (CA)	\$3,585		
-Toll Credits (FTA 5303 CA)	\$411		
FTA 5303 (CA Carryover)	\$41,000		
-Toll Credits (CA 5303-Carry)	\$4,703		
FHWA PL (NV)	\$106,800	Wages/Benefits:	\$146,082
TDA Planning	\$5,622	Est. Indirect Cost:	\$109,557
Subtotal:	\$255,639	Subtotal:	\$255,639
Total:	\$355,639	Total:	\$355,639
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WORK ELEMENT 106: PROJECT TRACKING AND FINANCIAL MANAGEMENT

PURPOSE

To support the selection of transportation projects for state and federal funding; to document funded projects in the Federal Transportation Improvement Program (FTIP); to support project implementation through identification of available state and federal funds; to provide workshops, training, technical assistance, and information to assist local partners with timely implementation of transportation projects in Lake Tahoe; to distribute and program various federal and state funding sources; to establish a project tracking system to ensure the appropriate funding is available for timely completion of transportation projects.

DESCRIPTION

TRPA, as the MPO is required to adopt and maintain a Transportation Improvement Program intended to coordinate and track federal funds used for transportation projects. As a core MPO planning function, staff will continue maintaining the current 2019 FTIP through administrative modifications and amendments to maintain required financial constraint and accountability. The development of the new 2021 FTIP is underway with a targeted adoption date of December 2020.

TRPA is responsible for project selection and regional distribution of various federal and state funding sources. TRPA administers a Regional Grant Program to conduct project selection for multiple Federal and State funding programs to ensure consistency with regional goals and the RTP/SCS. As funding is awarded to projects in the Lake Tahoe Region it requires project programming, monitoring and tracking to ensure the funds are used in a timely manner. The FAST Act increased the amount of funding allocated by various programs to Lake Tahoe. This increase of funding has required additional resources for TRPA's programming function along with other related activities.

In addition to the FTIP administration TRPA, as the Regional Transportation Planning Agency (RTPA) in California, is required to adopt and maintain a Regional Transportation Improvement Program (RTIP) to track state transportation funding specifically. The RTIP is updated every two years and was last updated in early 2020.

In order to provide public and partner access transparency, the Transportation Project Tracker (transportation.laketahoeinfo.org) displays real-time project tracking and information. The tracker involves significant coordination with local implementation partners and also serves as the transportation project database for both the RTP and FTIP. The Tracker also includes a linkage to TRPA's Performance-Based Planning program (see Work Element 107).

PREVIOUS WORK

- Maintenance of the 2019 FTIP
- Maintenance of the 2018 RTIP
- Adoption of the 2020 RTIP
- Regional Grant Program (RGP) Cycle 3 Administration
- Participation on the California RTPA Working Group
- Participation on the California Federal Programming Group (CFPG)
- Participation on the Nevada statewide STIP/TIP Working Group
- Coordination with California, Nevada, and local agencies in project programming
- FY 19/20 Annual Federal Obligations Report

PRODUCTS	COMPLETION DATE
P-1 Maintenance of 2019 FTIP	Quarterly
P-2 Adoption of 2021 FTIP	December 2020
P-3 Maintenance of the 2020 RTIP	Quarterly
P-4 Annual Federal Obligations Report	December 2020
TASKS	
T-1 Federal Transportation Improvement Program (FTIP) (Core MPO Planning Function)	
<ul style="list-style-type: none"> • Monitor and maintain the current FTIP through administrative modifications and amendments • Adoption of 2021 FTIP • Incorporate Federal performance measures in 2021 FTIP • Maintain California Transportation Improvement Program (CTIP) database and Nevada electronic Statewide Transportation Improvement Program (e-STIP) • Publish TRPA programming information on www.trpa.org/transportation • Participate in FHWA-NV/NDOT Planning Executive Group initiatives related to programming • Participate monthly with CFPG, RTPA Working Group, and Rural Counties Task Force • Coordination with FHWA CA and NV Division offices, FTA, Caltrans, NDOT, and local agencies on project development and funding 	
T-2 Regional Transportation Improvement Program	
<ul style="list-style-type: none"> • 2020 RTIP document maintenance • Work with regional stakeholders to prepare the 2022 RTIP 	
T-3 Regional Grant Program	
<ul style="list-style-type: none"> • Manage the Regional Grant Program (RGP) funding cycles (CMAQ, STBG, TAP & ATP) • Coordinate priority project identification and reporting efforts • Monitor and update transportation projects in the Transportation Tracker • Integration of Transportation Tracker projects between EIP, FTIP, and RTP/SCS • Support development of 2020 RTP/SCS financial element and project list 	
T-4 Project Tracking and Statewide Transportation Improvement Program Coordination	
<ul style="list-style-type: none"> • Monitor and provide guidance on available federal and state funding to project partners • Track project performance measures and post project consideration in EIP tracker • Continue to improve the EIP Tracker tool for use in transportation funding allocations, programming, and project tracking • Coordinate with Caltrans and NDOT regarding STIP consistency with TRPA programming • Support Caltrans CTIPS database • Work with NDOT to support Nevada E-STIP tool • Develop annual list of federal obligated projects 	
T-5 FTA	
<ul style="list-style-type: none"> • Project application review for consistency with FTIP, programming activities necessary to ensure FTA projects are accurately reflected in the FTIP • Notify transit operators of FTA funding allocations based on the agreed upon process in the Lake Tahoe Region Transit Planning MOU • Consideration of Transit Asset Management Plan(s) in FTIP 	

T-6 **Documentation**

- Document public outreach on regional programming activities
- Coordinate distribution of information regarding location and status of funded projects
- Conduct program consistent with TRPA Title VI Plan
- Document continuing, coordinated and comprehensive processes that include traditionally underrepresented and underserved populations and their community leaders (i.e., elderly, disabled, low income, and minorities: Black, Hispanic, Asian American, American Indian/Alaskan Native, and Pacific Islander)

Work Element 106 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
Subtotal:	\$0	Subtotal:	\$0
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$99,098		
-Toll Credits (PL-CA)	\$11,366		
FHWA PL (NV)	\$61,500	Wages/Benefits:	\$93,621
TDA Planning	\$3,236.84	Est. Indirect Cost:	\$70,213
Subtotal:	\$163,834	Subtotal:	\$163,834
Total:	\$163,834	Total:	\$163,834
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WORK ELEMENT 107: PERFORMANCE-BASED PLANNING

PURPOSE

To enhance and support TRPA's performance-based planning program; to continue a performance-based planning framework that integrates federal, state and regional requirements; to refine performance measure goals and targets for the transportation system and planning program based on federal, state, and regional requirements for the required Safety (PM1), Pavement and Bridge (PM2), System Performance, Freight and applicable CMAQ (PM3) measures; to refine and monitor RTP performance measures; to enhance linkages between the planning process and project implementation to evaluate progress toward established regional goals; refine the Congestion Management Process as necessary to support regional transportation goals in accordance with federal planning requirements.

DISCUSSION

Performance-based planning defines current performance levels, establishes target performance levels, and identifies strategies for achieving these targets. This approach was strengthened with the passing of MAP-21 and continued with the FAST Act, which requires performance-based plans and programs that establish the foundation and core elements of transportation planning.

In the FAST Act, the Lake Tahoe Region was recognized as a Transportation Management Area (TMA) with a total population of 210,000. Additional TMA requirements include the establishment of a Congestion Management Process (CMP) that evaluates strategies to reduce congestion that do not increase roadway capacity. This CMP requirement aligns well with TRPA's existing mandate to reduce the dependency on the private automobile and the future CMP for TMPO will contribute toward the accomplishment of each DOT targets for the portion of the planning area within each State.

The Lake Tahoe Region continues to enhance the practice of evaluating project effectiveness and monitoring progress toward regional and local goals. This process is intended to provide useful information for decision-making, while fostering program alignment across multiple stakeholders. TRPA's performance-based transportation planning framework integrates Federal performance-based planning requirements outlined in MAP-21 and the FAST Act, TRPA threshold and Regional Plan performance measures, and various state performance metrics.

Performance Management Framework is built into the TMPO work plan including grant project selection outlined in WE106, the core of RTP Implementation in WE104 and the previous work on the Safety Plan Strategy that shapes the planning and programming of projects to support each states PM1 Safety Targets.

PREVIOUS WORK

- Established and provided reporting on performance metrics for Federal Transportation Performance Measures PM-1, PM-2 and PM-3
- Included performance-based planning framework into the Regional Grant Program
- Drafted CMP Documentation

PRODUCTS	COMPLETION DATE
P-1 Maintained Performance-Based Planning Framework	On-going
P-2 2021 PM1 Safety Target set with Caltrans and Nevada DOT	February 2021

- T-1 **Performance-Based Planning**
- Continue Refine the Region’s contemporary performance-based planning framework
 - Participate in federal workshops on performance-based planning
 - Refine the tools within the performance management framework to ensure the project evaluation processes for the regional grant program remains adaptable to regional goals
 - Revise Performance-Based Planning as Federal Performance Measures and Targets as necessary based on the annual State target setting process and deadlines
 - Stakeholder coordination to improve information sharing that supports the performance system
 - Coordinate the performance management process, data gathering, funding programming, project sequencing, etc. with the Transportation Coordination working group
- Ensure timely transmittal of data to Caltrans, NDOT, FHWA and FTA
- T-2 **Congestion Management Process**
- Track and respond to federal and state sustainability planning guidance, including system resiliency and reliability
 - Monitor and refine the CMP as necessary

Work Element 107 Budget:

REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
Subtotal:	\$0	Subtotal:	\$0
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$12,635		
-Toll Credits (PL-CA)	\$1,449		
FTA 5303 (CA)	\$10,000		
-Toll Credits (FTA 5303 CA)	\$1,147		
FHWA PL (NV)	\$66,750	Wages/Benefits:	\$53,085
TDA Planning	\$3,513	Est. Indirect Cost:	\$39,813
Subtotal:	\$92,898	Subtotal:	\$92,898
Total:	\$92,898	Total:	\$92,898

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WORK ELEMENT 108: SUSTAINABLE COMMUNITIES PLANNING

To further the region's 2017 Linking Tahoe: Regional Transportation Plan/Sustainable Communities Strategy; to contribute to the State's GHG reduction targets through integration of land use and transportation planning; to develop corridor management plans; to collect and analyze necessary corridor level data; to identify roles and responsibilities of multiple partnering agencies; to incorporate public input and needs into decision making; to consider impacts on the constrained transportation system due to increased interregional tourism and visitor traffic; to evaluate and develop project VMT reduction tools and strategies that support the RTP/SCS.

DISCUSSION

TRPA, along with 12 other agencies, has committed to a partner-based planning process that is conducted at a corridor scale. This comprehensive planning approach has shown success on the recreation heavy East and West shores of Lake Tahoe. The Corridor planning approach is lead by a entity with a vested interest in the corridor and typically utilizes a steering committee of other principal entities to drive the process. For purposes of corridor planning, the Region has been divided into six internal corridors and two entry/exit corridors ([Link](#)). The corridor planning approach is an organizing framework to support regional transportation policy as well as align and accelerate implementation of various entity's policy documents. For TRPA corridor planning supports the RTP/SCS at a sub-regional scale. This planning approach requires multi agency collaboration, commitments, and resources. The TTD developed the 2017 Linking Tahoe: Corridor Connection Plan ([Link](#)), which collected and synthesized large amounts of data for all internal and external corridors. This document provides a foundation for more detailed corridor management plans. Current corridor management plans underway are the SR89 Emerald Bay Recreation Corridor and the US 50 South Shore (Main Street Management Plan). The US50 East Shore Corridor (not funded by this work element), and the SR89/28 Corridor (Resort Triangle Transportation Plan) including connections to Truckee will be completed later in FY 21.

This work element, funded by SB1 Sustainable Communities Formula Funds, highlights the next phase of corridor planning and VMT/GHG reduction activities. The corridor planning effort will be a multi-year program that will be captured in this and subsequent OWPs. Additional tasks supporting the evaluation and development of VMT/GHG reduction strategies and tools to support state requirements will also be included in the work element.

TRPA is working with Placer County to further the RTP/SCS by creating a common set of methodologies, metrics and tools for project impact analysis to better integrate transportation, housing and land use planning to support local and regional Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) reduction goals and to ultimately achieve the State's GHG reduction target in AB32. This VMT/GHG reduction analytical framework will be adapted to other jurisdictions in Lake Tahoe using unique data to determine the most effective strategies for VMT and GHG reduction. TRPA and local jurisdictions will be responsible for data collection as necessary to support VMT/GHG analysis and evaluation going forward. As a follow-up task, TRPA will investigate necessary travel demand model updates and other tools to support the VMT/GHG evaluation and forecasting process.

PREVIOUS WORK

- SR 89 – Emerald Bay Recreation Corridor Management Plan:
 - Adopted Project Charter
 - Draft Corridor Alternative Scenarios
 - Draft SR89/Emerald Bay Corridor Management Plan

- US 50 South Shore - Main Street Management Plan:
 - Established Steering committees and public outreach strategy
 - Secured consultant and initiated contracted support activities
 - Developed and analyzed two alternatives for street design
 - Selected preferred alternative for street design
- VMT/GHG Evaluation Tools:
 - Consultant work initiated (May 2020)

WORK ELEMENT 108.3 (FY 19/20 – RMRA)

PRODUCTS	COMPLETION DATE
P-1 Final Main Street Management Plan	November 2020
P-2 Final SR89 Emerald Bay Recreation Corridor Management Plan	October 2020
P-3 Draft project evaluation and impact analysis	September 2020
P-4 Final project evaluation and impact analysis	December 2021

TASKS

- T-1 Main Street Management Plan Development and Outreach**
 - Circulate Draft MSMP for public and stakeholder review
 - Local jurisdiction endorsement of final MSMP
 - TRPA and partner agency adoption of final MSMP
- T-2 SR 89 Emerald Bay Recreation Corridor Management Plan**
 - Circulate Draft/Final SR89 Emerald Bay Recreation Corridor Management Plan for public and partner agency review
 - TRPA adoption of SR89 Emerald Bay Recreation Corridor Management Plan
- T-3 Regional VMT/GHG Evaluation Program**
 - Research methodology and metric, and set of tools for evaluation and impact analysis to support RTP/SCS
 - Work with Placer County on development of local/regional VMT evaluation methodologies
 - Develop Draft and Final project evaluation and impact analysis
 - Support data needs via purchase/collection

Work Element 108.3 Budget:

WE 108.3			
REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
TRPA General	\$16,028		
CA-RMRA 19/20	\$123,707	Sustainable Comm Planning	\$139,735
Subtotal:	\$139,735	Subtotal:	\$139,735
TMPO Staff:		TMPO Staff:	
Total:	\$139,735	Total:	\$139,735

WORK ELEMENT 108.4 (FY 20/21 – RMRA)

PRODUCTS	COMPLETION DATE
P-1 Draft technical memos/products from Regional VMT evaluation and impact analysis	April 2021
P-2 Data purchases to support Regional VMT/GHG Evaluation Program	November 2019
P-3 TRPA Forecasting Tool Update Technical Services	January 2021
TASKS	
<p>T-1 Regional VMT/GHG Evaluation Program</p> <ul style="list-style-type: none"> • Adapt the project evaluation and impact analysis framework to include other local jurisdiction partners • Evaluate potential VMT reduction strategies to support regional VMT reduction • Support data needs via purchase/collection <p>T-2 Update TRPA analysis and forecasting tools</p> <ul style="list-style-type: none"> • Continue to convene Model Working Group to coordinate updates to TRPA’s analysis and forecasting tools (travel demand model, VMT analysis, and other related tools) • Develop RFP for contracted support to update travel demand model and other supporting technical services • Contract to update TRPA analysis and forecasting tools 	

Work Element 108.4 Budget:

WE 108.4			
REVENUES		EXPENDITURES	
Direct Costs:		Direct Costs:	
TRPA General	\$20,835		
CA-RMRA 20/21	\$160,750	Sustainable Comm Planning	\$181,585
Subtotal:	\$181,585	Subtotal:	\$181,585
TMPO Staff:		TMPO Staff:	
FHWA PL (CA)	\$0	Wages/Benefits:	\$0.00
-Toll Credits (PL-CA)	\$0	Est. Indirect Cost:	\$0.00
Subtotal:	\$0	Subtotal:	\$0
Total:	\$181,585	Total:	\$181,585
<p>**Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.</p>			

**CALTRANS REGIONAL PLANNING ACTIVITIES
FOR FY 2020/21**

ACTIVITY	DESCRIPTION	PRODUCTS
System Planning	Completion of system planning products used by Caltrans and its transportation partners	Caltrans District 3 System Planning documents consistent with the Caltrans District 3 System Planning Five-Year Work Plan.
Advance Planning	Completion of pre-programming studies (e.g., Project Initiation Documents) so as to be ready to program resources for capital projects	Project Initiation Documents (PIDs), as indicated in the current Two-Year PID Work Plan
Regional Planning	Participate in and assist with various regional planning projects and studies	Participation in the following projects and studies: Agency Coordination <ul style="list-style-type: none"> • Attend TTD Board Meetings • Coordinate Annual Meeting Studies / PDTs <ul style="list-style-type: none"> • SR 89 Corridor Management Plan PDT • US 50 Recreational Travel Management Hot Spot Study
Local Development Review Program	Review of local development proposals potentially impacting the State Highway System	Assistance to lead agencies to ensure the identification and mitigation of local development impacts to the State Highway System that is consistent with the State's smart mobility goals

FY 20/21 FINANCIAL PROGRAM

Table 1 – FY 20/21 TRPA/TMPO Programmed Revenues

Funding Source	FY 2021
Federal	
FHWA PL (CA)	\$645,000
FHWA PL (CA-Carryover)	\$254,576
FTA 5303 (CA)	\$93,000
FTA 5303 (CA Carryover)	\$71,312
FHWA PL (NV)	\$261,278
FTA 5303 (NV)	\$31,730
Federal Subtotal:	\$1,356,896
Non-Federal	
CA-RMRA 20/21	\$160,750
CA-RMRA 19/20 C/O	\$123,707
CA-RMRA 18/19 C/O	\$0
TRPA General	\$118,863
TDA Administration	\$48,358
TDA Planning	\$35,000
Non-Federal Subtotal:	486,678
GRAND TOTAL:	\$1,843,574

Funding Source Descriptions

FHWA & FTA Planning funds (PL & 5303) California and Nevada (CA and NV)- Current fiscal year allocation of Federal transportation planning (PL & FTA 5303) funds to support metropolitan planning and may be used for transit or highway planning activities. These funds are administered by Caltrans on behalf of Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) via a Consolidated Planning Grant Agreement.

Toll Credits - Toll credits are not revenue or cash, but rather a substitute for local match required by CPG funds. Toll credits provided by the State of California are being utilized as a match for federal FHWA PL and FTA 5303 funds. The FHWA PL and FTA 5303 amounts shown in the Budget Revenue Summary Sheet represent 100% of the total federal participation cost, therefore toll credits are not included in the total revenue amount. Toll credits can be applied to the current year allocation of California CPG funds, and any carryover balance. These are tracked separately and can be found on Table 7.

PL & 5303 Carryover - Carryover balance of funding from prior PL and 5303 allocations. (See above)

CA-RMRA - The California Road Maintenance and Rehabilitation Account (RMRA) was established by Senate Bill 1 in 2017. These funds are part of the Sustainable Transportation Planning formula grants that is aimed at supporting state GHG/VMT reduction goals.

TRPA General Funds – This funding comes directly from the TRPA general budget and is used as a non-federal match to leverage federal planning funds.

TDA (Planning and Administration) – This State of California funding is provided through the California Transportation Development Act (TDA) and can be used for administration of the TDA program, and transportation planning activities.

Table 2 – FY 20/21 Transportation Staffing Costs

TRPA/TMPO Transportation Team	Salary and Wages	Benefits	IDC Rate 75.00%	Total Salary, Benefits and Overhead
Total FY 20/21 Salaries	\$504,478	\$138,212	\$482,018	\$1,124,708
Total	\$504,478	\$138,212	\$482,018	\$1,124,708

Table 3 – FY 20/21 Staffing Costs and Revenues

WORK ELEMENTS	Consolidated Planning Grant (CPG)						Toll Credit Match	Toll Credit Match	Toll Credit Match	Toll Credit Match	TDA - ADMIN	TDA - PLNG	TOTAL
	CA-PL	CA PL - Carry	CA 5303	CA 5303 - Carry	NV - PL	NV 5303	CA-PL	CA- PL Carry	CA 5303	CA 5303 Carry Over			
101- Program Administration	55,000	72,976	-	-	-	-	6,309	8,370	-	-	-	-	\$ 127,976
102 - Transportation Dev't. Act	-	-	-	-	-	-	-	-	-	-	32,000	1,147	\$ 33,147
103 - Public Outreach	120,000	40,834	-	-	-	-	13,764	4,684	-	-	-	-	\$ 160,834
104 - Intermodal Planning	202,548	26,823	-	-	26,228	31,730	23,232	3,077	-	-	-	3,050	\$ 290,380
105 - Data Collection & Forecasting	45,839	52,793	3,585	41,000	106,800	-	5,258	6,055	411	4,703	-	5,622	\$ 255,639
106 - Proj. Tracking + Financial Mgt.	99,098	-	-	-	61,500	-	11,366	-	-	-	-	3,237	\$ 163,834
107 - Performance-Based Planning	12,635	-	10,000	-	66,750	-	1,449	-	1,147	-	-	3,513	\$ 92,898
108.3 - Sustainable Communities Planning	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
108.4 - Sustainable Communities Planning	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
TOTAL:	\$ 535,120	\$ 193,426	\$ 13,585	\$ 41,000	\$ 261,278	\$ 31,730	\$ 61,378	\$ 22,186	\$ 1,558	\$ 4,703	\$ 32,000	\$ 16,569	\$ 1,124,708

Table 4 – FY 20/21 Direct Costs and Revenues

WORK ELEMENTS	Consolidated Planning Grant (CPG)						Toll Credit Match	Toll Credit Match	Toll Credit Match	Toll Credit Match	TRPA (Local)	CA-RMRA 20/21	CA-RMRA 19/20	TDA Admin	TDA Planning	TOTAL
	CA-PL	CA PL-Carry	CA-5303	CA-5303 Carry	NV-PL	NV-5303	CA-PL	CA-PL Carry	CA-5303	CA-5303 Carry		Carry-over				
101- Program Administration	-	-	-	-	-	-	-	-	-	-	20,000	-	-	-	\$ 20,000	
102 - Transportation Dev't. Act	-	-	-	-	-	-	-	-	-	-	-	-	-	16,358	\$ 16,358	
103 - Public Outreach	22,000	20,000	-	-	-	-	2,523	2,294	-	-	12,000	-	-	-	\$ 54,000	
104 - Intermodal Planning	87,880	16,150	79,415	5,312	-	-	10,080	1,852	9,109	609	-	-	-	18,431	\$ 207,188	
105 - Data Collection & Forecasting	-	25,000	-	25,000	-	-	-	2,868	-	2,868	50,000	-	-	-	\$ 100,000	
106 - Proj. Tracking + Financial Mgt.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	
107 - Performance-Based Planning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	
108.3 - Sustainable Communities Planning	-	-	-	-	-	-	-	-	-	-	16,028	-	123,707	-	\$ 139,735	
108.4 - Sustainable Communities Planning	-	-	-	-	-	-	-	-	-	-	20,835	160,750	-	-	\$ 181,585	
TOTAL:	\$109,880	\$ 61,150	\$ 79,415	\$ 30,312	\$ -	\$ -	\$ 12,603	\$ 7,014	\$ 9,109	\$ 3,477	\$ 118,863	\$ 160,750	\$ 123,707	\$ 16,358	\$ 18,431	\$ 718,866

Table 5 – FY 20/21 Staffing & Direct Costs by Work Element

WORK ELEMENTS	Staff	Direct	Total
101- Program Administration	\$ 127,976	\$ 20,000	\$ 147,976
102 - Transportation Dev't. Act	\$ 33,147	\$ 16,358	\$ 49,505
103 - Public Outreach	\$ 160,834	\$ 54,000	\$ 214,834
104 - Intermodal Planning	\$ 290,380	\$ 207,188	\$ 497,568
105 - Data Collection & Forecasting	\$ 255,639	\$ 100,000	\$ 355,639
106 - Proj. Tracking + Financial Mgt.	\$ 163,834	\$ -	\$ 163,834
107 - Performance-Based Planning	\$ 92,898	\$ -	\$ 92,898
108.3 - Sustainable Communities Planning		\$ 139,735	\$ 139,735
108.3 - Sustainable Communities Planning	\$ -	\$ -	\$ -
108.4 - Sustainable Communities Planning	\$ -	\$ 181,585	\$ 181,585
TOTAL:	\$ 1,124,708	\$ 718,866	\$ 1,843,574

Table 6 – FY 20/21 Staffing Direct Costs by Revenue Source

	Consolidated Planning Grant (CPG)						Toll Credit Match	Toll Credit Match	Toll Credit Match	Toll Credit Match	TRPA (Local)	CA-RMRA 20/21	CA-RMRA 19/20 Carry	TDA Admin	TDA Planning	TOTAL
	CA- PL	CA-PL Carry	CA-5303	CA-5303 Carry	NV - PL	NV-5303	CA-PL	CA- PL Carry	CA-5303	CA-5303 Carry						
Total Staff:	535,120	193,426	13,585	41,000	261,278	31,730	61,378	22,186	1,558	4,703	-	-	-	32,000	16,569	1,124,708
Total Direct:	109,880	61,150	79,415	30,312	-	-	12,603	7,014	9,109	3,477	118,863	160,750	123,707	16,358	18,431	718,866
TOTAL:	\$ 645,000	\$ 254,576	\$ 93,000	\$ 71,312	\$ 261,278	\$ 31,730	\$ 73,981	\$ 29,200	\$ 10,667	\$ 8,179	\$ 118,863	\$ 160,750	\$ 123,707	\$ 48,358	\$ 35,000	\$ 1,843,574

Table 7– FY 20/21 Toll Credit Summary

Toll Credits	CA-PL	CA PL-Carry	CA-5303	CA-5303 Carry	TOTAL
Total Staff:	61,378	22,186	1,558	4,703	85,122
Total Direct:	12,603	7,014	9,109	3,477	32,203
TOTALS:	\$ 73,981	\$ 29,200	\$ 10,667	\$ 8,179	\$ 122,028

** Toll Credits are not a form of cash or revenue, but are in lieu of local matching funds in lieu of local matching funds.

Table 8– FY 20/21 Staff and Direct by Fund

WORK ELEMENTS	Consolidated Planning Grant (CPG)						Toll Credit Match	Toll Credit Match	Toll Credit Match	Toll Credit Match	TRPA (Local)	CA-RMRA 20/21	CA-RMRA 19/20	TDA Admin	TDA Planning	TOTAL
	CA-PL	CA PL-Carry	CA-5303	CA-5303 Carry	NV-PL	NV 5303	CA-PL	CA PL - Carry	CA-5303	CA-5303 Carry						
101- Program Administration	55,000	72,976	-	-	-	-	6,309	8,370	-	-	20,000	-	-	-	-	\$ 147,976
102 - Transportation Dev't. Act	-	-	-	-	-	-	-	-	-	-	-	-	-	48,358	1,147	\$ 49,505
103 - Public Outreach	142,000	60,834	-	-	-	-	16,287	6,978	-	-	12,000	-	-	-	-	\$ 214,834
104 - Intermodal Planning	290,428	42,973	79,415	5,312	26,228	31,730	33,312	4,929	9,109	609	-	-	-	-	21,481	\$ 497,568
105 - Data Collection & Forecasting	45,839	77,793	3,585	66,000	106,800	-	5,258	8,923	411	7,570	50,000	-	-	-	5,622	\$ 355,639
106 - Proj. Tracking + Financial Mgt.	99,098	-	-	-	61,500	-	11,366	-	-	-	-	-	-	-	3,237	\$ 163,834
107 - Performance-Based Planning	12,635	-	10,000	-	66,750	-	1,449	-	1,147	-	-	-	-	-	3,513	\$ 92,898
108.3 - Sustainable Communities Planning	-	-	-	-	-	-	-	-	-	-	16,028	-	123,707	-	-	\$ 139,735
108.4 - Sustainable Communities Planning	-	-	-	-	-	-	-	-	-	-	20,835	160,750	-	-	-	\$ 181,585
TOTAL:	\$ 645,000	\$ 254,576	\$ 93,000	\$ 71,312	\$ 261,278	\$ 31,730	\$ 73,981	\$ 29,200	\$ 10,667	\$ 8,179	\$ 118,863	\$ 160,750	\$ 123,707	\$ 48,358	\$ 35,000	\$ 1,843,574

ADOPTING RESOLUTION AND FEDERAL CERTIFICATIONS

- **TMPO Adopting Resolution**
- **FHWA – FTA FY 20/21 Planning Certification**
- **FTA Debarment and Suspension Certification**
- **FTA FY 20/21 Certifications and Assurances**

TAHOE METROPOLITAN PLANNING ORGANIZATION
TMPO RESOLUTION NO. 2020-__

ADOPTION OF THE TMPO 2021 TRANSPORTATION OVERALL WORK PROGRAM

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under Title 23, CFR 450; and

WHEREAS, each MPO is required to adopt an Overall Work Program (OWP), also referred to as the Unified Planning Work Program (UPWP), describing the planning priorities facing the Region and the planning activities anticipated for the Region over the next year; and

WHEREAS, staff have prepared an OWP that describes the anticipated revenues and expenditures and planning activities and products for transportation and air quality planning purposes over the next year; and

WHEREAS, the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have reviewed and commented upon a draft version of the 2021 OWP; and

WHEREAS, the Tahoe Transportation Commission has conducted public meetings at which the 2021 OWP has been an officially noticed item of discussion; and

WHEREAS, staff is requesting that the TMPO Governing Board adopt a final 2021 OWP for submittal to state and federal agencies for approval, and authorize staff to take actions necessary for this approval; and

WHEREAS, the TMPO certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of the federal statutes listed on the MPO Planning Process Certification and Federal Transit Administration certifications included in the 2021 OWP document.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving the 2021 Tahoe Basin Transportation Overall Work Program.

PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization at its regular meeting held on May 27, 2020, by the following vote:

Ayes:

Absent:

William Yeates, Chair
TMPO Governing Board

FY 2020/21 FHWA Metropolitan Transportation Planning Process Self-Certification

In accordance with 23 CFR part 450, the California Department of Transportation and Tahoe Regional Planning Agency, the designated Metropolitan Planning Organization for the Lake Tahoe urbanized area hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being carried out in accordance with all applicable requirements including:

- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and subpart C of 23 CFR part 450;
- (2) In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the FAST Act (Pub. L. 114-94) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

MPO Authorizing Signature

Caltrans District 3 Approval Signature

Executive Director
Title

Title

Date

Date

Department of Transportation

Debarment and Suspension Certification for Fiscal Year 2020/21

As required by U.S. DOT regulations on government-wide Debarment and Suspension (Nonprocurement), 49 CFR 29.100:

- 1) The Applicant certifies, to the best of its knowledge and belief, that it and its contractors, subcontractors and subrecipients:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not, within the three (3) year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; and
 - d) Have not, within the three (3) year period preceding this certification, had one or more public transactions (Federal, state, and local) terminated for cause or default.
- 2) The Applicant also certifies that, if Applicant later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to the State.
- 3) If the Applicant is unable to certify to all statements in paragraphs (1) and (2) of this certification, through those means available to Applicant, including the General Services Administration's ***Excluded Parties List System (EPLS)***, Applicant shall indicate so in its applications, or in the transmittal letter or message accompanying its annual certifications and assurances, and will provide a written explanation to the State.

**DEPARTMENT OF TRANSPORTATION
DEBARMENT AND SUSPENSION CERTIFICATION
FISCAL YEAR 2020/21**

SIGNATURE PAGE

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date: _____

Printed Name: Joanne S. Marchetta, Executive Director

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has the authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, these certifications and assurances have been legally made and constitute legal and binding obligations of the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances or of the performance of the described project.

AFFIRMATION OF APPLICANT'S ATTORNEY

For: Tahoe Metropolitan Planning Organization

Signature: _____ Date: _____

Printed Name of Applicant's Attorney: John L. Marshall

**FEDERAL FISCAL YEAR 2020 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT
ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant: Tahoe Metropolitan Planning Organization

The Applicant agrees to comply with applicable requirements of Categories 01 - 21. X

OR

The Applicant agrees to comply with the applicable requirements of the following
Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant	_____
02.	Lobbying	_____
03.	Private Sector Protections	_____
04.	Rolling Stock Reviews and Bus Testing	_____
05.	Demand Responsive Service	_____
06.	Intelligent Transportation Systems	_____
07.	Interest and Financing Cots and Acquisition of Capital Asset by Lease	_____
08.	Transit Asset Management Plan, Public Transportation Agency Safety Plan, and State Safety Oversight Requirements	_____
09.	Alcohol and Controlled Substances Testing	_____
10.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement)	_____
11.	State of Good Repair Program	_____
12.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____
13.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program	_____
14.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs	_____
15.	Rural Areas and Appalachian Development Program	_____
16.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs)	_____
17.	State Safety Oversight Grant Program	_____
18.	Public Transportation Emergency Relief Program	_____

- 19. Expedited Project Delivery Pilot Program _____
- 20. Infrastructure Finance Programs _____
- 21. Construction Hiring Preferences _____

FEDERAL FISCAL YEAR 2020 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: Tahoe Metropolitan Planning Organization

Name and Relationship of Authorized Representative: Joanne S. Marchetta, Executive Director

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable Federal guidance, and comply with the certifications and assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2021, irrespective of whether the individual acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during federal fiscal year 2021.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 et seq., and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____

Date: _____

Name: Joanne S. Marchetta, Executive Director

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Tahoe Metropolitan Planning Organization

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____

Date: _____

Name: John L. Marshall

Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA and each FTA Recipient with an active Capital or Formula Project or Award must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within FTA's electronic award and management system, provided the Applicant has on file and uploaded to FTA's electronic award and management system this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

Attachment B

Executive Summary of the FY 2021 OWP

Lake Tahoe Transportation Planning Overall Work Program - FY 2020/21

May 2020

Executive Summary

Introduction

The Overall Work Program (OWP) defines the continuing, comprehensive, and coordinated regional transportation planning process for the Lake Tahoe Basin. It establishes transportation, air quality, and other regional planning objectives and associated funding for Fiscal Year 2020/21. The OWP also serves as a management tool for the Tahoe Regional Planning Agency (TRPA), serving as the Tahoe Metropolitan Planning Organization (TMPO), through the identification of work elements containing tasks and products to be provided during the year, including Federal and State mandated transportation planning requirements and other regional transportation planning activities.

Work Elements

The OWP is organized by *functional areas* and **work elements** combining similar activities, and products in one place. Below is a list of the work elements with a brief description of each and budget which includes staff time and contracts:

Outreach and Administration

WE 101 – Overall Work Program Administration - \$174,976

This work element contains the administrative activities to support the Lake Tahoe transportation program, including budgets, work program development and tracking, and professional staff development.

WE 102 – Transportation Development Act - \$49,505

The Transportation Development Act (TDA) is a major source of regional transit operating funding from California. This work element outlines the administration and management of the TDA funding coming into the Lake Tahoe Region including an audit of the administration.

WE 103 – Public Outreach and Coordination - \$54,000

Public outreach and collaboration with partners are key to TRPA's success. This work element includes activities to support a transparent, educational, and effective regional transportation planning process as the Tahoe Metropolitan Planning Organization. The element also includes specific public outreach and agency collaboration efforts, TMPO/TTC Board support, tribal government consultation, staff professional development, and environmental justice activities.

Regional Intermodal Planning

WE 104 – Regional Intermodal Planning - \$207,188

This work element contains a variety of transportation planning activities that include the development of regional transportation policy documents including, 2020 Regional Transportation Plan, updates to the Active Transportation Plan, Transit plans, etc... This element also includes the execution of programs including trip planning apps, transportation demand management, transit planning support including updates to Transit Development Plans, and other travel mode planning activities to implement regional transportation policy.

WE 105 – Transportation Data Management and Forecasting - \$355,639

This work element includes regional transportation data collection and modeling efforts to support transportation data needs of staff, partners, and the general public. This element also includes the update and maintenance of the TRPA travel demand model and various

transportation data sets for the next RTP and to address TRPA, Federal, and State requirements. These activities are coordinated by the TRPA Research and Analysis Program.

Tracking and Financial Management

WE 106 – Project Tracking and Financial Management - \$163,834

This work element supports the financial management activities related to federal and state funded transportation projects in the Region. This element includes the required administration of transportation funding allocated by the TMPO, and updates to the Federal Transportation Improvement Program (FTIP) and Regional Transportation Improvement Program (RTIP).

Regional Coordination

WE 107 –Performance-Based Planning - \$92,898

This work element supports the continual development of TMPO’s performance-based planning framework that directly supports monitoring the performance of the Regional Transportation Plan and Sustainable Communities Strategy. This element also includes integration with TRPA’s performance management system, including the development, tracking, and reporting on TRPA, State, and Federal transportation performance measures, and the development of a federally-required Congestion Management Process.

WE 108.3 –Sustainable Communities Planning - \$139,735

This sub work element continues corridor planning activities to be undertaken with FY 19/20 SB1 - Sustainable Communities Formula Grant funding. Activities include the release of a draft and finalization of the SR89/ Emerald Bay Recreation Corridor Plan, Final US 50 Stateline Main Street Management Plan, and development of a set of tools for project evaluation and impact analysis to support the RTP/SCS.

WE 108.4 –Sustainable Communities Planning - \$181,585

This sub work element highlights the next phase of corridor planning activities to be undertaken with FY 20/21 SB1 - Sustainable Communities Formula Grant funding. Activities include the finalization of the project evaluation and impact tool along with continued updates to the travel demand model and forecasting tools.

TMPO Transportation Program Revenues:

Contact: Michelle Glickert,
Principal Transportation Planner
775-589-5204 - mglickert@trpa.org

Funding Source	FY 2021
Federal	
FHWA PL (CA)	\$645,000
FHWA PL (CA-Carryover)	\$254,576
FTA 5303 (CA)	\$93,000
FTA 5303 (CA Carryover)	\$71,312
FHWA PL (NV)	\$261,278
FTA 5303 (NV)	\$31,730
Federal Subtotal:	\$1,356,896
Non-Federal	
CA-RMRA 20/21	\$160,750
CA-RMRA 19/20 C/O	\$123,707
CA-RMRA 18/19 C/O	\$0
TRPA General	\$118,863
TDA Administration	\$48,358
TDA Planning	\$35,000
Non-Federal Subtotal:	486,678
GRAND TOTAL:	\$1,843,574

STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Presentation and Acceptance of FY 2020/2021 Operations Work Plan Priorities

Summary and Staff Recommendation:

Due to the COVID-19 pandemic the Governing Board has not been able to convene for an off-site priority setting workshop. Instead, this agenda item includes the staff recommended strategic priorities for the next fiscal year which will begin in slightly over one month. Staff recommends acceptance of the TRPA 2020/2021 Operations Work Plan Priorities described below.

Required Motions:

In order to accept the TRPA 2020/2021 Operations Work Plan priorities, the Board must make the following motion:

A motion to accept the TRPA 2020/2021 Operations Work Plan priorities included in this staff report

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

Background:

Typically, the Governing Board holds an offsite workshop that focuses on setting strategic priorities for the agency for the upcoming fiscal year. Based on those priorities the Operations Work Plan, which is used primarily for internal division coordination and management, accountability, and performance management, organizing and staffing, etc., is prepared. A copy is then provided to the GB as an information item. In addition to the strategic priorities, the Operations Work Plan includes core activities, performance measures, and staff organization and positions for the Long Range and Transportation Planning Division, Current Planning Division, Environmental Improvement Division, and Research and Analysis Division. It complements the annual budget.

The following recommended priorities are presented to the Governing Board for review, discussion, and acceptance:

- **Building Resiliency: Climate Change and Sustainability** – This initiative builds upon the 2014 national award-winning Lake Tahoe Sustainability Action Plan that addressed greenhouse gas reduction. It includes a new inventory of greenhouse gas emissions, reflects new policy direction from both the States of California and Nevada (i.e., legislation and executive orders), and also covers climate change adaptation (e.g., working with utility providers to adapt infrastructure to greater weather extremes) and climate change resiliency (i.e., response and recovery from climate-caused disasters). Consistent with direction from both states, reducing greenhouse gas emissions from transportation will be a focal point of this initiative.

- **Keeping Tahoe Moving: Transportation and Sustainable Recreation** – This initiative includes an update of the Regional Transportation Plan/Sustainable Communities Strategy which encompasses greenhouse gas reduction, the Bi-State Consultation on Transportation Action Plan (i.e., high priority projects and funding), Sustainable Recreation Planning (i.e., planning for transportation and facility use based on the continuing shift to recreation visitors), and corridor planning.
- **Tahoe Living: Housing and Community Revitalization** – Viable, vibrant, and healthy communities updated to current environmental standards are a key component of the vision underlying the 2012 Regional Plan update, including adequate housing as an essential community component. Recent housing assessments identify affordable and achievable housing gaps. This initiative addresses coherent strategies for implementing housing as a key component of the Region’s communities, the Regional Plan, the housing needs identified in the Regional Transportation Plan/Sustainable Communities Strategy, and the Regional Housing Needs Allocation.
- **Restoration Blueprint: Environmental Improvement Program Implementation** – This includes implementing transportation and community revitalization projects of regional significance, seeking additional funding sources for the EIP, creating forest health implementation tools based on the results from the Lake Tahoe West landscape scale restoration project, implementing the Aquatic Invasive Species Control Action Plan Agenda, and focusing on areawide stormwater management projects with multiple benefits.
- **Measuring What Matters: Thresholds and Monitoring Update** – Using the new, recently approved framework based on science, results, and outcomes, this initiative will focus in the near term on updating measures for water quality, transportation, recreation, and stream environment zones.
- **Digital First: Innovation Initiative** – This initiative will continue TRPA’s transition to nearly total digital operations. Digital First covers information storage, user applications, transactions between users and TRPA, and internal applications. Near-term priorities are adding online parcel-level development information, land capability verification system improvements, modernizing and creating a digital code, and Lake Tahoe Info enhancements.

The Governing Board will be receiving periodic updates on the status of the strategic initiatives and select core activities over the period covered by the Work Plan.

Contact Information:

For questions regarding this agenda item, please contact John Hester, Chief Operating Officer, at (775) 589-5219 or jhester@trpa.org.

STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Discussion and Possible Direction on Land Use Assumptions for the 2020 TRPA Regional Transportation Plan Forecasts

Summary and Staff Recommendation:

The Tahoe Regional Planning Agency updates the Regional Transportation Plan (RTP) every four years. To meet state and federal planning requirements for the 2020 RTP, TRPA forecasts the regional land use pattern for 2035 and 2045. The forecasts are used as input for the travel demand model which is used to identify programs and projects in the RTP and to evaluate the effectiveness of the RTP in meeting vehicle miles traveled and greenhouse gas reduction goals. The methodology and assumptions used for the travel demand model for the 2035 and 2045 forecasts and the forecast will be presented. Staff recommends the Governing Board endorse the assumptions and forecast for use in preparing the updated RTP.

Required Motion:

In order to endorse the requested action, the Governing Board should make the following motion based on the staff report:

- 1) A motion to endorse the proposed development forecast for use in the 2020 Regional Transportation Plan.

Background:

In December 2019, TRPA formally started the 2020 update to the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The RTP/SCS lays out the vision for the transportation system at Lake Tahoe and focuses on transit, trails, technology, and communities to support the environment, economy, quality of life, and visitor experience. State and federal guidelines require that the Regional Transportation Plan include a long-term (minimum 20-year) planning horizon and forecasts for 2035 and 2045 using TRPA's travel demand model.

The 2035 and 2045 forecast years build upon the 2018 model base year, which was developed during the fall of 2019. More information about the 2018 base year can be found on the Tahoe model website (https://trpa-agency.github.io/travel_demand_model/index.html). The forecasts include a variety of projections related to the number, location, and travel behavior of the Tahoe residents, visitors, and commuters in the forecast years. Highlights from the forecast are included below.

Resident Population:

The resident population of the Tahoe Region peaked in 2000 and has been declining for the last 20 years. There are several initiatives underway to construct new housing units and make existing residential units more affordable for local residents. The forecast assumptions project that these initiatives will stem the tide of regional population loss and will result in 12% population growth by 2045.

Visitation:

The forecast assumptions include an 8% increase in visitation to the Lake Tahoe Region by 2045. The forecast is driven by projected population growth in the mega-region (Bay Area, Sacramento, Washoe County) and the increasing popularity of the outdoor recreation experience.

Land Use:

Analysis of development trends since the adoption of the regional plan in 1987 and update in 2012 revealed that development rates in the region have lagged behind previous forecasts. The proposed forecast assumptions include utilization of all residential units at the end of the forecast period and expects that approximately 250,000 square feet of commercial floor area (CFA) and 230 tourist accommodation units (TAU) remain unallocated and available for future development or conversion past 2045. Consistent with observed conversions, the forecast assumptions include the conversion of TAU and CFA to residential units to satisfy the additional demand for housing in the region. (While local housing needs assessments have identified a greater number of housing units needed beyond that required by state mandates, the forecast will assume housing levels to meet state requirements but not likely to fully meet the local need.)

The presentation and discussion at the May 27, 2020 Governing Board meeting will include a summary of the background development trends and an overview of the forecast assumptions. Staff will also present this information to the TRPA Model Working Group on May 26, 2020, and we will include a summary of any feedback and comments from the Working Group as part of this presentation.

Additional detail about the proposed development forecasts and additional data trends and background information used to develop the proposed forecasts are available in Attachments A and B.

This presentation and accompanying documents outline the background research and the assumptions that supported the development forecast. Future presentations will include the transportation policy, programs, and projects for each scenario.

Lastly, staff recommends maintaining these above assumptions for the forecast scenarios even in light of the COVID -19 pandemic and associated economic downturn. Staff anticipates that by 2045 the unknown, but likely time-limited, economic impacts from the pandemic will be replaced by more stable long-term economic forces.

Contact Information:

For questions regarding this agenda item, please contact Ken Kasman, Research and Analysis Division Manager, at kkasman@trpa.org or (775) 589-5253.

Attachments:

- A. Draft RTP Regional Forecast Report
- B. Draft Data Trends Report

Attachment A

Draft RTP Regional Forecast Report

Appendix A: 2020 Regional Transportation Plan Regional Forecast Report

Introduction

As part of the 2020 TRPA Regional Transportation Plan (RTP), TRPA prepared regional and transportation forecasts for the years 2035 and 2045. The regional forecast includes changes in development, population demographics, and visitation. The regional forecast and the transportation infrastructure forecast are implemented in the Tahoe travel demand model to allow planners to assess the efficacy of policies and projects that promote the goals of the Regional Plan and the RTP. This document outlines the research and assumptions that informed forecast development.

Development Forecast Summary

The 2035 and 2045 forecast years build upon the 2018 model base year, which was developed during the fall of 2019. More information about the 2018 base year can be found on the Tahoe [model website](#). The forecasts include a variety of projections related to land use and the characteristics of the Regions' traveling population in the forecast years; this population includes residents, visitors, and commuters. The forecast years of 2035 and 2045 were selected to meet specific regulatory requirements of the California Sustainable Communities Strategy (SCS) and Federal RTP requirements.

Residents– The forecast projects Lake Tahoe's full-time residential population to increase slightly. The forecasted increase is a deviation from the declines in the Region's population observed over the last 20 years and is influenced by a suite of factors. First, the number of regional housing units will increase as residential allocations are distributed and workforce housing/affordable housing programs are implemented using residential bonus units. Second, the residential occupancy rate – the proportion of homes occupied by residents – is expected to increase due to an increase in housing supply available for residents from implementation of workforce and affordable housing initiatives as local and regional efforts to increase the housing supply for local residents take effect. The downward trend in regional population in the last 20 years was likely influenced by the declines in gaming and associated job loss. The precipitous declines in gaming revenues observed in the early part of the century following the opening of casinos in northern California have not continued into the second decade as revenues appear to have stabilized. The income distribution of the residential population will remain steady as increased

provision of workforce and affordable housing counteract recent upward trends in household income. School enrollment will increase slightly as a result of overall population growth. Employment will also increase as additional Commercial Floor Area (CFA) and Tourist Accommodation Units (TAU) are constructed throughout the Region.

Visitation – The forecast projects both day and overnight visitation to the Lake Tahoe Region to increase during the forecast years. This forecasted increase is based upon the projected population growth in the mega-region (Bay Area/Sacramento/Reno), forecasted increases in traffic counts in adjacent areas, and the increasing popularity of the outdoor recreation experience. This increase in visitation will result in an increase in the number of occupied overnight lodging units, short-term rentals, and seasonal homes.

DRAFT

Table 1: Forecast Data Summary

Forecast Data Summary				
	Base Year 2018	Forecast 2045	change (#)	change (%)
Residential Units and Population				
Residential Population	51,624	58,041	+ 6,417	12.4 %
Occupied Units	21,624	24,315	+ 2,691	12.4 %
Unoccupied Units	26,031	28,056	+ 2,025	7.8 %
Total Residential Units	47,655	52,252	+ 4,597	9.6 %
Income of Occupied Residential Units				
Low Income Units	10,463	11,886	+ 1,423	13.6 %
Medium Income Units	4,891	5,437	+ 546	11.2 %
High Income Units	6,254	6,843	+ 589	9.4 %
Total Overnight Visitor Units				
Short Term Rentals	6,005	5,931	-74	-1.2 %
Seasonal Units	17,129	18,544	+ 1,415	8.3 %
Campground Spots	2,120	2,120	0	0 %
Total Lodging Units	11,107	12,052	+ 945	8.5 %
Occupied Overnight Visitor Units				
Occupied Short Term Rentals	2,227	2,240	+ 13	0.6 %
Occupied Seasonal Units	6,396	6,911	+ 515	8.1 %
Occupied Camping Spots	1,278	1,278	0	0 %
Occupied Lodging Units	6,190	7,086	+ 896	14.5 %
Other Key Data Points				
Commercial Floor Area	6,327,319	6,533,869	+ 206,550	3.3 %
Employment	28,604	29,462	+ 858	3 %
School Enrollment	8,887	9,992	+ 1,105	12.4 %

Forecast Methodology

The overall approach to forecast development was to apply the best available information and data. The development rate forecast was informed by a review of historical development rates, and an assessment of the performance of past forecasts. The forecast differs from past forecasts in at least two ways:

1. More rational development rates – Prior forecasts have generally assumed that full build out of the Region would occur by 2035. Historic development rates have not kept pace with those forecasts (additional detail on observed rates is available in the data trends appendix). This forecast refines past methodologies by placing greater weight on observed development rates.
2. Recent overhaul of development rights system - This is the first forecast since significant changes were made to the development rights system to accelerate attainment of threshold standards and Regional Plan goals and policies. The changes enable easier conversion between types and facilitates the attainment of State housing mandates.

The forecasts contained in this document represent a conservative yet realistic view of the continued build out of the Lake Tahoe Regional Plan. Prior forecasts by TRPA had projected significantly faster growth and a faster consumption of the remaining development rights. The annual rate of consumption for commercial floor area and tourist accommodation units were adjusted to more accurately align with observed trends since the adoption of the 2012 Regional Plan update. Additionally, the forecast assumes that not all of the remaining development potential for commercial floor area and tourist accommodation units will be constructed by 2045.

Staff anticipates that by 2045 the unknown but likely time-limited economic impacts from the COVID pandemic will be replaced by more normal economic forces.¹

Residential Units

The number of housing units in the region is influenced by market conditions as well as TRPA's development rights system, which caps the total development potential for the region. The residential

¹ Additional detail on the considerations related to COVID-19 are included in an addendum at the end of this document.

occupancy rate of the housing stock is influenced by economic factors, the number of residents, second home ownership, and visitors that frequent the region.

There are currently 47,655 residential units in the Region (based on TRPA records); according to the occupancy rates published by the U.S. Census Bureau 2018 American Community Survey (ACS), an estimated 21,624 residential units (45%) are occupied by full-time residents and 26,031 units (55%) are not occupied by full-time residents (ACS 2018). Currently, approximately 20% of existing residential units in the region are multi-family units (approximately 9,530 units) and 80% of existing units (38,125) are single family units. By 2045, an additional 4,597 units are expected to be constructed, bringing the total number of residential units in the region to 52,252, a 9% increase. This includes the construction of 1,823 additional single-family residential units (40% of additional units) and 2,774 additional multi-family residential units (60% of additional units). Forecasts of residential projects in the three California jurisdictions are sufficient to accommodate the Regional Housing Needs Assessment (RHNA) Cycle 5 (2013-2021) and Cycle 6 (2022-2029). The forecast includes a continuation of the RHNA requirements beyond 2029. These requirements were linearly extrapolated to 2045 based on requirements established to date, and are accommodated in the forecasts.

All remaining residential allocations (2,234) are allocated and constructed in the forecast. This includes the award and construction of all residential bonus units (1,609), and all currently banked residential units (204) by 2045. The forecast also includes the conversion of 100,000 square feet of CFA and 130 TAUs to residential units, which will generate an additional 290 multi-family and 260 single-family units. The projected conversions are consistent with conversion trends since the adoption of the conversion programs and observed development rights utilization rates. The observed trends indicate a net conversion from CFA and TAUs and towards Residential.

Several key assumptions informed the spatial distribution of residential development in the forecast. First, new residential units were allocated to projects known to be in the pipeline, including multi-family and affordable-/moderate-income projects on public lands. This included 580 units expected to be built

on California Tahoe Conservancy asset lands², redevelopment successor agency³ parcels and other publicly-owned parcels where large multi-family and affordable/moderate-income housing projects are likely to be constructed⁴. For multi-family development on private properties, where the exact number of units to be constructed was not fully known, a computer-generated random selections to distribute units to vacant buildable multi-family and existing underbuilt residential parcels throughout the region. For these parcels, the number of units allocated was 60% of the maximum allowable buildout based on current zoning, coverage constraints, and density restrictions. This assumption is consistent with observed buildout patterns, and conservative in that it distributes new residential development throughout the region (rather than modeling the most compact possible pattern). Multi-family units were only assigned to parcels that are currently zoned for multi-family residential, meet density requirements, and that have remaining coverage available to support additional units. Finally, the remaining private residential units were constructed as single-family units through random assignment to vacant buildable properties throughout the region.

Residential Occupancy rate

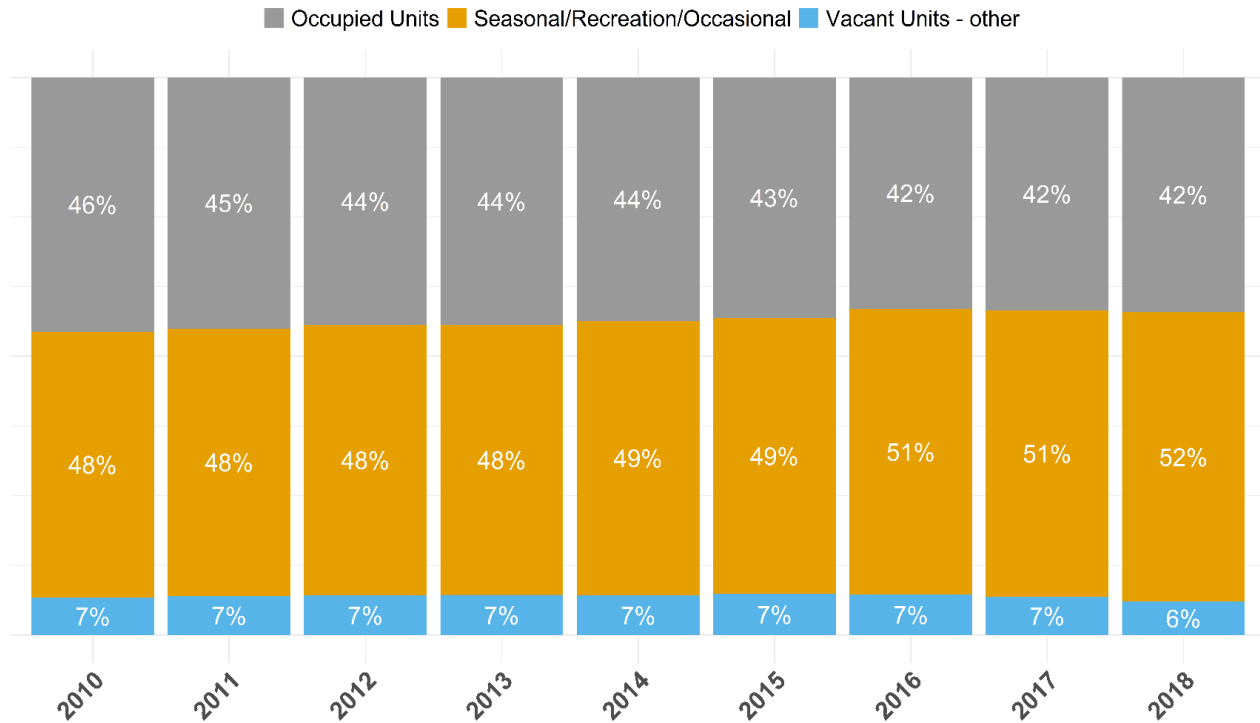
The U.S. Census American Community Survey (ACS) estimates that, since 2010, the proportion of occupied housing units in the Tahoe Region has dropped from 46% to 42% in 2018 (U.S. Census Bureau 2020). The remaining 58% of the regional housing supply not occupied by full time residents is classified by the ACS as vacant (ACS classifies houses as “vacant” if they are permanently unoccupied, periodically occupied by seasonal residents, used as a second homes, or rented by visitors, including short-term rentals). In recent years, the total number of seasonal or short-term housing units increased by 24%, from 21,000 in 2010 to 26,000 units in 2018.

² See <https://tahoe.ca.gov/programs/tahoe-livable-communities/asset-land-sales/> for more details about potential housing development opportunities that have been identified by the California Tahoe Conservancy.

³ See <https://www.placer.ca.gov/3396/Housing> for information about potential housing development project opportunities in Placer County.

⁴Includes housing commitments made by the Tahoe Transportation District as part of the Highway 50 Community Revitalization Project, see <https://www.tahoetransportation.org/us50>.

Figure 1: Housing Occupancy (ACS 2010-2018)



Despite these trends over the past several years, the forecast includes an increase in the proportion of residential units occupied by full-time residents (owner-occupied and renter-occupied). Three factors are expected to contribute to the shift: 1) Housing Initiatives to promote construction of new workforce, achievable, and affordable housing in the region, 2) Housing initiatives to promote the transition of the existing stock of residential units from second homes and short term rentals to resident-occupied units, and 3) Measure T in the City of South Lake Tahoe. Additional detail on each factor is provided below.

- 1) *Housing initiatives to promote new workforce and income-restricted housing:* The development forecast includes construction of all of the remaining 1,609 residential units from the TRPA residential bonus unit pool. Residential Bonus Units are awarded as transfer incentives for relocating remote development into town centers, and for the construction of affordable/moderate/achievable housing. New housing constructed with Residential Bonus Units is required by TRPA Code to be deed-restricted to prohibit these housing units from being used for second homes or vacation rentals.

- 2) *Housing initiatives to transition existing housing stock:* There are a number of initiatives underway to transition second homes, vacation rentals, and vacant house into residential units for full time residents. The forecast includes significant level of success for these initiatives (and other initiatives unknown at this time) that results in 700 additional units (~1.5% of the 2018 housing stock) occupied by residents in 2035 and 2045. The increase is independent of the forecasted increases described in and 1 and 3.
- 3) *Measure T in the City of South Lake Tahoe:* Voters passed Measure T in the City of South Lake Tahoe in November 2018. The measure includes broad restrictions on short term rentals (STRs) outside select areas in the city. The restrictions go into effect on December 31, 2021. As a result of the measure, approximately 1,372 currently permitted VHRs will not be renewed. The market value of the existing VHR stock skews higher than median values in the region, so a conservative, but optimistic forecast is that 15% of the units will be transitioned to be occupied by residents (rented or owned); other units are expected to become part of the second home market. A recent study on the economic impact of VHRs in South Lake Tahoe suggested that 10% of existing VHR owners would likely rent to full time if they could no longer use the property as VHR (MBI 2017).

Commercial Floor Area (CFA)

There are currently 556,796 square feet of un-used commercial floor area in TRPA and local jurisdiction community/area plan pools. Since 2013, a total of 41,928 square feet of CFA has been allocated to projects; an average rate of 6,988 square feet of CFA per year. The forecast includes the construction of an additional of 130,067 square feet of CFA by 2035 and 206,550 square feet by 2045. The forecasted rate of development - 7,650 square feet - is just higher than the observed rate since the 2012 Regional Plan, but lower than rates used in prior regional forecasts. CFA was allocated to known projects that have been permitted or are in the planning phase, but not constructed; remaining CFA was allocated to town centers and area plans using the observed proportions from recent allocations.

The forecast includes the conversion of 100,000 square feet of CFA to residential units, consistent with conversion trends since the adoption of the conversion program; recent trends indicate the net conversion from CFA and TAUs towards Residential. The converted CFA is forecasted to result in the

construction of 400 additional residential units --200 multifamily units, and 200 single family units. At the end of the forecast period, 250,246 square feet of CFA remains unallocated and thus unconstructed.

Tourist Accommodation Units (TAU)

The forecast includes the construction of an additional 629 TAUs by 2035 and 945 TAUs by 2045. The forecast includes the completed construction of all currently permitted projects using 807 banked TAUs and the use of all 138 awarded TAU bonus units. Not all TAUs allowed in the Regional Plan are forecast to be constructed by 2045; an estimated 230 TAUs will remain undeveloped through 2045 (74 TAU bonus units and 156 banked TAUs). The TAU development rights pool is not exhausted within the forecast horizon, because of the slow rate of TAU right utilization and construction over the past 30 years. No TAUs have been allocated to projects and constructed since adoption of the 2012 Regional Plan, and only 58 TAUs have been allocated since the adoption of the 1987 Regional Plan. TAUs were allocated to projects that are permitted but not yet constructed (Homewood, Boulder Bay, Edgewood Casitas, Tahoe City Lodge, and Chateau/Project 3), and the forecast includes the removal and banking of some existing units. Bonus TAUs were assigned to permitted projects (Homewood, Boulder Bay, Tahoe City Lodge) and no additional allocations other than existing permits were included.

The forecast also includes the conversion of 130 TAUs to residential units, consistent with recent conversion trends since the adoption of the conversion programs; observed trends indicate the net conversion from CFA and TAUs and towards Residential.

Development Rights Forecast Summary

Total development in the Tahoe Region is capped by the Regional Plan. The type and rate of that development is further controlled by a complex system governing development rights in the Region. Development rights are land use units someone must acquire before a property is developed. Development rights include tourist accommodation units (TAUs), single and multi-family residential units of use (RUUs), and commercial floor area (CFA). Residential units of use (RUUs) are formed by combining a potential residential unit of use (PRU) and a residential allocation. The forecast differentiates between when a development right is allocated from TRPA or another jurisdiction's pool and the final use of that development right. Development rights can be utilized in one of two ways; they can be used to construct a project (e.g. a house) or converted to a different type of development right.

The forecast is grounded in projections about the utilization, transfer, conversion, and construction of development rights. Tables 2-4 summarize the fate of development rights in the forecast period.

- Table 2 summarizes new construction which influences land use in the future scenarios. Tables 3 and 4 provide background detail on the underlying accounting that enabled the development.
- Table 3 summarizes the expected utilization of development rights in their current type.
- Table 4 summarizes the expected conversion of development rights between types.

The forecast includes the annual construction of 172 residential units, 7,650 square feet of commercial floor area and 35 tourist accommodation units (Table 2).

Table 2: Construction Forecast Summary

Development Right Construction	Annual Construction Rate	2035 Net Change	2045 Net Change
Residential Units			
Total Development of Residential Units	+172	+2,924	+4,597
Commercial Floor Area (in Square Feet)			
Total Utilization of CFA	+7,650	+130,067	+206,550
Tourist Accommodation Units			
Total Development of TAUs	+35	+629	+945

The forecast includes the utilization of allocation pools held by TRPA and local jurisdictions in the area plan, community plan, or plan area statement pools, as well as the use of bonus and incentive pools, special projects pools, and banked development rights (Table 3).

Table 3: Development Rights Utilization Forecast Summary

Development Right Utilization	Annual Utilization Rate	2035 Net Change	2045 Net Change
Residential Units			
Residential Allocations	+83	+1,411	+2,234
Residential Bonus Units	+60	+1,020	+1,609

Banked Residential Development	+8	+136	+204
Total Development of Residential Units	+151	+2,567	+4,047
Commercial Floor Area (in Square Feet)			
Commercial Floor Area Allocations	+6,413	+109,021	+173,142
Commercial Floor Area Allocations (TRPA special projects pool)	+2,963	+50,371	+80,000
Banked Commercial Development	+1,979	+33,643	+53,408
Total Utilization of CFA	+11,355	+130,067	+306,550
Tourist Accommodation Units			
TAU Allocations	+5	+85	+130
TAU Bonus Allocations	+6	+102	+138
Banked TAU Development	+31	+527	+807
Total Development of TAUs	+42	+714	+1075

The forecast includes the conversion of development rights between the various types of development (Table 4). TRPA approved a comprehensive update to Tahoe's development rights system in 2018. This allows conversions between different types of development rights using environmentally-neutral exchange rates and makes development rights simpler to transfer around the Basin, keeping limits on Tahoe's total development potential. The changes make it easier for the private sector to invest in redevelopment projects that benefit Tahoe's environment and communities and provide needed workforce housing. The projected conversions are consistent with conversion trends since the adoption of the conversion programs and observed development rights utilization rates. The observed trends indicate a net conversion that reduces CFA by 3,700 square feet and 5 TAUs and creates an additional 21 residential units each year.

Table 4: Development Rights Conversion Summary

Development Right Conversion	Annual Change as a Result of Conversion	2035 Net Change	2045 Net Change
Residential Units			
Net Development Right Conversions to Residential	+21	+357	+550
Commercial Floor Area (in Square Feet)			
Net Development Right Conversions from CFA to RUU	-3,704	-62,968	-100,000

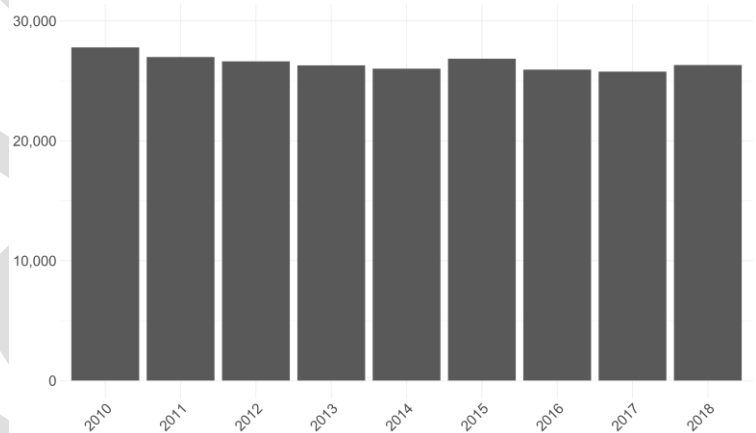
Tourist Accommodation Units			
Net Development Right Conversions from TAUs to RUU	-5	-85	-130

Employment

The most recent region-wide data estimates that summer-time work opportunities in the Tahoe region increased by 5% between 2014 and 2018, from 26,637 to 28,053 jobs. While employment increased, the number of workers estimated to be living in the region decreased by 6%, from 27,785 in 2010 to 26,314 in 2018 (ACS, 2018). This indicates that an increasing number of workers may be commuting into the region for employment.

The forecast projects a small increase in employment in the region as a result of increased visitation, construction of new CFA and TAUs, and population growth. In the 2018 model base year there are an estimated 28,604 workers in the Tahoe region (some residents hold jobs outside the region). The forecast projects continued growth of jobs in the region, with 572 (+2%) and 858 (+3%) new jobs in the region by 2035 and 2045 respectively. The number of external workers (those commuting into the region for work) is not expected to grow because more workers are expected to find housing locally as a result of the regional housing initiatives

Figure 2: Number of Workers (ACS 2010-2018)



Visitation

The forecast includes an increase in visitation which is influenced by several factors. The Tahoe region is located near and draws visitors from several regions that are projected to experience between 20% and 40% growth in the coming decades (Figure 3, Table 5). The Sacramento Council of Governments (SACOG), predicts that population in the greater Sacramento region⁵ will grow 26% by 2045. SACOG models traffic volumes on Interstate-80 and US Highway-50 leading into the Tahoe Region, and forecasts between 18% and 22% increases in volume in the next two decades (SACOG 2019). Farther west, but still within the Tahoe Mega-Region, the Association of Bay Area Governments (ABAG)⁶ forecasts 27% population increase by 2040 (MTC & ABAG 2017). To the north and east of Tahoe, RTC-Washoe predicts a 27% growth in population in the Reno/Sparks Metropolitan area⁷ by 2040 and the Carson Area MPO⁸ predicts a 28% growth in population (CAMPO 2016; RTC-Washoe 2018). Population growth in the mega-region is likely to create increased demand for the recreation opportunities and the unique experience that Tahoe provides.

Figure 3: Tahoe Mega-Region

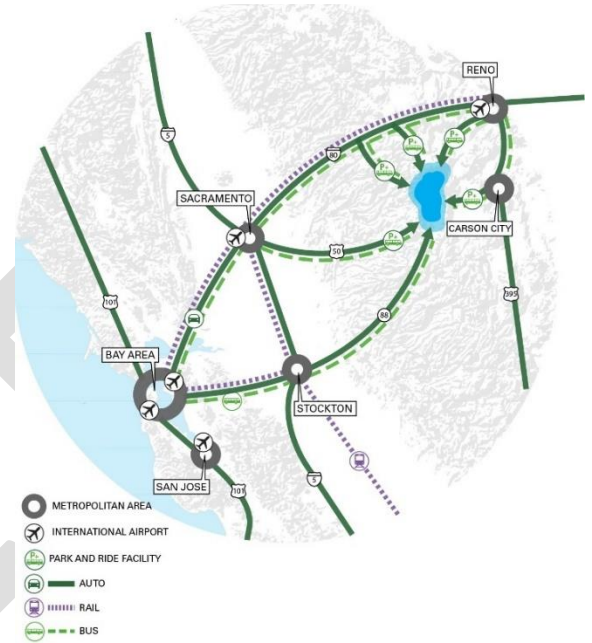


Table 5: Mega-Region Growth Forecasts

Location	Metric	Growth	Forecast Year	Source
Sacramento Region	Population	+26%	2045	SACOG 2020 MTP/SCS
Sacramento Region	Employment	+25%	2045	SACOG 2020 MTP/SCS
Interstate-80	Traffic Volumes	+22%	2040	SACOG 2020 MTP/SCS
US Highway-50	Traffic Volumes	+18%	2040	SACOG 2020 MTP/SCS
Reno/Sparks Metro	Population	+27%	2040	RTC-Washoe 2040 RTP, 2018
Reno/Sparks Metro	Employment	+37%	2040	RTC-Washoe 2040 RTP, 2018
Carson City Region	Population	+28%	2040	CAMPO 2040 RTP, 2018
San Francisco Region	Population	+27%	2040	ABAG 2040 RTP, 2017

⁵ The Sacramento Area Council of Governments (SACOG) includes the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba and the 22 cities within this six-county region.

⁶ The Association of Bay Area Governments (ABAG) region encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties.

⁷ Regional Transportation Commission (RTC) of Washoe County, Nevada serves the Reno and Sparks areas along with unincorporated areas of Washoe County.

⁸ The Carson Area Metropolitan Planning Organization (CAMPO) covers the Carson City urbanized area, which consists of Carson City, northern Douglas County, and western Lyon County.

Population growth outside the Region over the last 20 years has not translated to a linear increase in visitation into the region. Therefore, the forecast does not project increases in visitation in proportion to the projected growth in the mega-region. It is uncertain why past population growth has not translated in a linear fashion to increased visitation, but working theories include the decline in popularity of the local casinos as the gaming experience has become more widely available, limited tourist accommodation capacity, the limited roadway capacity into the region and associated willingness to travel to the region given the longer travel times.

The visitation forecast is comprised of related but independent projections regarding the expected characteristics of both the number and occupancy of overnight lodging accommodations types, and day visitation. The visitation forecast can be broken down into overnight visitors (staying in Hotels/Motels/Casinos/STRs/Private homes) and day visitors. The number of occupied overnight visitor units is forecast to grow by 9% by 2045.

Overnight Visitors in Hotels/Motels/Casinos – In the 2018 model base year, 6,190 of the region’s 11,107 TAUs are occupied (56%) during the modeled day. The forecast includes the construction of an additional 945 TAUs by 2045, an 8.5% increase in tourist accommodation units. Forecasted occupancy of TAUs was increased slightly to account for the impact of Measure T in the City of South Lake Tahoe, which is expected to affect where visitors to the city can stay but not the overall demand (MBI 2017). The forecast estimates that 50% of the visitor parties that may have previously stayed overnight in STRs within the City of South Lake Tahoe would now stay in TAUs, because of the expected lower supply of STRs in the City. As a result, the regional overnight lodging occupancy rate (in TAUs) increases from 56% to 59% in the forecast years. As a result of both additional unit availability from new TAU construction and the higher occupancy rate, the actual number of occupied Hotel/Motel/Casino units increases by 14.5% in 2045.

Overnight Visitors in STRs – In 2018, TRPA estimated that there were 6,005 permitted STRs in the Tahoe Region, which comprised approximately 13% of all existing residential units and 23% of the vacant housing units. On the model day, 37% of the units (2,227) are occupied. The forecast projects that both the total number and occupancy of STRs is relatively flat in the forecast years. This projection is highly influenced by the City of South Lake Tahoe’s Measure T, which eliminates STRs within most of the City’s

jurisdiction. Measure T will reduce the number of available STRs in the City of South Lake Tahoe but is unlikely to reduce the overall regional demand for the home-based stay experience in Tahoe. As a result, the forecast includes the displacement of STRs from the city to other jurisdictions in the region. The result will be more STRs (in absolute and proportional terms) in other jurisdictions in the Region and in areas of the City where STRs are still allowed. As a result of Measure T, approximately 1,372 STRs within the City of South Lake Tahoe but located outside of the Tourist Core area will not have their licenses renewed. During the model analysis period (model day), 508 of those 1,372 STRs were occupied. The forecast assumes that all 508 visitor parties will still visit the region and find overnight accommodations elsewhere. Of the visitor parties that would have been staying at one of the STRs impacted by Measure T, half are forecasted to find accommodations in STRs in the Tourist Core areas within the City of South Lake Tahoe, where STRs remain allowed, or in STRs in other jurisdictions, and half of visitor parties are forecast to shift to accommodations in the casinos, hotels, motels, and resorts in the Region.

Overnight Visitors in Seasonal Units – Seasonal units are residences within the model that are not claimed as the primary residence for the owner. Within the model they could be occupied by the owner, friends of the owner, time-shares, informally rented, but are not accounted for included in the total of STRs. These units comprise approximately 36% of the total housing market in the region, of which 37% were estimated to be occupied on modeled day in the 2018 base year. The forecast maintains these percentages into the forecast years. The proportion of seasonal units in the region has grown in the last 10 years. The proportion of seasonal units is not forecast to continue to increase in the forecast, due to three factors: 1) the construction of additional workforce housing units which cannot be used for second homes, and 2) initiatives focused on making the existing housing more affordable for workers and residents, and 3) the conversion of some existing vacation rentals in the City of South Lake Tahoe to resident housing because of the Measure T requirements. The forecast projects the occupancy rate of second units will remain the same, maintaining the 37% occupancy of the base year in 2035 and 2045. As a result of the increase in the total number of homes in the Region the number of seasonal units increases by 8% in 2045.

Day Visitors – Day visitation is forecast to increase as a result of population growth in the mega-region, at a similar rate as overnight visitation. Day visitors are one of the more challenging travel parties to forecast. The model assumes the factors that drive overnight visitation are positively correlated with factors driving day visitation. The relationship between these two types of visitors was established as

part of the calibration and validation for the 2018 base year and is not expected to change in the forecast years.

School Enrollment

Like the overall population, school enrollment in the region has decreased in the last two decades, but in most recent years has been relatively steady. Between 1996 and 2018, enrollment in the Lake Tahoe Unified School district in South Lake Tahoe, California decreased by 35%, while enrollment on the Nevada side decreased by 37%, from 1,852 in 2003 to 1,160 in 2019. The forecast projects that school enrollment will increase by 12.4% as new employment (858 additional jobs) and residents (6,417 additional full time residents) are added to the region.

Figure 3: Tahoe - Nevada School Enrollment (2003-19)

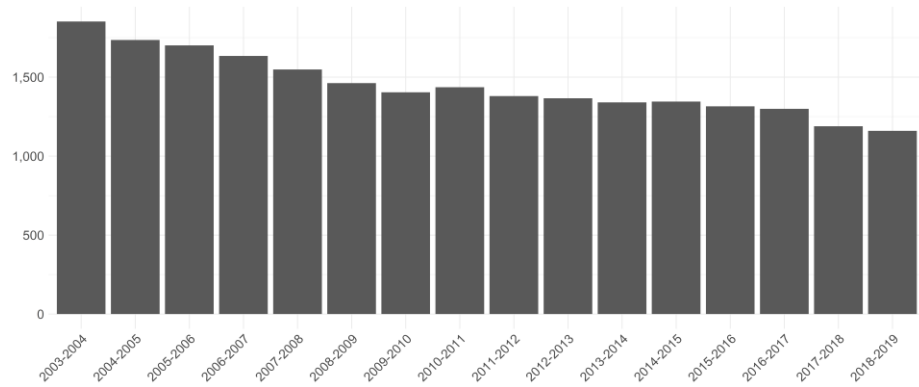
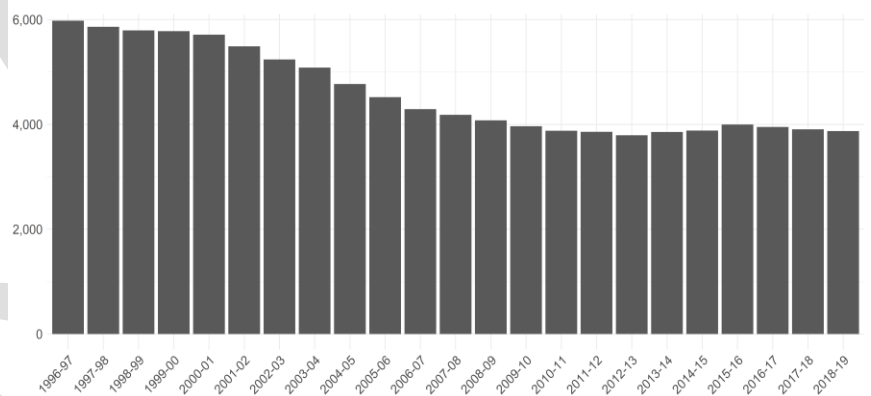


Figure 5: Lake Tahoe Unified School District Enrollment (1996-2018)

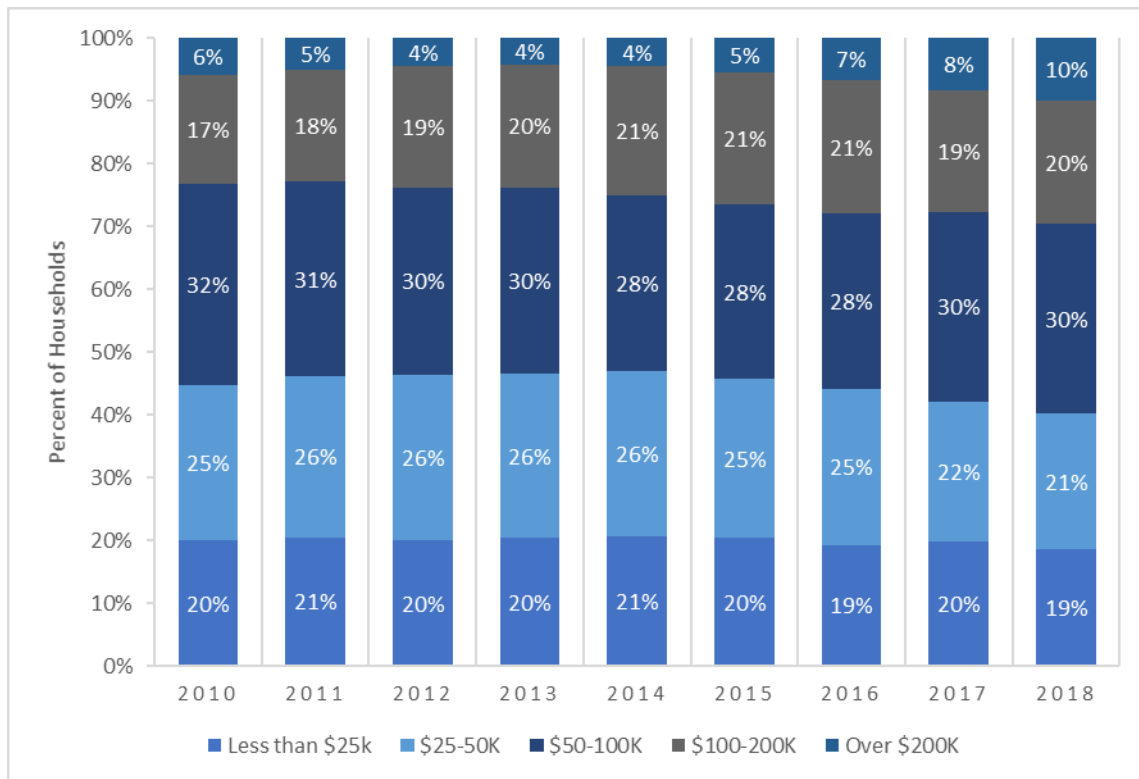


Household Income

Household income is a key characteristic of the residential population, which influences travel behavior. Census data over the last nine years show that household income in the region is trending upwards towards higher incomes (ACS 2010-2018). Median annual income for households nationally rose to \$61,937 in 2018, within California it is \$75,277, and in Nevada it is \$58,646 (Guzman 2019). Median income in the Tahoe Region has grown over the last five years as the region emerged from the Recession and is now close the national average. However, the proportion of households earning less than \$25,000/year annually has remained at relatively stable, at about 20% of households. Between 2010 and 2018 the number of households earning over \$200,000/year grew by 67% and those earning between \$100,000 and \$200,000 increased by 11%. Despite these gains, households earning less than

\$100,000/year outnumber households earning more than \$100,000/year by two to one. Some have suggested the decline in lower-income households has been driven by workers leaving the region in search of more affordable housing. The forecast projects that the relative distribution of household incomes will be maintained at the current level. Initiatives to provide workforce and affordable housing are expected to increase the regional housing availability at the lower end of income distribution.

Figure 7: Household Income Categories (% of Households - ACS 2010-18)



Addendum

COVID-19

The research and majority of the forecasts for the 2020 Regional Transportation Plan were developed prior to the impact of COVID-19 on our community and the world. The immediate impact of COVID-19 on our community has been severe. Both states issued stay-at-home orders and the casinos, ski resorts and many other businesses closed in March 2020, furloughing or laying off thousands of employees. The Lakeside Inn and Casino announced that it would not reopen. The hotels, motels, restaurants, bars, and many of the recreation areas, beaches and parks that are the lifeblood of our tourism-based economy were closed for weeks. The impacts on transportation were apparent in the traffic volumes around the region. In early May, VMT in the counties that make up the Tahoe region was estimated to be down 30-50% from levels observed in the same period in prior years.

The long-term impacts of COVID-19 on the region are uncertain. Some believe that the job losses, business closures, and economic hardship will continue. Others think that urban flight will result in a mass movement from cities to rural areas, as remote work continues and people seek to escape crowded cities for open spaces, resulting in massive population shifts and increased housing needs in the region.

Given this uncertainty, staff recommends maintaining the above assumptions for the forecast scenarios even in light of the COVID -19 pandemic and associated economic downturn. The Harvard Business Review (HBR) recommends that in “moments of unprecedented uncertainty”, one must “know when not to make a forecast” (Saffo, 2007). HBR suggests that “even in periods of dramatic, rapid transformation, there are vastly more elements that do not change than new things that emerge” (Saffo,2007).

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Attachment B
Draft Data Trends Report

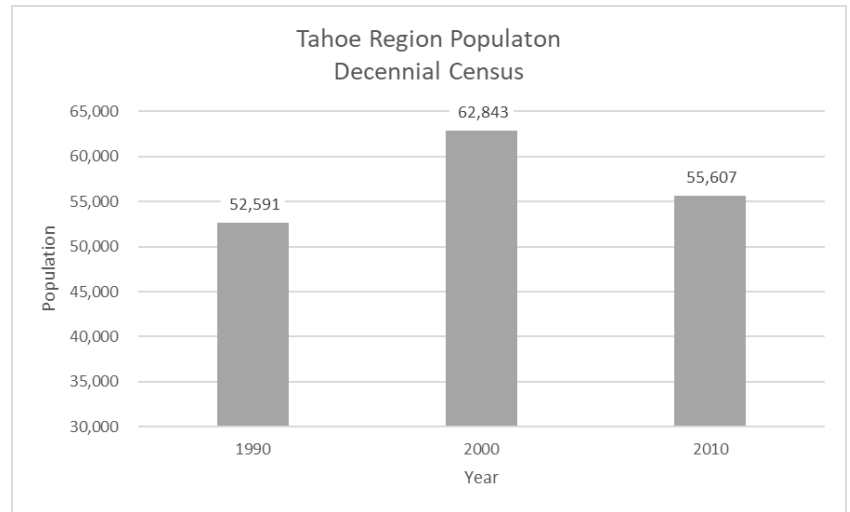
Appendix B: Regional Data Trends Report

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Residential Population

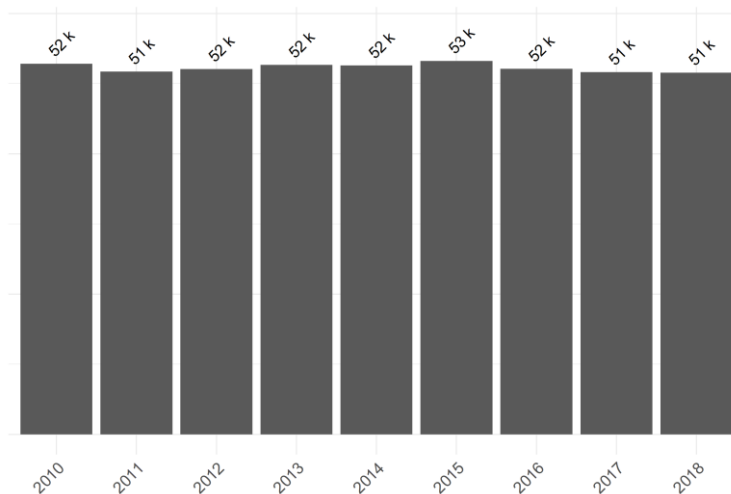
Both California and Nevada have experienced significant population growth in the last 30 years. The population in the Tahoe region has not grown at nearly the same rate. The last three decennial census' demonstrate the divergence between population trends in the Tahoe Region and the two states as a whole. Between 1990 and 2010, Nevada's population more than doubled (1.2 to 2.7 million) and California's population increased by 25% (29.7 to 37.3 million). While the two states added nearly 9 million people, the population of the Tahoe region grew by just 3,016 persons or 6% during this period. The slight increase between the 1990 and 2010 decennial census population masks divergent trends in the last decade of the 20th century and first decade of the 21st; the region's population grew by almost 20% between 1990 and 2000, before declining by 11.5% between 2000 and 2010.

Figure 1: Tahoe Population (1990-2010)



In more recent years, the 2018 American Community Survey (ACS) 5-year U.S. census estimates suggest that the population for the Region has been relatively flat, having declined only slightly between 2010 and 2018. We rely on these statistics cautiously because the margin of error is larger than the estimated change. The decline in resident population in the Tahoe Region between 2010 and 2018 was in stark

Figure 2: Tahoe Population (ACS 2010-18)



contrast to the growth in the states of California and Nevada.

While the change in Tahoe's resident population appears to be anomalous in the context of population growth in the two states, it is consistent with declining populations in rural areas throughout the country (USDA 2018). Rural populations nationally began declining in 2010 and have only

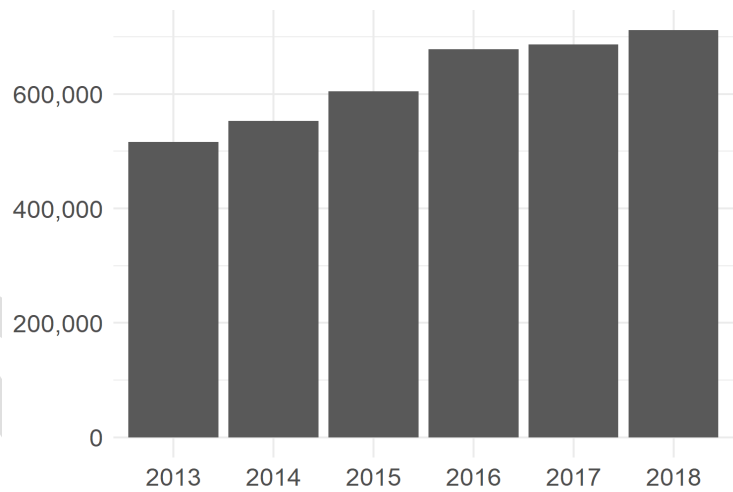
recently shown signs of stabilizing (USDA 2018). The recent stabilization in overall rural populations has driven by population growth in communities with scenic amenities or qualities that make them retirement or recreation destinations (USDA 2018).

Overnight Lodging Occupancy

Overnight lodging occupancy is a key forecast variable, which influences the number of visitors within the forecast.

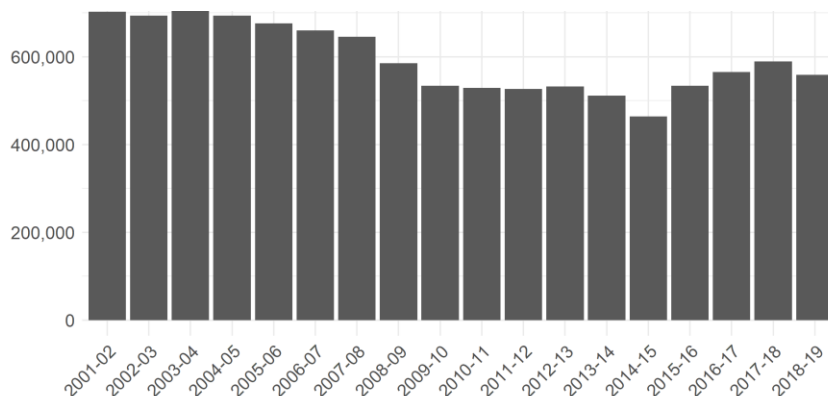
The forecast projects 14.5% increase in occupied lodging units, from 6,190 occupied rooms in 2018 to 7,086 occupied rooms in the year 2045. This increase is the result of an increase in the overall number of overnight lodging units, as well as the impact of Measure T. The forecast assumes that 50% of the visitor parties that would previously stay in STRs within the city limits would now stay in hotels, motels, resorts, or casinos.

Figure 3: CSLT - Hotel/Motel Rooms Rented (2013-18)



This forecast also aligns with recent observed trends in overnight lodging occupancy, which

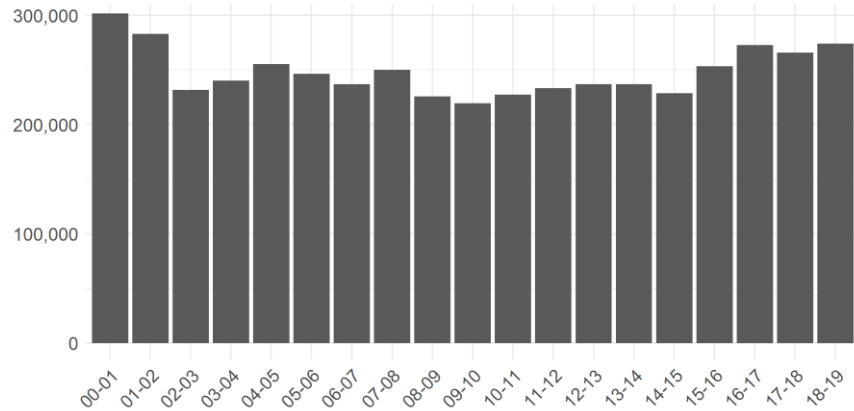
Figure 4: Douglas County (Tahoe) - Casino Rooms Rented



show generally flat or increasing occupancy in recent years, depending on

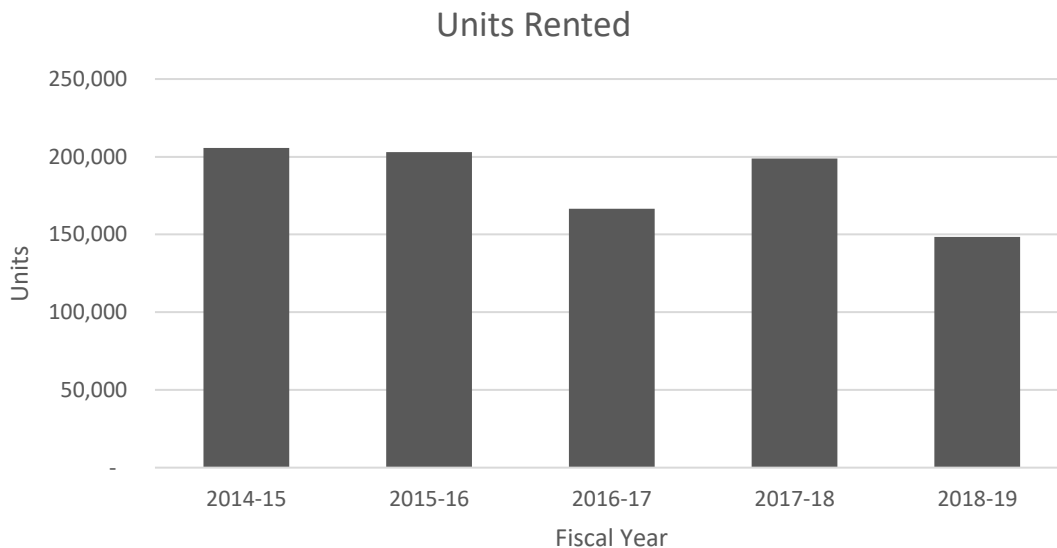
location. Between 2013 and 2018, the number of hotel/motel rooms rented in the city of South Lake Tahoe increased by 37%. On the other hand, Douglas county casino occupancy (South Shore) has declined over the

Figure 5: Washoe County (Tahoe) - Lodging Rooms Rented



last two decades (Douglas County Room Tax Reports, 18-19); total rooms sold in the 2018-2019 fiscal year was 80% of the number sold in 2001-2002. The majority of the decline in Casino occupancy occurred between 2000-2010, and more recently occupancy has been relatively stable. Occupancy in Washoe county has varied between years over the last 20 years but overall is generally flat. The five-year average number of rooms rented between 2000-2005 is just 2% higher than the most recent five-year average 2015-2019.

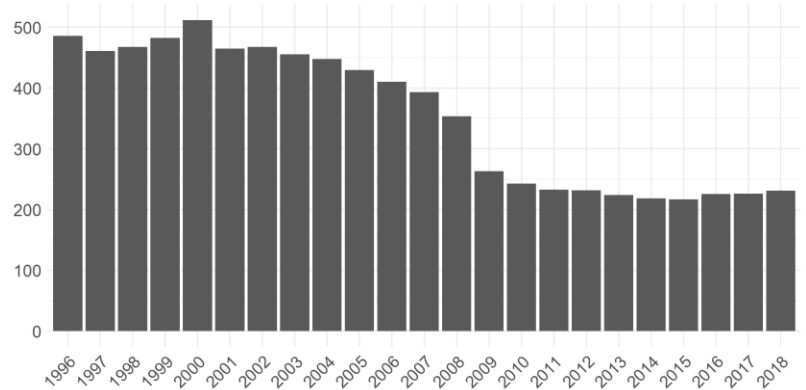
Figure 6: Placer County (Tahoe) – Units Rented



Gaming Revenue

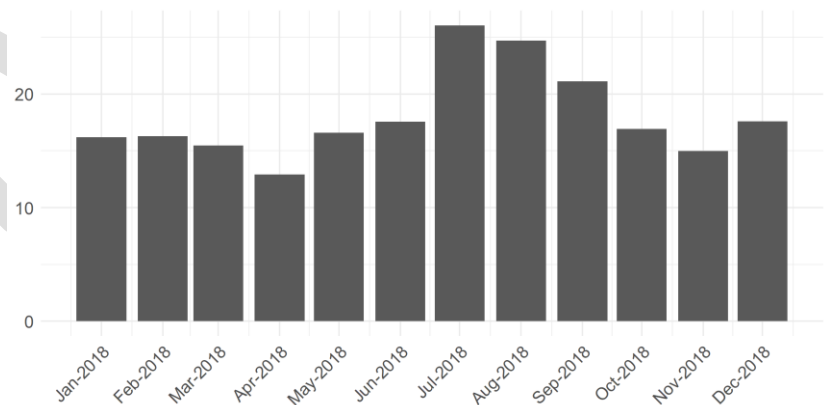
Gaming revenue is an important metric in the Tahoe region because of the historic and present-day attraction of visitors to the casino industry. Although the casinos still attract a large number of visitors traveling to the region, within the last 20 years gaming revenue in Tahoe has declined significantly. Adjusted for inflation, revenue in 2018 was half of what it was during the decade between 1996-2005 (LTVA-NGCB 2019). Gaming revenues steadily declined between 2005 and 2010 but have been relatively stable over the last five years.

Figure 7: Tahoe Casino Gaming Revenue (\$M)



On average, 90% of gaming revenue in the Region is generated on the South Shore and exhibits strong seasonal patterns. Revenue generally peaks during the highest levels of visitation, which occur in July. Over the last five years, monthly average revenue has been \$18 million. Monthly average revenue peaks in July, when it has averaged \$26 million, more than double average revenue in April (\$12.9). Partitioning monthly revenue into quartiles, a distinct high season (July, August, September) can be identified, where revenue averages nearly \$24 million.

Figure 8: 2018 Monthly Tahoe Casino Gaming Revenue (\$M)



Monthly revenue remains within a relatively narrow band for six months of year (January, February, May, June, October, December) when revenue average \$16.9 million and varies by less than a million dollars on average. A less distinct low season (March, April, November) is also visible when revenue remains under 16 million and averages \$14.5 million. Employment in the gaming sector has followed the larger trend of gaming revenues of the last 20 years. In 2018, the South Shore casino employed 3,118 people, a 45% decline from the 5,660 employed 15 years earlier (NGCB 2003, 2018).

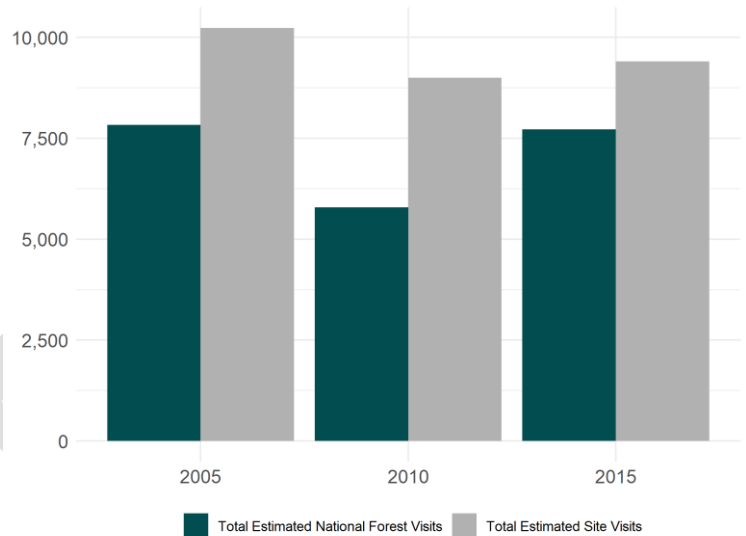
Forest Service Visitation

The U.S.D.A. Forest Service (USFS) owns and manages approximately 78% of the land area in the Tahoe Region, including nearly 155,000 acres of beaches, campgrounds, developed recreation areas and hiking/biking trails. Every five years the USFS conducts its National Visitor Use Monitoring (NVUM), which “provides reliable information about recreation visitors to national forest system managed lands at the national, regional, and forest level.” USFS standardized the NVUM survey methodology in 2005 and three surveys (2005,2010,2015) are available for the Tahoe region (USFS LTBMU 2018, 2019a, 2019b).

USFS does not recommend comparing visitation data collected prior to 2005 to the NVUM data sets. The survey quantifies visitation across a number of dimensions, but to assess overall trends in aggregate visitation in the Tahoe region, two measures stand out for their importance: Total Estimated Site Visits and Total Estimated National Forest Visits. Total Estimated Site Visits count the number of individual visitors to each National Forest site or area to participate in recreation activities in a national forest. Individual visitors that visit multiple sites in the same national forest are counted individually in this measure. Total Estimated National Forest Visits quantifies the total number of visitors to the national forest. Total Estimated Site Visits reflects the number of people estimated to have visited the individual sites (e.g., Nevada Beach, Meeks bay) so is likely to best reflect the experience of visitors to individual forest sites.

Visitation to the LTBMU sites appears relatively stable over the period between 2005 and 2015 (USFS LTBMU 2018, 2019a, 2019b). Both Total Estimated National Forest and Site Visits declined significantly during the recession, as evidenced by the 2010 data (USFS LTBMU 2018, 2019a, 2019b). The 2015 survey revealed that visitation had recovered nearly to pre-recession levels. In 2015, site visits were 8% lower than pre-recession levels, and total number of visitors was just 1.5% lower than in 2005.

Figure 9: Lake Tahoe Basin Management Unit (USFS) Visitation

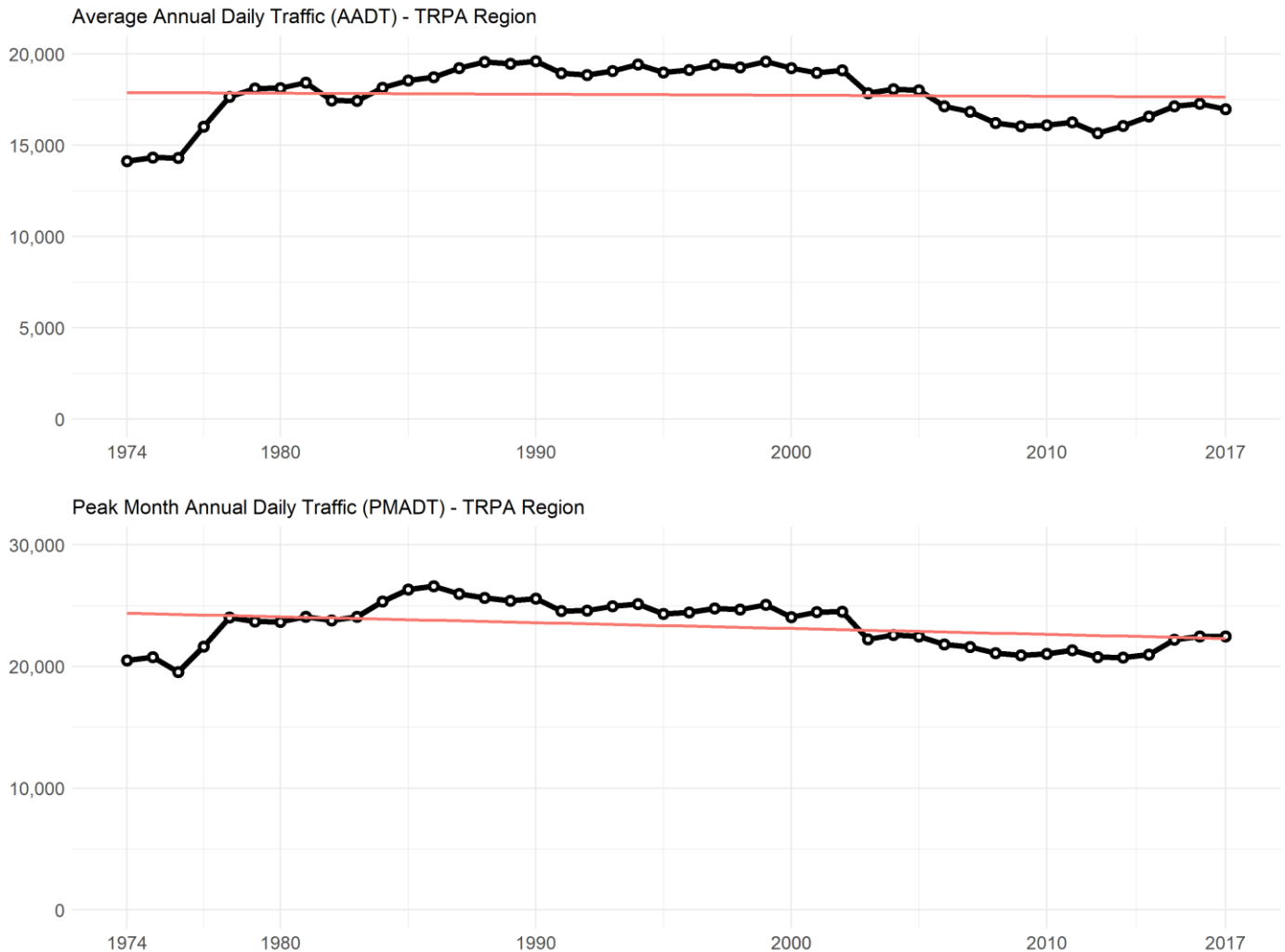


Traffic Volumes

Future year traffic volumes are a key forecast output which help TRPA understand potential future traffic conditions and create appropriate plans and policies. Trends in historic traffic volume will not necessarily continue into the future but can provide an indication of potential visitation and residential travel scenarios. Moreover, historic observations can help ground truth and put the forecasted volumes in perspective.

Historic traffic volume data is available for 20 different permanent traffic count stations that have been maintained by Caltrans and NDOT on highways throughout the Tahoe region for several decades (CalTrans and NDOT). The available data shows an annual average of between 14,000 and 20,000

Figure 10: Average Traffic Volumes Over Time -TRPA Region



Average Annual Daily Traffic (AADT) from as far back as 1974. The highest AADT occurred in 1990 at 19,600, while the most recent year (2017) was estimated at just under 17,000. AADT was the highest during the 1980s and 1990s, fell during the 2000s, and then has generally been on an upward trend during the last 10 years. It is important to note that AADT represents an estimate of daily traffic throughout an entire year. Data for Peak Month Annual Daily Traffic (PMADT) in the region, which represents the typical traffic volumes during the peak travel month, shows a similar flat trend; volumes were the highest during the 1980s and 1990s, fell during the 2000s, and have been generally increasing in the last 10 years.

Although the aggregate trend for all 20 count stations in the region is relatively flat, the trends for different count stations in different areas can vary significantly. There are more count stations with an increasing AADT trend than there are with a decreasing or flat trend. For example, there are a several stations on the North Shore with increasing AADT trends, such as SR 267 and DL Bliss, while several stations on the South Shore show noticeable decreasing trends. For example, AADT on SR 89 at DL Bliss has doubled since the 1970s and SR 267 at North Avenue increased by 119%. On the other hand, AADT at Park Avenue in the Heavenly Village shows the most prominent decreasing trend of any station in the region; counts at this station in 2017 were 23% lower than those in 1974 and 44% lower than the peak year of 1988. Other stations around the South Shore, such as Stateline, Al Tahoe, and Tahoe Keys, show noticeable decreasing trends. Although a handful of sites outside of the South Shore showing increase AADT trends, the decreasing trend in the South Shore influences an overall regional flat pattern in AADT. For the peak travel periods, the trends for PMADT at individual stations are similar but slightly less pronounced; stations on the South Shore show a decreasing trend while stations in other portions of the region show flat or increasing traffic volumes

Figure 11: Traffic Count Stations

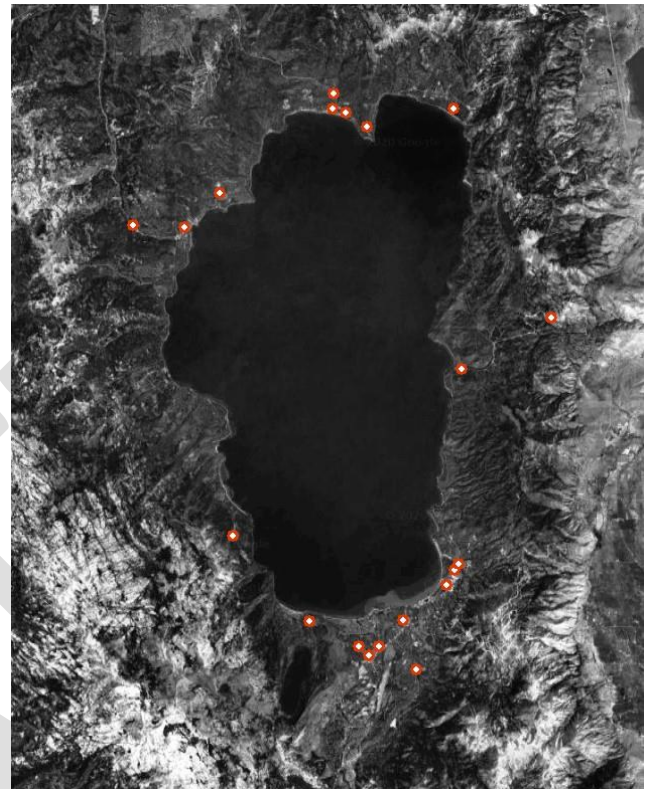


Figure 12: Traffic Station Annual Average Daily Traffic (AADT) Over Time - TRPA Region

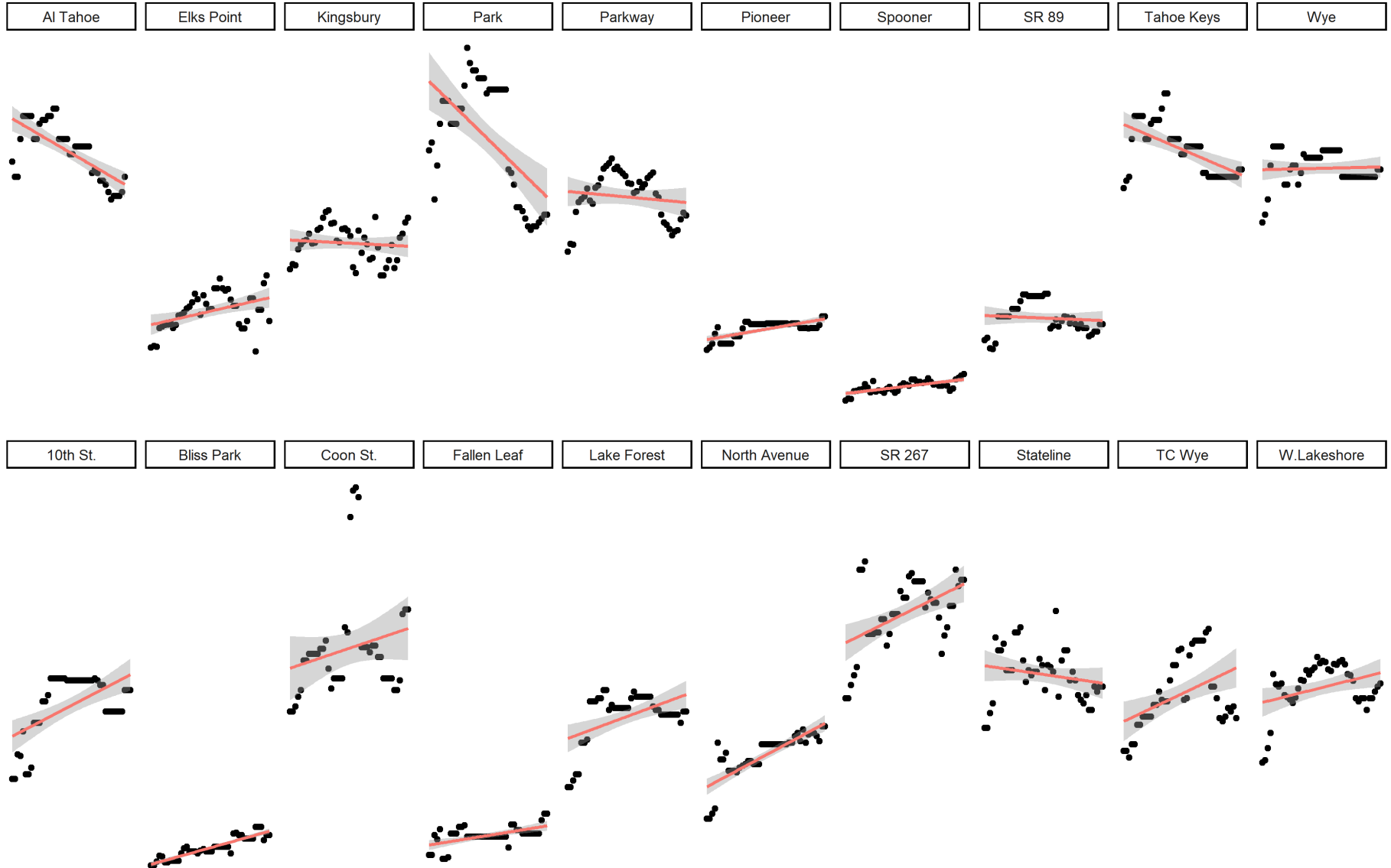
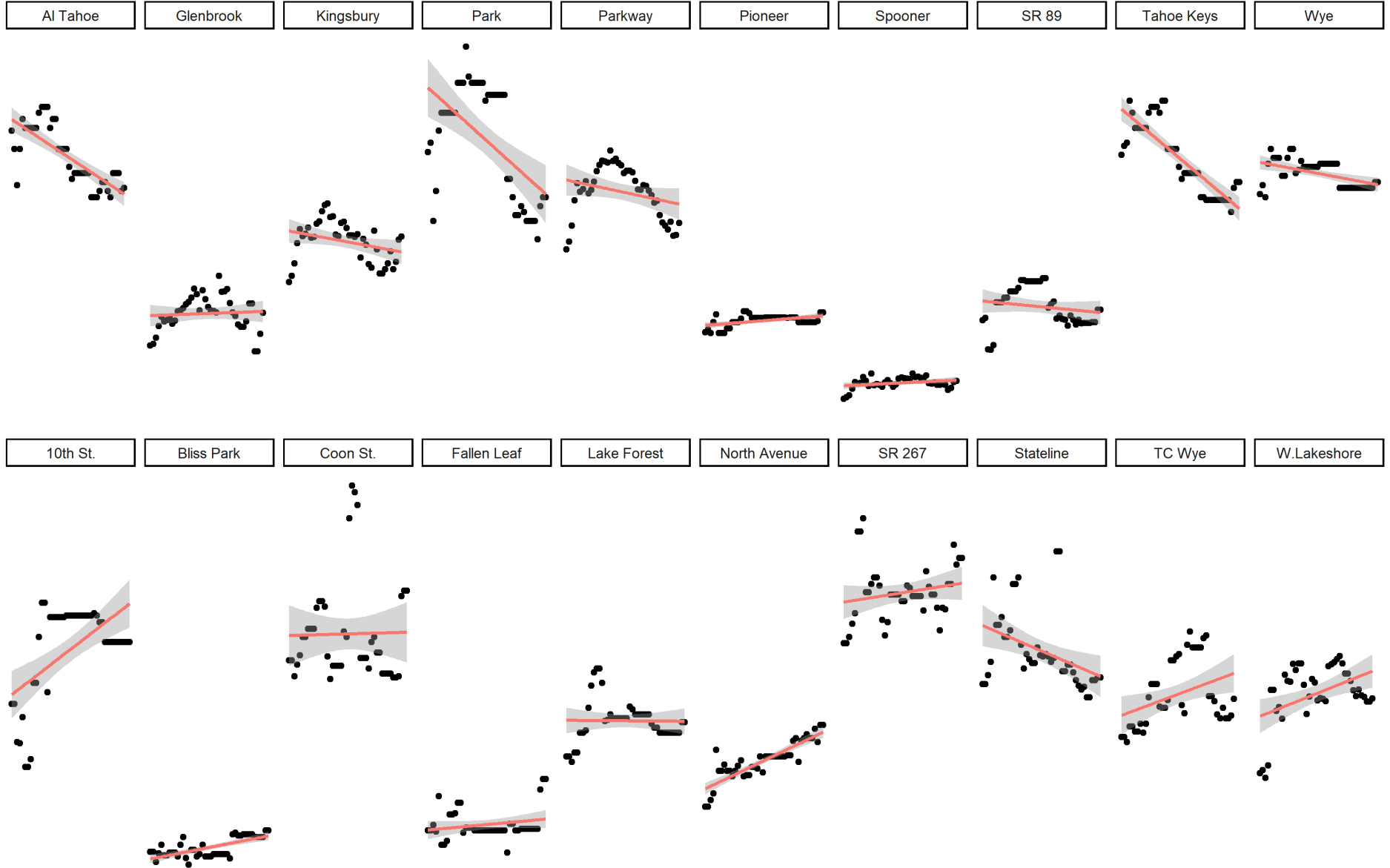


Figure 13: Traffic Station Peak Month Average Daily Traffic (PMADT) Over Time - TRPA Region



Regional Development Trends

The TRPA Lake Tahoe Regional Plan, Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and other agency documents must assess their environmental effects. Prior agency documents, including the 2012 Regional Plan and 2017 RTP/SCS took a conservative approach by assuming complete build out (100% utilization of all remaining development rights) by 2035. This methodology assessed environmental impacts if the Basin were to reach maximum development capacity. However, the observed rate of development in the six-year period after the adoption of the 2012 Regional Plan (2013-2018) has significantly lagged behind the rates that were forecasted in both the 2012 Regional Plan and the 2017 RTP/SCS (Table 1).

Table 1: Years to Build Out, Previously Forecasted Rates and Observed Rates of Development

	Remaining Development Rights	Observed Rate	Prior Forecasts		Rate Required to Achieve Build Out by 2035
		Actual Rate of Utilization 2013-2018 (per year)	2012 RP Utilization Rate (per year)	2017 RTP/SCS Utilization Rate (per year)	
CFA	556,796	6,988	25,374	28,475	32,753
TAU	342	0	15	17	20
Residential Allocations	2,234	72	130 (to 2032)	144 (to 2032)	131 (186 by 2032)
Residential Bonus Units	1,609	2	74	87	95

In order to account for full build out of the plan, the 2017 RTP/SCS accelerated the forecasted rate of utilization from the 2012 RP for the remaining development rights. For example, the 2012 Regional Plan assumed that 130 residential allocations would be used each year until the allocation pool would be exhausted in 2032. The 2017 RTP/SCS increased the forecasted rate per year to 144 units through 2032. For the 2020 RTP/SCS, in order to maintain the assumption of full utilization of development rights by 2035, the forecasted rates would have to be accelerated again. For example, to maintain the forecast of utilizing all residential allocations by 2035, we would have to assume a rate of 131 per year for the current RTP/SCS.

1. Build Out Assumptions

The Regional Plan caps development capacity in the Basin using allowable land coverage and the development rights program. As of 2018, the Region is 93% built out (Table 2) relative to these Regional Plan caps.

Table 2: Regional plan development capacity of each development right.

	Existing (includes banked)	Remaining Allocations (Non-TRPA)	TRPA Bonus /Incentive Pools	Total Development Potential
Commercial Floor Area (CFA)	92.0%	5.3%	2.6%	100.0%
Tourist Accommodation Units (TAUs)	97.1%	1.1%	1.8%	100.0%
Residential (RUUs, RBUs and Residential Allocations)	92.5%	4.4%	3.1%	100.0%
All Development Rights	93.1%	4.2%	2.8%	100.0%

Note: Rights expressed as a fraction of total development, that is constructed or banked (existing), remaining in allocation pools held by local jurisdictions, and remaining in TRPA bonus/incentive pools.

The sections below provide a more detailed discussion of the observed utilization rates and the previously forecasted rates by each development right type.

1.1 Residential Allocations

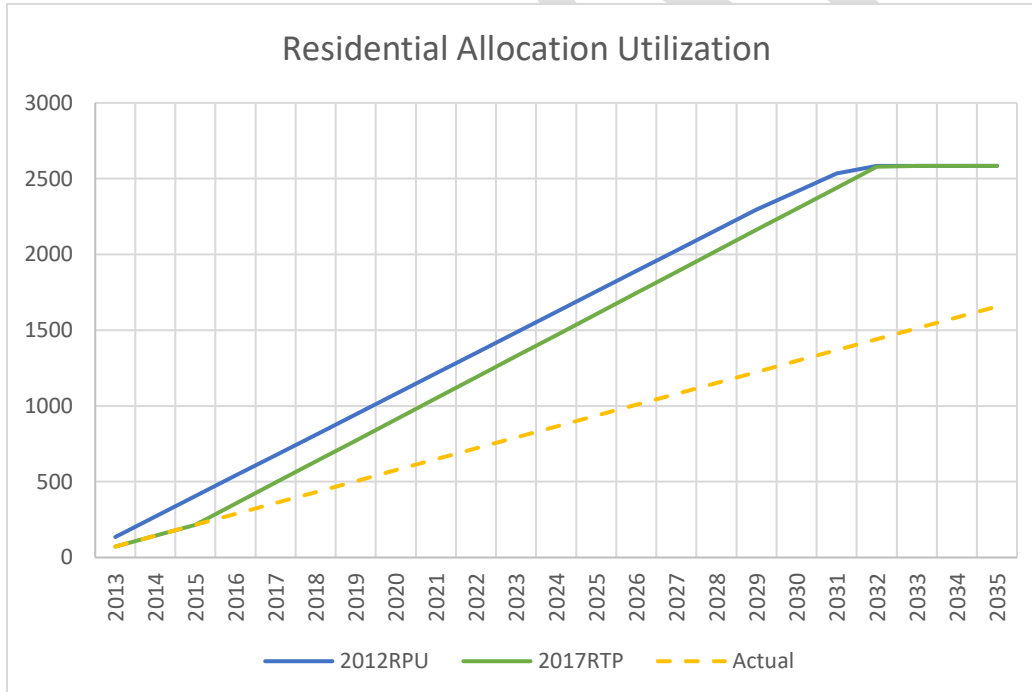
There are currently 2,234 residential allocations remaining that can be constructed for residential development. Every year, TRPA releases 120 residential allocations to the local jurisdiction pools and 10 units are released into the TRPA residential allocation incentive pool. Since 2013, an average of 72 residential units per year have been allocated to projects by TRPA and the local jurisdictions from these pools. The current rate of residential allocation use is 47% lower than was forecast in the 2012 Regional Plan and 32% lower than the 2017 Regional Transportation Plan forecast. The 2017 RTP forecasted that all remaining residential units would be constructed at a rate of 130 per year until the remaining supply was exhausted in 2032. At the rate of utilization over the past six years (72 units per year), the pool would not be exhausted until 2050, 31 years from now. Table 3 shows the historical rate of utilization

for residential allocations, as well as the rates necessary to achieve full use of residential allocations by 2035 and 2045 respectively.

Table 3: Residential Allocations, Previously Forecasted Rates and Observed Utilization Rates

	Observed Rates		Utilization Rates Needed to Reach Full Build-Out	
	1987-2018 Rate	2013-2018 Rate	By 2035	By 2045
Residential Allocations	200 / year	72 / year	131 / year	83 / year

Figure 14: Residential allocation utilization since the adoption of the 2012 Regional Plan, relative to the forecasted rate of utilization in the 2017 Regional Transportation Plan and the 2012 Regional Plan. The ‘actual’ line uses the development rate observed between 2013-2018 to forecast the rate between 2019-2035.



1.2 Residential Bonus Units (RBUs)

Residential bonus units are awarded as an incentive for affordable, moderate-income, achievable, or workforce housing¹ or for the retirement of a sensitive parcel. A total of 10 residential bonus units have been allocated to projects since 2013, a rate of just under two per year. The 2017 RTP forecasted that all remaining residential bonus units would be utilized by 2032, including the utilization of 399 units by 2020. The current rate of utilization is just 3% of the forecast used in the 2017 RTP. There are currently 1,609 residential bonus units remaining in TRPA and local jurisdiction pools.

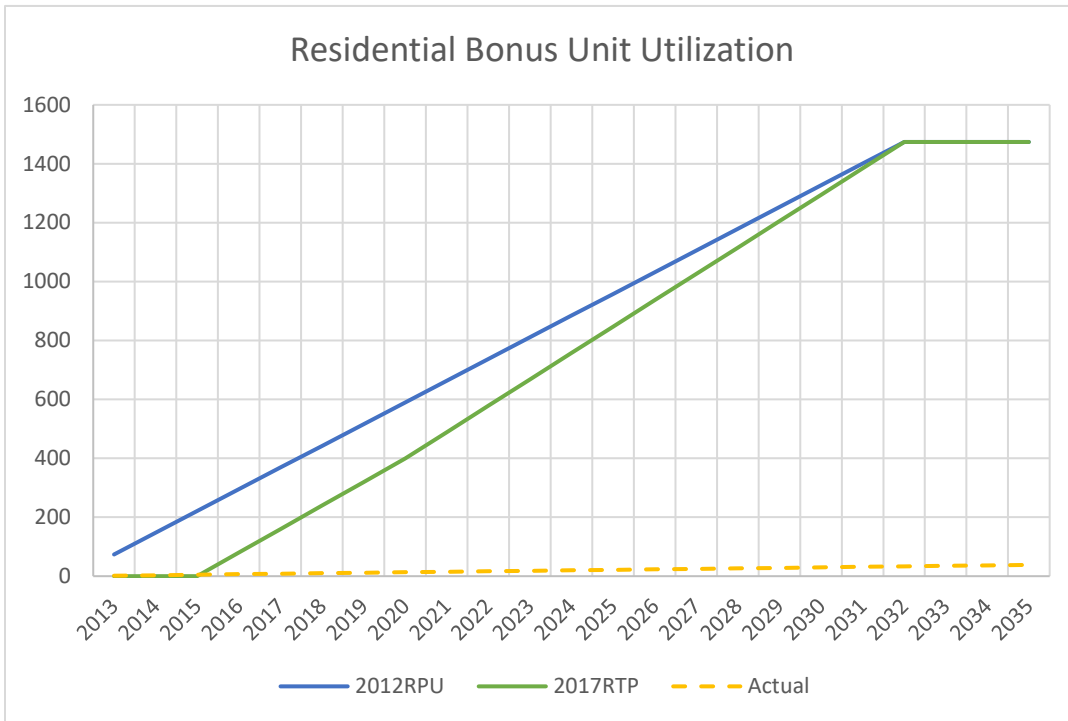
The table below (Table 9) shows the historical rate of utilization for residential bonus units, as well as the rates necessary to achieve full build-out of residential bonus units by 2035 and 2045 respectively.

Table 4: Residential bonus unit utilization between 1987-2018, 2012-2018, and required future rates to utilize all remaining units by 2035 and 2045 respectively.

	Observed Rates		Utilization Rates Needed to Reach Full Build-Out	
	1987-2018	2012-2018	Rate to Utilize All	Rate to Utilize All
	Rate	Rate	Units by 2035	Units by 2045
Residential Bonus Units	16 / year	2 / year	95 / year	60 / year

Figure 15: Residential bonus unit utilization since the adoption of the 2012 Regional Plan, relative to the forecasted rate of utilization in the 2017 Regional Transportation Plan. The ‘actual’ line uses the development rate observed between 2013-2018 to forecast the rate between 2019-2035.

¹ TRPA defines “affordable” homes as for ownership or rental by families who make up to 80% of Area Median Income (AMI), “moderate” as homes that are affordable for ownership or rental by families who make between 80% and 120% of AMI, and “achievable” as a variable percentage based on the area median income, buying power, and the median-priced home for the area.



1.3 Commercial Floor Area (CFA)

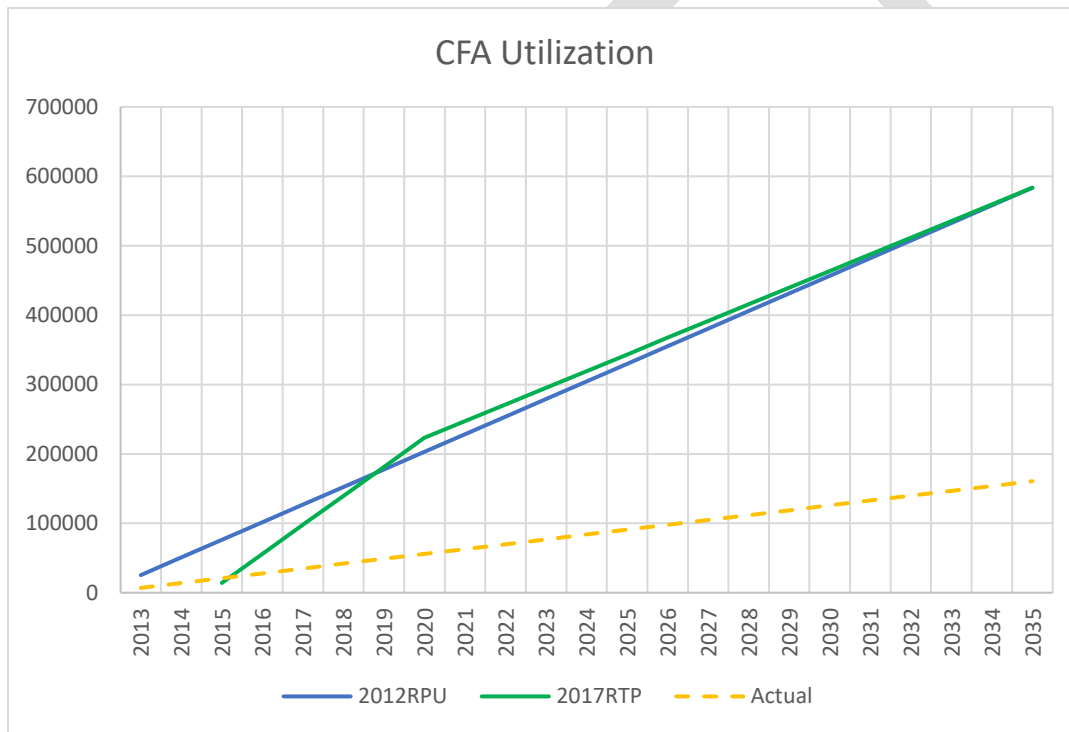
There is currently more than 556,000 square feet of un-used commercial floor area in TRPA and local jurisdiction community/area plan pools. Since 2013, a total of 41,928 square feet of CFA have been allocated to projects; an average rate is 6,988 square feet of CFA per year. The 2017 RTP modeled the complete build-out of all remaining CFA between 2015 and 2035, equivalent to an annual rate of 28,475 sq. ft per year. That allocation rate is more than four times the current allocation rate, and more than double the rate of CFA allocations observed since adoption of the 1987 Regional Plan (14,430 square feet per year). At the current rate of utilization, the remaining CFA would not be completely developed for 80 years. Table 5 shows the historical rate of utilization for commercial floor area, as well as the rates necessary to achieve full use of CFA by 2035 and 2045 respectively.

Table 5: Historical commercial floor area utilization between 1987-2018, 2012-2018, and required future rates to utilize all remaining CFA by 2035 and 2045 respectively

	Observed Rates	Utilization Rates Needed to Reach Full Build-Out

	1987-2018 Rate	2012-2018 Rate	Rate to Utilize All CFA by 2035	Rate to Utilize All CFA by 2045
Commercial Floor Area (sq. ft.)	14,430/ year	6,988 / year	32,753/ year	20,622 / year

Figure 15: CFA utilization since the adoption of the 2012 Regional Plan, relative to the forecasted rate of utilization in the 2017 Regional Transportation Plan. The ‘actual’ line uses the development rate observed between 2013-2018 to forecast the rate between 2019-2035.



1.4 Tourist Accommodation Units (TAU)

No TAUs have been allocated to projects and constructed since adoption of the 2012 Regional Plan², and only 58 TAUs have been allocated since the adoption of the 1987 Regional Plan. The 2017 RTP forecasted full build-out of all TAUs by 2035. The forecast projected that 180 TAUs would be constructed

² Recently constructed tourist accommodation projects at Zalanta and Edgewood Lodge used banked and/or transferred units, and therefore did not receive allocations from TRPA or local jurisdictions.

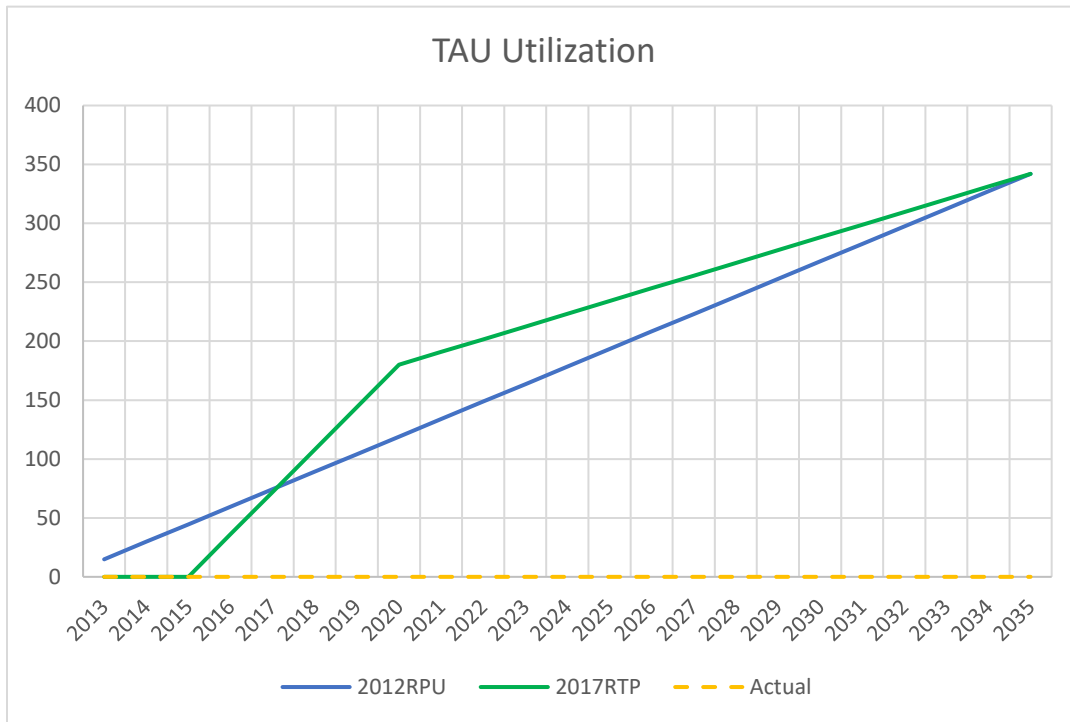
by 2020, and the remaining 162 TAUs would be allocated through the bonus program and constructed by 2035.

Several projects have been approved for TAU allocations, but not yet constructed: Boulder Bay was approved for 50 Tourist Bonus Units allocated from TRPA (in addition to transferred and converted TAUs) and Homewood Mountain Resort was approved for 50 Tourist Bonus Units allocated by TRPA (in addition to transferred TAUs). Table 6 shows the historical rate of utilization for TAUs as well as the rates necessary to achieve full use of TAUs by 2035 and 2045 respectively.

Table 6: Historical tourist accommodation unit utilization between 1987-2018, 2012-2018, and required future rates to utilize all remaining TAUs by 2035 and 2045 respectively.

	Observed Rates		Utilization Rates Needed to Reach Full Build-Out	
	1987-2018 Rate	2012-2018 Rate	Rate to Utilize All Units by 2035	Rate to Utilize All Units by 2045
Tourist Accommodation Units	2 / year	0 / year	20 / year	13 / year

Figure 16: TAU utilization since the adoption of the 2012 Regional Plan, relative to the forecasted rate of utilization in the 2017 Regional Transportation Plan. The ‘actual’ line uses the development rate observed between 2013-2018 to forecast the rate between 2019-2035.



Development Right Conversions and Transfers

Since the last RTP, TRPA adopted significant changes to the development rights program to add flexibility and promote conversions and transfers. Determining whether and how these changes are incorporated into the development forecasts will be key to the future scenarios for land use.

2.1 Transfers

The Regional Plan allows for the transfer of existing development rights and residential allocations provided from one parcel to another. (TRPA Code of Ordinances Section 51.5) The plan also provides incentives to encourage environmentally beneficial transfers that: 1) remove development in environmentally sensitive areas and transfers to less sensitive areas; and 2) relocate development from remote areas into town centers which have more suitable access to infrastructure, services, and transit.

The 2017 RTP included assumptions for the rate of transfers and the location of sending and receiving parcels for each development type. These assumptions were based on utilization of the transfer incentive programs to entice to relocation of development from SEZs, Sensitive Lands, and remote area areas into Centers. No transfers were modeled to reflect transfers to areas outside of town centers. However, observed transfers over the past several years have facilitated the removal of development rights from sensitive lands, but have not centralized development into town centers.

1 Residential

The 2017 RTP forecasted that 143 existing residential units (49 by 2020) and 1,109 residential development rights (367 by 2020) would be transferred into town centers through 2035 and would be awarded residential bonus units (196 and 785 units respectively) as transfer incentives. The forecast assumed that 34 existing residential units would be removed from SEZs, 22 from other sensitive areas and 87 from high-capability lands.

Observed transfers of residential development rights have moved development off SEZ and sensitive lands but have not concentrated development into town centers. Residential transfers between 2013-2018 facilitated the removal of 61 units from Stream Environment Zones. 58 of those units were relocated to non-sensitive lands, and the remaining three units were transferred to other sensitive lands. While the transfers have removed residential units from sensitive areas, they have not centralized development. Residential transfers in the past five years resulted in the net removal of 25 residential units from town centers, transferring 16 to neutral areas (areas within one-quarter mile of town centers) and 9 to remote areas located more than one-quarter mile from town centers.

2.1.2 Commercial Floor Area

The 2017 RTP forecasted that all CFA transfers would leverage the incentives of the Regional Plan and utilize the full TRPA bonus pool of CFA. The RTP forecast also assumed the transfer of more than 120,000 square feet of CFA from SEZ into town centers. The RTP forecast included an overall increase of CFA in town centers of 360,000 square feet by 2035 and no additional CFA was projected to be built outside of town centers.

Observed transfers of CFA have concentrated more CFA in town centers, but have not altered the distribution of CFA between sensitive and non-sensitive lands. Since 2012, nearly 16,000 square feet of CFA have been transferred, and three-quarters of that CFA has been added to town centers, the other quarter was added to remote areas. No CFA has been transferred from SEZ or other sensitive areas to non-sensitive lands.

2.1.3 Tourist Accommodation Units (TAU)

The 2017 RTP forecasted that 54 TAUs would be transferred from SEZs into town centers, adding 162 TAU (with transfer bonus incentives) to town centers. Observed transfers of TAUs have decentralized the distribution of TAUs in the Region. As a result of transfers, 101 TAU have been removed from town centers, five have been removed from neutral areas and 106 added to remote areas³. Transfers have facilitated the removal of 97 TAU from SEZ and relocated to non-sensitive lands. Since the 2017 RTP, additional changes to the transfer of development rights program that should streamline TRPA processes, and facilitate additional transfer activity include (1) removing multi-jurisdictional permitting processes to facilitate transfers between jurisdictions (2) allowing transfers prior to a building project approval.

2.2 Conversions

Conversions provide property owners with flexibility while maintaining the overall cap on development potential in the Tahoe Basin. By allowing conversions between the different types of development rights using environmentally neutral exchange rates, TRPA hopes to encourage more redevelopment. The current conversion ratio is 600 CFA to 2 TAUs to 2 residential to 3 multi-family residential units. Conversions of development rights were not considered in the 2012 Regional Plan forecasts or for the 2017 RTP/SCS forecasts.

The ability to convert between different types of development rights is relatively new. However, a clear trend that has emerged from the conversions to date: a shift from TAUs and CFA to residential development. As a result of the conversions to date, 62 residential units have been added throughout the region, while the number of TAUs has been reduced by 52 and CFA reduced by 4,102 square feet

The total remaining development potential of each kind (with no conversions) is summarized in Table 8. TRPA allocations and bonus units cannot be converted, so they are not included in the conversion potential. Based on the existing conversation ratios, the table shows the maximum amount of development that could result if all development rights were converted to a single type. Based on this analysis, full build out of remaining development would be between 183,654 and 1,265,996 square feet

³ The distribution of tourist accommodation units was lower in town centers and higher in remote areas because of the Edgewood Lodge redevelopment project which constructed 154 tourist accommodation units—including 144 transferred from dated motels previously located in town centers—near the South Stateline resort area but just outside the town center boundary.

of CFA regionally, between 212 and 3,153 TAUs, and 1,609 and 5,904 residential units. Conversions influence the proportion of development of each type, such that the maximum amount of each type listed table 8 cannot be realized for all types simultaneously. Both zoning and land capability influence the potential to construct development on the ground.

Table 7: Remaining development rights inclusive of conversion potential.

	Remaining Allocations in Local Jurisdiction CP/AP Pools	TRPA Allocations / Bonus Units¹	Conversion Potential²	Total Remaining - no conversions	Total remaining - max conversions
CFA	373,142	183,654	709,200	556,796	1,265,996
TAU	130	212	2,811	342	3,153
Residential	2,234	1,609	2,601	3,843	5,904

¹The TRPA Allocation and Bonus Unit pools are not eligible for conversion.

²Conversion potential captures the additional amount of the development right if all other development rights were converted to it. Maximum residential build-out requires all CFA and TAU to be converted to multi-family. If all were converted to single family the total number of new residential units would be 1,374.

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STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Lake Tahoe Aquatic Invasive Species (AIS) Program Update: 2019 Achievements, and Priorities for Building Future Success

Summary:

Staff is not requesting a formal action from the Governing Board on this item. This item is informational only.

Background:

In 2019, the Lake Tahoe AIS program implemented projects related to the control, monitoring, and prevention of AIS in the Tahoe Region. The presentation will cover a general overview of the structure of the Lake Tahoe AIS program, a review of accomplishments and lessons learned in 2019, in addition the development of a ten year strategy to tackle existing species.

Contact Information:

If you have any regarding this item, please contact Dennis Zabaglo, Aquatic Resources Program Manager, at dzabaglo@trpa.org or (775) 589-5255.

STAFF REPORT

Date: May 20, 2020
To: TRPA Governing Board
From: TRPA Staff
Subject: Proposal for the 2020 Boat Inspection Fee Schedule

Requested Action:

Adoption of the attached Resolution 2020-__ (Attachment A) containing the 2020 Watercraft Inspection Fee schedule.

Staff Recommendation:

Staff recommends that the Governing Board adopt the proposed Resolution (Attachment A).

Required Motion:

To approve the proposed 2020 Watercraft Inspection Fee schedule, the Governing Board must make the following motion:

- I. A motion to adopt the proposed Resolution 2020-__ (Attachment A) approving the 2020 Watercraft Inspection Fee schedule.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Project Description/Background:

TRPA initiated the Aquatic Invasive Species (AIS) Watercraft Inspection Program (Program) to prevent the introduction and spread of AIS into the waters of the Lake Tahoe Region, and to facilitate compliance with TRPA Code of Ordinances Section 63.4. TRPA amended this Code Section in March 2009 and again in April 2011 to collect fees from the boating public to fund the Program. The Governing Board approved the current fee schedule in March 2019; Code Section 63.4 requires Governing Board approval of the fee schedule each year. The Program utilizes two different stickers to indicate that a boat has paid the appropriate fee for that season – one for boats that are exclusively used on Lake Tahoe (“Tahoe Only”) and one for boats launching on Lake Tahoe and other bodies of water outside of the Region (“Tahoe In and Out”). The Program also allows for a Single Inspection Pass with a reduced rate that is valid for one inspection at the inspection station and seven consecutive days of seal inspections at launch ramps. In addition to the annual sticker fees, the Program charges for each decontamination performed. The decontamination fee can be avoided if boaters adhere to the “Clean, Drain and Dry” practice the Program promotes.

Given the circumstances surrounding the global pandemic of COVID-19, the boating season in 2020 will be different than any other that has been experienced. Currently, boat inspections have been suspended to protect staff and the public, as well as to comply with the Executive Orders from the governors of Nevada and California. Launch facilities have also been closed and are beginning the process of reopening. TRPA

staff worked closely with the two states, local county officials and the launch facility operators to develop a phased approach to boating that follows the guidance within the Executive Orders. The phased approach starts with allowing previously sealed, or last year's "Tahoe Only" boats, to launch as no additional inspection is needed in order to launch and that they are predominantly local boaters. Future phases will be based on shelter in place and other guidance from state and local officials.

Given the uncertainty of what the season will look like, TRPA staff is not recommending any changes to the fee schedule for the 2020 season. Staff will assess the impacts of the season in the fall and winter and reevaluate the financial situation of the program to ensure a sustainable funding strategy.

The proposed fee schedule shown in Exhibit 1 does not include the \$12 Shoreline Program fee approved by the Governing Board in October 2018. The shoreline fees do not cover costs of the AIS inspections, rather they contribute to, among other items, control activities of existing species in the lake. The Shoreline fees will be collected at the time of sale of the AIS sticker.

Environmental Review:

None necessary.

Regional Plan Compliance:

The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 6 of the TRPA Code of Ordinances.

Contact Information:

For questions regarding this Agenda item, please contact Dennis M. Zabaglo, at (775) 589-5255 or dzabaglo@trpa.org.

Attachments:

- A. Resolution
 - Exhibit 1 – Fee Schedule

Attachment A

Resolution

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2020 –

RESOLUTION AMENDING THE WATERCRAFT INSPECTION FEE
AMOUNT AND SCHEDULE, EFFECTIVE MAY 2020 THROUGH APRIL 2021

WHEREAS, the introduction of aquatic invasive species such as quagga and zebra mussels pose a threat to the integrity of the Lake Tahoe Region’s ecosystem, recreation, water purveyance systems and economy in general; and

WHEREAS, Subparagraph 63.4.2.E of the TRPA Code of Ordinances as amended April 2011 requires that an owner and/or operator of a Boat Ramp (excluding Marine Railway Systems) or other Boat Launch Facility shall close any ramp or facility if the provisions of Subparagraphs 63.4.2.(A)-(C) are not met in order to prevent the launching of motorized watercraft; and

WHEREAS, Subparagraph 63.4.2.A of the TRPA Code of Ordinances as amended April 2011 further requires that all motorized Watercraft shall be inspected by TRPA or its designee prior to launching into the waters of the Lake Tahoe Region to detect the presence, and prevent the introduction of, aquatic invasive species; and

WHEREAS, Subparagraph 63.4.2.B of the TRPA Code of Ordinances as amended April 2011 further requires that all Watercraft inspected pursuant to Subparagraph 63.4.2.A shall be subject to decontamination if determined necessary by the TRPA or its designee; and

WHEREAS, Subparagraph 63.4.2.D of the TRPA Code of Ordinances as amended April 2011 further states that Inspections and decontaminations performed pursuant to Section 63.4 are subject to a fee related to the costs of performing such services and other Watercraft inspection program costs; and

WHEREAS, Subparagraph 63.4.2.D of the TRPA Code of Ordinances as amended April 2011 further states that the TRPA Governing Board will review and approve the fee amount and schedule annually; and

WHEREAS, during the April 2011 Board meeting, the TRPA Governing Board adopted Resolution 2011-07 making watercraft subject to a fee for inspection, decontamination and other program costs; and

WHEREAS, state funding from both California and Nevada has been secured to support aquatic invasive species inspections for 2020; and

WHEREAS, the Governing Board of the Tahoe Regional Planning Agency on September 24, 2008 directed staff to bring to the Board for consideration an equitable fee schedule; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency that the amount and schedule of the aquatic invasive species inspection fee effective May 2020 through April 2021 be maintained as shown in Exhibit 1 (attached);

AGENDA ITEM NO. VIII.A

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this 27th day of May 2020, by the following vote:

Ayes:

Nays:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency
Governing Board

Exhibit 1 to Attachment A

Fee Schedule

ATTACHMENT A, EXHIBIT 1

Staff Proposed Fees for 2020 Boating Season (effective April 2020 through April 2021)

Tahoe Only Stickers	Proposed Fee Amount*
All Sealed Vessels	\$33.00
Tahoe In & Out Stickers	Proposed Fee Amount*
Personal Watercraft (PWC)	\$43.00
Vessels 0.1 ft. - 17.0 ft.	\$43.00
Vessels 17.1 ft. - and Greater	\$83.00
Single Inspection Passes	Proposed Fee Amount*
Personal Watercraft (PWC)	\$38.00
Vessels 0.1 ft. - 17.0 ft.	\$38.00
Vessels 17.1 ft. - and Greater	\$63.00
Decontamination Fees	Proposed Fee Amount*
Decontamination (single system)	\$15.00
Complex Decontamination (multiple systems or wet ballasts)	\$40.00
Attached mussels	\$200.00
<i>*Fees do not include the \$12 Shoreline Program fee</i>	



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STAFF REPORT

Date: May 20, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Gilmartin/Akatiff/Telfeian New Multiple-Parcel Pier, 8778/8780/8782/8796 Brockway Vista Avenue, Placer County, California, Assessor's Parcel Numbers (APNs) 090-231-047, 048, 049, 050, TRPA File Number ERSP2019-1326

Summary and Staff Recommendation:

A new multiple-parcel pier is proposed to serve four littoral parcels located at 8778, 8780, 8782, and 8796 Brockway Vista Avenue in Brockway Vista, Placer County, California. The proposed pier extends 345.1 feet from High Water elevation of 6,229.1 and includes one 15-foot long catwalk and four boatlifts to serve each of the four parcels associated with the pier. The proposed pier complies with development and location standards for multiple-parcel piers serving four littoral parcels. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff summary and evidence in the required:

- 1) A motion to approve the required findings, including a finding of no significant effect.
- 2) A motion to approve the proposed project subject to the conditions in the draft permit (see Attachment B).

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

Shoreline Review Committee:

TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the permitting of projects. The subject project was reviewed and discussed at SRC on December 19, 2019. California State Lands Commission, U.S. Army Corps of Engineers, and California Department of Fish and Wildlife have not received applications for the proposed project and therefore provided no comments on the project.

Project Description/Background:

The project applicants received an allocation for a new multiple-parcel pier as a result of the multiple-parcel prioritization criteria. The project received a multiple-parcel pier allocation during the 2019 new pier allocation distribution. The new multiple-parcel pier will serve four littoral parcels located at 8778, 8780, 8782, 8796 Brockway Vista Avenue. There is a single family dwelling on each of the four parcels. Existing shorezone development for the project area includes a total of seven moorings:

AGENDA ITEM NO. VIII.B

APN 090-231-048 two mooring buoys
APN 090-231-047 one mooring buoy
APN 090-2231-050 two mooring buoys
APN 090-231-049 one mooring buoy and one lift

The proposed project involves constructing a new pier to extend 345.1 feet from the High Water Line elevation of 6,229.1, with a 3-foot by 15-foot catwalk at the pierhead. The pierhead will be 15 feet wide and will include four boatlifts. Existing moorings will be converted to boatlifts as a result of the project. The pier will straddle the property line between APN 090-231-047 and 090-231-050. The pier complies with all development and location standards for a multiple-parcel pier serving four parcels. The proposed project is located within the Placer County Tahoe Basin Area Plan – Brockway Subdistrict where piers are an allowed use.

Recognition of a Multiple-Parcel Pier:

New multiple-parcel piers are subject to the deed restriction requirements in TRPA code section 84.4.E which states “An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.” As a result of the project, the project area consisting of four parcels will be deed restricted to the following shorezone development:

APN 090-231-048: one mooring buoy and one lift
APN 090-231-047: one mooring lift
APN 090-231-050: one mooring buoy and one mooring lift
APN 090-231-049: one mooring buoy and one lift
All APNs: one multiple-parcel pier

The Governing Board may find the pier will be a multiple-parcel pier as it results in both the reduction of shorezone development potential and serves two or more primary residential littoral parcels, subject to deed restriction provisions.

2018 Shoreline Plan:

The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New single-parcel and multiple-parcel piers are allowed as a part of that plan. A maximum of 128 piers will be distributed over the life of the plan, and every two years TRPA will distribute allocations for single-parcel and multiple-parcel piers. In 2019, TRPA awarded five allocations for new single-parcel piers and seven allocations for new multiple-parcel piers. The allocations for multiple-parcel piers were awarded based on codified prioritization criteria. The seven applications that ranked highest per the prioritization criteria were awarded allocations and given six months to then submit complete project applications. Staff has analyzed the potential environmental impacts of the proposed pier and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

A. Scenic Quality:

The proposed project is located within Scenic Shoreline Unit 22, Brockway, which is not in attainment with the TRPA Scenic Threshold. Up to 520 square feet of visible mass is allowed for multiple-parcel piers serving four or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 452.29 square feet which counts towards the 520

square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 966.29 square feet. This means that 1,932.58 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area will achieve a Composite Scenic Score of 25 within 6 months of project completion by darkening some of the exterior materials. Existing vegetative screening will also contribute to the required mitigation.

B. Fish Habitat:

This property is located in mostly feed and cover fish habitat, with a small portion in marginal habitat. The new pier will have 54 new pilings for a total of 34.56 square feet of new lake bottom disturbance, to be mitigated at a 1:1 ratio. The proposed fish habitat mitigation consists of the construction of four (4) rock pyramids at 9 square feet each, resulting in 36 square feet of fish habitat mitigation. None of the proposed fender piles will create lake bottom disturbance because they do not extend to the lake bottom. The pier will be constructed using an open piling methodology, resulting in a pier that is 90 percent open.

As required by Chapter 36: *Mitigation Fee Requirements* of the TRPA Code of Ordinances, which requires \$60.00 per foot be paid for additional pier length to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a shorezone mitigation fee of \$21,706.00 for the construction of 345.1 additional feet of pier length (refer to Attachment B – Draft Permit).

C. Deed Restriction:

The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The four parcels associated with the project area will be deed restricted against future shorezone development and limited to the following shorezone development:

APN 090-231-048: one mooring buoy and one lift
APN 090-231-047: one mooring lift
APN 090-231-050: one mooring buoy and one mooring lift
APN 090-231-049: two mooring lifts
All APNs: one multiple-parcel pier

Setbacks:

TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40 foot setback from all other piers and 20 feet from the outer-most parcel boundary projection lines associated with the project area. The proposed pier complies with these setback requirements.

Pier Length:

TRPA Code, Section 84.4.3.C states “Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length may be permitted for piers serving three or more residential littoral parcels.” The new pier, extends 45 feet beyond elevation 6,219 Lake Tahoe Datum, which is the limiting factor for determining pier length. The additional 15 feet is allowed because the new pier serves four residential littoral parcels.

Environmental Review:

The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation (fisheries and scenic). Additionally, the property would be deed restricted limiting the four subject properties to one shared pier. The IEC is provided as Attachment D.

Public Comment:

Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Regional Plan Compliance:

The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds. The proposed project is for a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Contact Information:

For questions regarding this agenda item, please contact Tiffany Good, Principal Planner, at (775) 589-5283 or tgood@trpa.org.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. 2018 Shorezone Code Conformance Table
- D. Initial Environmental Checklist
- E. Proposed Site Plan and Elevations

Attachment A

Required Findings/Rationale

Attachment A

Required Findings/Rationale
Gilmartin/Akatiff/Telfeian New Multiple-Parcel Pier Construction

Required Findings:

The following is a list of the required findings as set forth in Chapter 4, 80, 82, and 84 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Placer County Tahoe Basin Area Plan – Tahoe Estates Subdistrict, the Code and other TRPA plans and programs.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an IEC. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available at TRPA and will be made available at the Governing Board hearing.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and Placer County to ensure the project will meet or exceed all federal, state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

2. Chapter 80 – Shorezone Findings:

- (a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

- (b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed multiple-parcel pier will be accessory to the primary upland residential uses located at 8778, 8780, 8782, and 8796 Brockway Vista Avenue.

- (c) Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

There are a number of private multiple-parcel and single-parcel piers within the immediate vicinity of the subject site. The proposed pier will not extend beyond the length limitations placed on multiple-parcel piers serving three or more residential littoral parcels and will therefore be compatible with the surrounding shorezone facilities.

- (d) Use: The use proposed in the foreshore or nearshore is water dependent.

The pier is located in the shorezone of Lake Tahoe and is therefore a water dependent structure.

- (e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

- (f) Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

The new pier will be constructed and the project area accessed via barge/amphibious vehicle in order to avoid unnecessary disturbance of the shorezone/backshore. All of the pilings will be driven with a vibratory hammer from the barge/amphibious vehicle. Once all of the pilings have been installed, the joists and decking will be constructed from the barge/amphibious vehicle. All steel pilings and accessories will be painted prior to being transported to the project site. All material storage will be on the barge/amphibious vehicle. Any upland access required would be fitted with temporary Best Management Practices (BMPs). The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe Yellow Cress.

- (g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pierhead line was established for the purpose of protecting navigation and safety. The southern corner of the proposed pier will extend beyond the pierhead by approximately 10 feet, but in accordance with the length limitations provided in TRPA code, Section 84.4.3.C. The project was taken to the Shoreline Review Committee on December 19, 2019, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project was taken to the Shoreline Review Committee on December 19, 2019 and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and Placer County.

- (i) Additional Findings for Coverage or Disturbance in the Backshore: The amount of land coverage is the minimum necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use in the nearshore or foreshore.

A granite access path is proposed, and will require 83 square feet of coverage in land capability 1b, lakeward of the backshore boundary. The granite access path is necessary for connection of the upland residences, down the moderately steep rock slope to the new pier. The permittee will be required to obtain restoration credits from the California Tahoe Conservancy at a ratio of 1.5 to 1 times the amount of coverage required for the proposed granite access path.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

The proposed project is located in Shorezone Tolerance District 7, where vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm. The pier will be constructed entirely from a barge/ amphibious vehicle on the lake. Access to the project area from the upland is prohibited except for necessary access paths for construction workers, and construction staging of equipment and material will not occur anywhere on the shoreline or on the upland portion of the property.

Attachment B

Draft Permit

Attachment B
Conditional Permit

PROJECT DESCRIPTION: New Multiple-Parcel Pier

APNs: 090-231-047, 048, 049, & 050

PERMITTEES: Mark Gilmartin, Henry Telfeian, Elizabeth Stage, and the Michael G. Akatiff and Christie D. Akatiff Revocable Living Trust

FILE #: ERSP2019-1326

COUNTY/LOCATION: Placer/ 8778/8780/8782/8796 Brockway Vista Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **May 27th, 2020**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **May 27th, 2023**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APNs 090-231-047, 048, 049, & 050

FILE NO. ERSP2019-1326

Excess Coverage Mitigation Fee (1): Amount \$ _____ Type Paid _____ Receipt No. _____

Excess Coverage Mitigation Fee (2): Amount \$ _____ Type Paid _____ Receipt No. _____

Excess Coverage Mitigation Fee (3): Amount \$ _____ Type Paid _____ Receipt No. _____

Project Security Posted (4): Amount \$ 10,000 Type Paid _____ Receipt No. _____

Security Administrative Fee (5): Amount \$ _____ Paid _____ Receipt No. _____

Shorezone Mitigation Fee (6): Amount \$ 20,706 Type Paid _____ Receipt No. _____

Notes:

- (1) Amount to be determined. See Special Condition 3.H, below.
- (2) Amount to be determined. See Special Condition 3.I, below.
- (3) Amount to be determined. See Special Condition 3.J, below.
- (4) See Special Condition 3.K, below.
- (5) Consult the TRPA filing fee schedule for the current security administration fee.
- (6) See Special Condition 3.L, below.

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

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

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit authorizes a new multiple-parcel pier to serve four littoral parcels located at 8778, 8780, 8782, and 8796 Brockway Vista Avenue in Brockway Vista, Placer County, California. The proposed pier extends 345.1' from High Water elevation of 6,229.1 and includes one 15-foot long catwalk and four boatlifts to serve each of the four parcels associated with the pier. The pierhead is 15 feet wide and 75 feet long and extends 45 feet from lake bottom elevation 6,219. The new pier complies with all development and location standards on the TRPA Code of Ordinances Chapters 80 through 85. Approval of this project also serves as TRPA recognition of the new pier as a multiple-parcel pier. The pier will be located on the joint property line between APN 090-231-050 and 090-231-047. The project includes granite stairs to serve as

access from the upland parcels to the pier. As a part of this project, the applicants will purchase and retire restoration credits from the California Tahoe Conservancy to allow for 40 square feet of Class 1b coverage associated with APN 090-231-047 and 43 square feet of coverage associated with APN 090-231-050, in accordance with TRPA Code Section 85.5.4 *Access to Structures or Uses in the Nearshore or Foreshore*. Existing shorezone development includes a total of seven moorings:

APN 090-231-048 two mooring buoys
APN 090-231-047 one mooring buoy
APN 090-231-050 two mooring buoys
APN 090-231-049 one mooring buoy and one lift

The four parcels associated with the project area will be deed restricted against future shorezone development and limited to the following shorezone development, reflective of four existing moorings to be converted to four boatlifts (See Special Condition 3.C, below):

APN 090-231-048: one mooring buoy and one lift
APN 090-231-047: one mooring lift
APN 090-231-050: one mooring buoy and one lift
APN 090-231-049: one mooring buoy and one lift
All APNs: one multiple-parcel pier

The four parcels associated with this project shall be considered a project area for scenic mitigation purposes. The proposed contrast rating scores for the parcels are as follows:

APN 090-231-047: Composite Contrast Rating Score of 25
APN 090-231-048: Composite Contrast Rating Score of 25
APN 090-231-049/050: Composite Contrast Rating Score of 26

The project area has a total allowable visible mass of 3,745 square feet. The existing visible area is 1,238.25 square feet. There is 2,506.75 square feet of remaining allowable visible area. The project is located in a Visually Modified area and therefore requires mitigation of scenic impacts at a 1:2 ratio. The pier will create 966.29 square feet of visible mass. A total 452.29 square feet counts towards the 520 square feet of allowable visible mass for a multiple-parcel pier serving four parcels, and the accessory structures that don't count toward the total allowable visible mass (boatlifts, handrails, ladders) equal 514 square feet of visible mass. Total scenic mitigation required equals 1,932.58 square feet. Mitigation will occur by permanently retiring 1,932.58 square feet of allowable visible area, leaving a remaining balance of 574.17 square feet of visible area for the project area.

2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The site plan (Sheet T1) for the project area shall be revised to include the following:
 1. Include the location of temporary BMPs, if necessary, for access pathways from the upland to the pier.

2. Delineate the location of the turbidity curtain and include allowance for barge access.
 3. Include a plan notation indicating that there will be no staging activity on the shoreline, and that all access associated with pier demolition and construction activities shall occur from the lake by barge; and that delivery, removal, and staging of all construction equipment and materials shall occur on the barge.
 4. Add a note stating no containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.
 5. Include a plan notation that indicates pile driving operations and other piling installation methods (i.e. pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.
 6. A notation that no new buoys are authorized as a part of this pier modification project.
 7. Indicate the total length of the pier as measured from the High Water Line 6,229.1 Lake Tahoe Datum. Note that the catwalk shall be included in the total allowable length and shall not extend further lakeward than 45 feet past lake bottom elevation 6,219'.
 8. Identify the area where fish habitat mitigation will occur. Impacts to feed and cover fish habitat shall be fully mitigated.
- B. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.
- C. The permittees shall record a deed restriction to be prepared by TRPA that will create a project area of the subject APNs (090-231-047, 048, 049, and 050) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject parcels. The deed restriction shall also create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the Placer County Recorder's Office, and provide either the original recorded deed restriction or a certified copy of the recorded deed restriction to TRPA prior to permit acknowledgement.
- D. The permittees shall transfer 124.5 square feet of restoration credits for minimum access to the pier in accordance with TRPA Code Sections, 85.5.4, 85.5.1.E, and 30.5.3; 64.5 square feet to APN 090-231-047 and 60 square feet to APN 090-231-050. Note that all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.

- E. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30th prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
- F. The permittee shall identify proposed Best Management Practices for the new pier access and shall provide corresponding BMP calculations demonstrating conformance with TRPA infiltration requirements. The security for this project (Special Condition 3.H) shall not be released until the property owner has passed a final inspection for the project, including permanent BMPs.
- G. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.
- H. The subject property, APN 090-231-047, has 360 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0006, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- I. The subject property, APN 090-231-048, has 370 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0006, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- J. The subject property, APN 090-231-049, has 2,133 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.01, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- K. The project security required under Standard Condition A.3 of Attachment S shall be \$10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

- L. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$20,706 for the construction of 345.1 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
 - M. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.
- Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.
- 5. It is the Permittee's responsibility to receive authorization, and obtain any necessary permits from other responsible agencies for the proposed project.
 - 6. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.
 - 7. Disturbance of lake bed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
 - 8. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
 - 9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

10. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

END OF PERMIT

Attachment C

2018 Shorezone Code Conformance Table

Attachment C

Gilmartin/Telfeian/Akatiff Multiple Use Pier Conformance Review Table

Table 1: Pier Conformance Review Under 2018 Shorezone Code

Standard	2018 Shzne Code	Proposed Pier	Conformance
Streams	Outside of Stream Mouth Protection Zone (SMPZ)	1.5 miles away from the nearest SMPZ located at Kings Beach	In conformance
Fish Habitat	Mitigation at 1:1 for Feed/Cover fish habitat	Replaced fish habitat adjacent to project, mitigation of \$20,706 for additional 345.1 linear feet	In conformance
Length	Pierhead may extend 30 feet past 6219 or 60 feet past pierhead line, whichever is more limiting. An additional 15 feet may be permitted for piers serving three or more primary residential parcels.	345'-1" , extends 45 feet past lake bottom elevation 6,219.	In conformance
Setbacks	20' for new piers from outermost property boundary projection lines, & 40' from existing piers as measured from the pierhead	Conforms with external projection line setbacks	In conformance
Width	Maximum 15' wide excluding catwalks	15' with two (2) boatlifts on either side of the pier.	In conformance
Catwalk	Maximum of 3' by 30'	3' x 15'	In conformance
Boatlift	One boat lift per littoral parcel (max. 4)	Four boatlifts	In conformance
Pier Height	6,232' maximum	6,232'	In conformance
Free Flowing Water	Piers required to be floating or have an open piling foundation	Open piling foundation (90%)	In conformance
Superstructures (Boat House)	Prohibited	NA	In conformance
Colors &	Dark colors that blend	Brown decking, flat	In conformance

Materials	with background	black structural components	
Visual Mass Limitation	520 sf of visible mass allowed for piers serving 4 or more primary residential littoral parcels (does not include accessory structures such as boatlifts, boats, handrails, and ladders).	452.29 square feet	In conformance
Visual Mass Mitigation	In Visually Modified Character Types mitigation required at a 1:2 ratio	Additional visible mass, including accessory structures, will be mitigated at a 1:2 ratio through retiring allowable visible area.	In conformance
Retirement of Shorezone Development Potential	An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.	Deed restriction to be recorded prior to permit acknowledgement.	In conformance

Attachment D

Initial Environmental Checklist



OFFICE
 128 Market St.
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 PO Box 5310
 Stateline, NV 89449-5310
 www.trpa.org
 trpa@trpa.org

HOURS
 Mon. Wed. Thurs. Fri.
 9 am-12 pm/1 pm-4 pm
 Closed Tuesday
 New Applications Until 3:00 pm

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

I. Assessor's Parcel Number (APN)/Project Location 090-231-047, 048, 049 & 050

Project Name Gilmartin-Akatiff-Telfeian New Multi Use Pier County/City Placer

Brief Description of Project:

New multiple use pier shared by four littoral parcels. Please refer to enclosed project description for details.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes No
 No, With Mitigation Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes No
 No, With Mitigation Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes No
 No, With Mitigation Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes No
 No, With Mitigation Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes No
 No, With Mitigation Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes No
 No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes No
 No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes No
 No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes No
 No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

- Yes No
 No, With Mitigation Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes No
 No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

- Yes No
 No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes No
 No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes No
 No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes No
 No, With Mitigation Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes No
 No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes No
 No, With Mitigation Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes No
 No, With Mitigation Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes No
 No, With Mitigation Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes No
 No, With Mitigation Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes No
 No, With Mitigation Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes No
 No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes No
 No, With Mitigation Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes No
 No, With Mitigation Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes No
 No, With Mitigation Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes No
 No, With Mitigation Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes No
 No, With Mitigation Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

[Empty response box for question f]

- Yes
- No
- No, With Mitigation
- Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

[Empty response box for question g]

- Yes
- No
- No, With Mitigation
- Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

[Empty response box for question h]

- Yes
- No
- No, With Mitigation
- Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

[Empty response box for question a]

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

[Empty response box for question b]

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes No
 No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes No
 No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
 No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
 No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes
- No
- No, With Mitigation
- Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes No
 No, With Mitigation Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

- Yes No
 No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes No
 No, With Mitigation Data Insufficient

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes No
 No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: 4

Number of Proposed Dwelling Units: 4

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes No
 No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes No
 No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes No
 No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes No
 No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes No
 No, With Mitigation Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
 No, With Mitigation Data Insufficient

c. Schools?

- Yes No
 No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
 No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
 No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
 No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes No
 No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

- Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
 No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes No
 No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
 No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
 No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
 No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Be visible from any public recreation area or TRPA designated bicycle trail?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes
- No
- No, With Mitigation
- Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes No
 No, With Mitigation Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes No
 No, With Mitigation Data Insufficient


d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes No
 No, With Mitigation Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

 _____ At Placer Date: 2/12/19
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Please refer to attached IEC response.

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes

No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes

No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

Yes

No

Signature of Evaluator

Date: _____

Title of Evaluator

**Response to IEC
Gilmartin-Akatiff-Telfeian New Multiple Use Pier
8778, 8780, 8782 and 8796 Brockway Vista Avenue
APNs 090-231-047, 048, 049 & 050**

- 1c. Cassions and/or sleeves will be installed if there is any turbidity created during the installation of the new pilings for the pier modification to prevent any discharge of sediment to Lake Tahoe.
- 1e & 1f. All areas disturbed by construction will be revegetated in accordance to the TRPA Guide to Best Management Practices. The proposed construction access and material storage will be by amphibian/barge to minimize the disturbance on site. All properties have received their BMP certificates to prevent sediment from entering Lake Tahoe and temporary BMPs will be in place during construction and will remain in place until all areas are stabilized.
- 2a & 2c. All construction vehicles will be in good working order as to not have any impacts on air quality during construction.
- 3a. The proposed pier will be open piled to prevent the disturbance to littoral processes. The pier will be double piled.
- 3b. All permanent BMPs have been installed on site that are sized to capture and treat the 20 year, 1-hour storm event. Any areas disturbed by construction will be revegetated in accordance with the TRPA Guide to Best Management Practices.
- 3e. All permanent BMPs have been installed on site that are sized to capture and treat the 20 year, 1-hour storm event. Any areas disturbed by construction will be revegetated in accordance with the TRPA Guide to Best Management Practices. Cassions and/or sleeves will be installed if there is any turbidity created during the installation of the new pilings for the pier modification to prevent any discharge of sediment to Lake Tahoe.
- 5d. The proposed pier will be open piled to prevent the disturbance to minimize disturbance to the lake bottom. (the property is located in feed and cover habitat). The pier will be single piled with double pilings at the proposed pier head.
- 7a – 7c. Lighting is proposed on the new pier. The lights proposed on the new pier will be low-level turtle-type lights to prevent any light from being cast off into the surrounding area.

Attachment E

Proposed Site Plan and Elevations

GILMARTIN, TELFEIAN, AKATIFF FOUR PARCELS MULTIPLE-USE PIER STRUCTURAL PLANS

PROJECT INFORMATION:

OWNERS: MARK GILMARTIN - (8778 BROCKWAY VISTA AVE.)
6195 RIDGEVIEW COURT, SUITE A
RENO, NV 89519

HENRY TELFEIAN - (8780 BROCKWAY VISTA AVE.)
1247 ALVARADO ROAD
BERKELEY, CA 94705

MIKE AKATIFF - (8782 & 8796 BROCKWAY VISTA AVE.)
22002 LINDY LANE
CUPERTINO, CA 95014

PLANNER: KAUFMAN EDWARDS PLANNING & CONSULTING
ATTN: ADIGAIL EDWARDS
P.O. BOX 1253
CARNELIAN BAY, CA 96140
(530) 546-4402

ENGINEER: FERRELL CIVIL ENGINEERING
ATTN: TIM FERRELL
P.O. BOX 361
TAHOE VISTA, CA 96148
(530) 546-2752

PROJECT LOCATION: 8778, 8780, 8782 & 8796 BROCKWAY VISTA AVE.
KINGS BEACH, CALIFORNIA

SHEET INDEX:

T1 - TITLE SHEET & SITE PLAN
T2 - ALLOWABLE, EXISTING & PROPOSED COVERAGE
C1 - (P) PIER LAYOUT & FRAMING PLANS
C2 - (P) PIER FRAMING PLAN & ELEVATION
D1 - STRUCTURAL & BMP DETAILS
D2 - BUOY EXHIBIT

CUT / FILL VOLUMES:

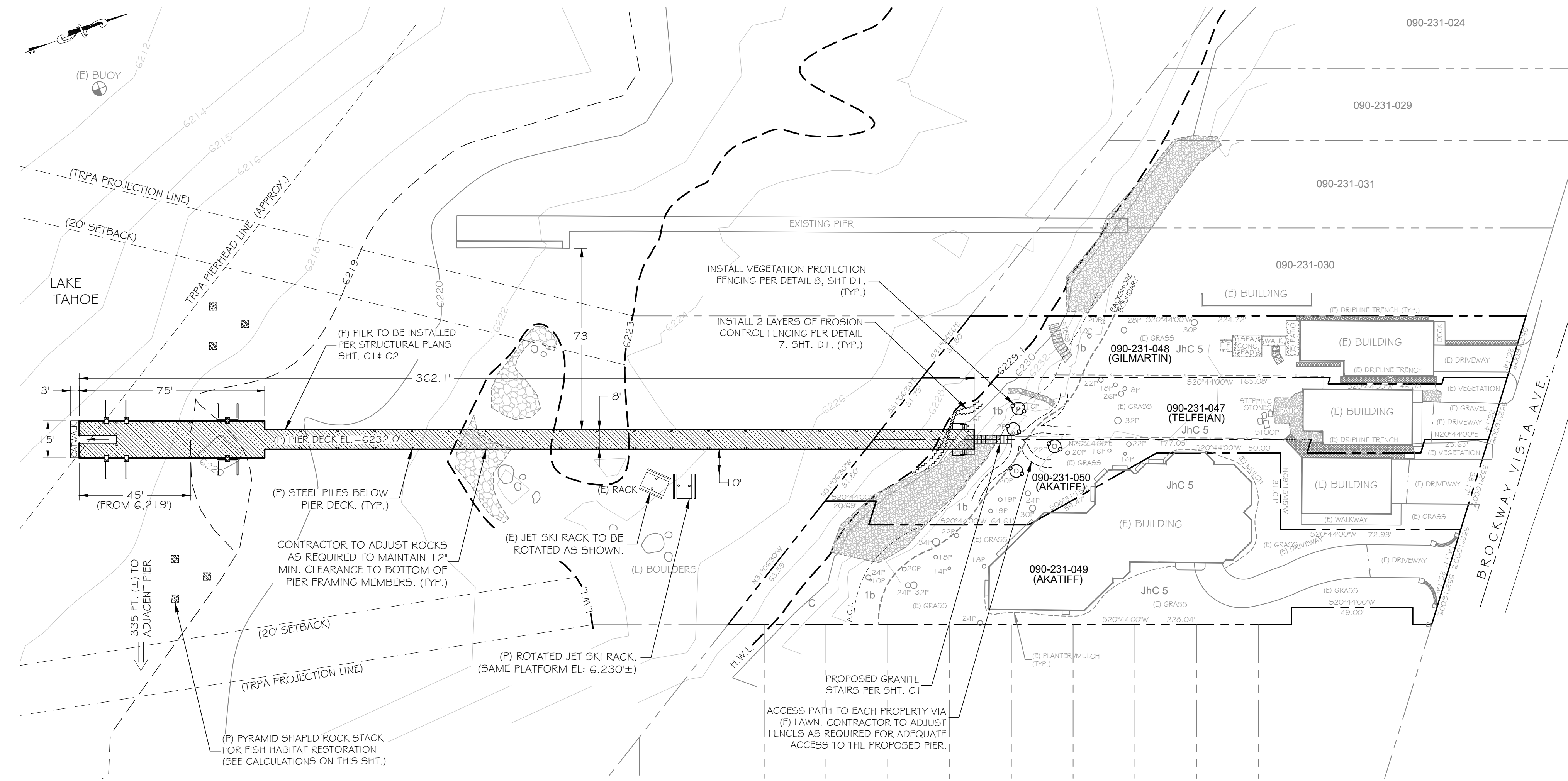
PROPOSED CUT = 2.5 C.Y.
PROPOSED FILL = 2.5 C.Y.

PIER MASSING CALCULATIONS		
PROPOSED PIER DIMENSIONS	(feet/in.)	(feet)
Pier length	362'-08"	362.10
Width of pier head	15'-0"	15.00
Decking height with joists	9"	0.75
Girders depth	8- 1/4"	0.70
Pile height (visible at 6.226' lake level)	4'-6.75"	4.56
Pile width	10 3/4"	0.90
PROPOSED PIER VISUAL MASS (sq. ft.)		
Decking/framing: (362.1'+3') x 0.75' (side) =		273.83
Decking/framing: 15' x 0.75' (front) =		11.25
Steel piles: 0.90' x 4.56' x 25 piles (side) =		102.60
Steel Piles: 0.90' x 4.56' x 4 piles (front) =		16.42
Steel Girders: 0.08 SF x 25 (side) =		2.00
Steel Girders: 0.70' x 15' (front) =		10.50
Catwalk guardrail & ramp: ((9.99)+(5.25' x 3' + 1.5' x 2) =		28.74
New fender piles: (0.29' x 6' x 1)+(0.29' x 6' x 3) =		6.96
Total Proposed Visual Massing:		452.29
Allowed Visual Massing:		520.00

FISH HABITAT MITIGATION CALCULATIONS		
AREA OF DISTURBANCE RESULTING FROM INSTALLATION OF 54 NEW PILINGS (0.64 X 54)		34.56 SQ. FT.
TOTAL FISH HABITAT RESTORATION REQUIRED (1:1.5 MITIGATION)		51.84 SQ. FT.
TOTAL PROPOSED FISH HABITAT MITIGATION (6-ROCK PYRAMIDS AT 9 SQ.FT./EACH)		54.00 SQ. FT.

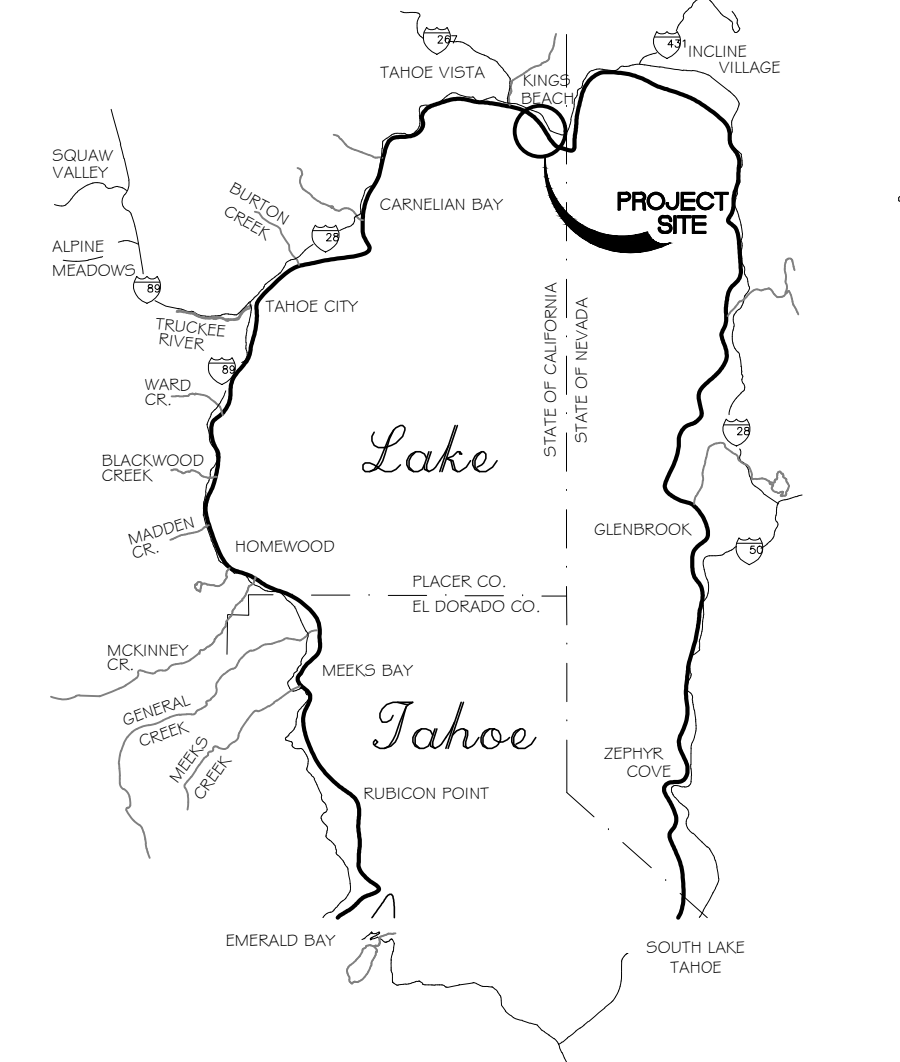


Know what's below.
Call before you dig.



SITE OVERVIEW

SCALE: 1"=30'-0"



VICINITY MAP

NOT TO SCALE

SURVEY NOTES:

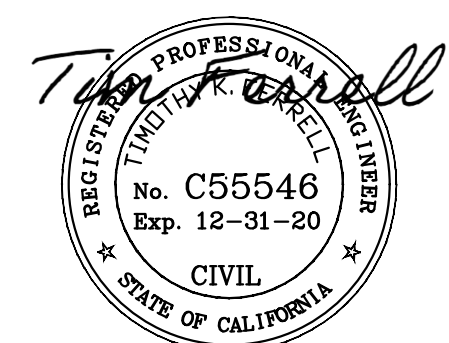
- THE BOUNDARY SHOWN HEREON IS FROM A FIELD SURVEY COMPILED FROM BROCKWAY VISTA SUBDIVISION. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE & CURRENT TITLE SEARCH MAY DISCLOSE.
- NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
- DATE OF FIELD WORK JANUARY 15, 2009.
- THE TOPOGRAPHY SHOWN HEREON MEETS THE STANDARDS OF THE AMERICAN CONGRESS OF SURVEYING & MAPPING WITH 90% OF THE CONTOURS TO BE WITHIN PLUS OR MINUS ONE HALF OF A CONTOUR INTERVAL.
- VERTICAL DATUM IS BASED ON LAKE TAHOE DATUM.
- T.B.M.=(LAKE TAHOE ON 1/15/2009), ELEV=6223.18'
- BUILDING SETBACKS SHOULD BE VERIFIED PRIOR TO ANY DESIGN.
- LAND CAPABILITY CLASSIFICATION IS FROM THE TAHOE LAND GUIDE, DATED SEPTEMBER 1981 & MUST BE VERIFIED BY THE T.R.P.A.
- ALL PROPERTIES HAVE TRPA BMP CERTIFICATES. PERMANENT BMP'S ARE SHOWN FOR GRAPHICAL REPRESENTATION, BASED ON SITE INSPECTION.

GENERAL NOTES:

- CONTRACTOR TO HAVE THE APPROVED TRPA PERMIT AND STAMPED PLANS ON SITE AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR SHALL COMPLY WITH THE TRPA SPECIAL AND STANDARD CONDITIONS OF APPROVAL SET FORTH IN THE PERMIT.
- LOCATION OF UNDERGROUND UTILITIES WAS NOT APART OF THIS DESIGN. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION. EVEN ON PRIVATE PROPERTY.
- ALL STEEL PILES TO HAVE A MINIMUM EMBEDMENT OF 8'. IF CONFLICT ARISES IMMEDIATELY CONTACT F.C.E. FOR RE-DESIGN.

DISCLAIMER:

- FERRELL CIVIL ENGINEERING WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THIS SURVEY. CONTRACTOR TO VERIFY ON SITE ALL ASPECTS OF PROPOSED DESIGN PRIOR TO BEGINNING OF WORK. IF CONFLICT ARISES IMMEDIATELY CONTACT F.C.E. FOR RE-DESIGN.
- COVERAGE SHOWN HERE REPRESENTS INFORMATION DIRECTLY DERIVED FROM THESE SURVEYS. F.C.E. PERFORMED NO FIELD VERIFICATION OF ANY TYPE REGARDING COVERAGE ON THESE PROPERTIES.



5-6-20

DRAWN BY: HBG DESIGN BY: HBG
CHECKED BY: TKF DWG: P:\PIERS\Gilmartin\kgw\FCE-CIVIL

REVISION	DATE	DESCRIPTION	APPROVED	DATE



CA #C 55546 NV #12927
P.O. Box 361, Tahoe Vista, CA 96148

ferrell@fcivil.com

ph: 530.546.2752
fax: 530.546.4469

KINGS BEACH

TITLE SHEET/SITE PLAN

PLACER COUNTY

AP.N: 090-231-047
090-231-048
090-231-049
090-231-050

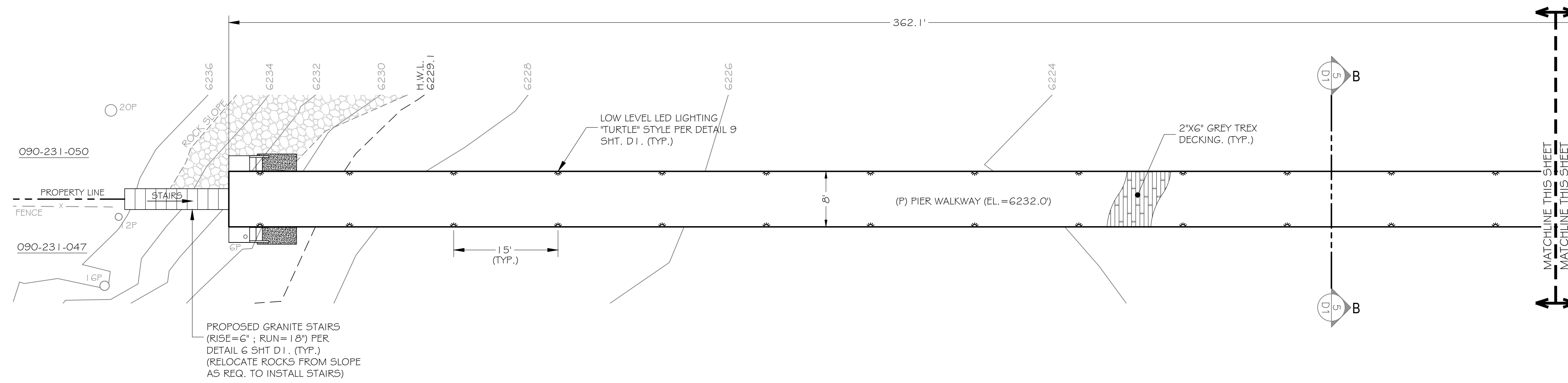
DATE: MAY 6, 2020

SCALE: 1"=30'-0"

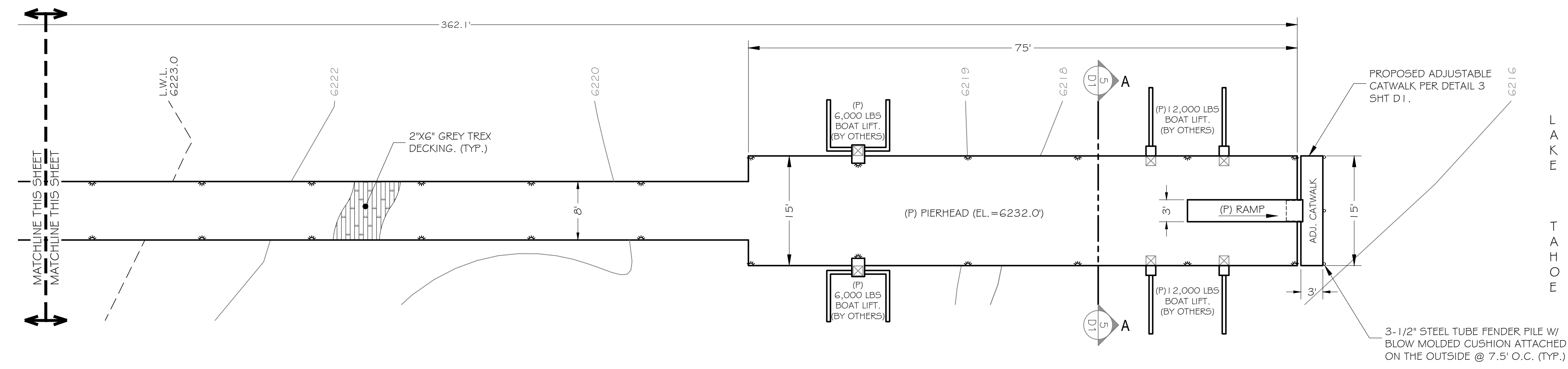
CALIFORNIA W.O. NO. G4T&A PIER

SHEET

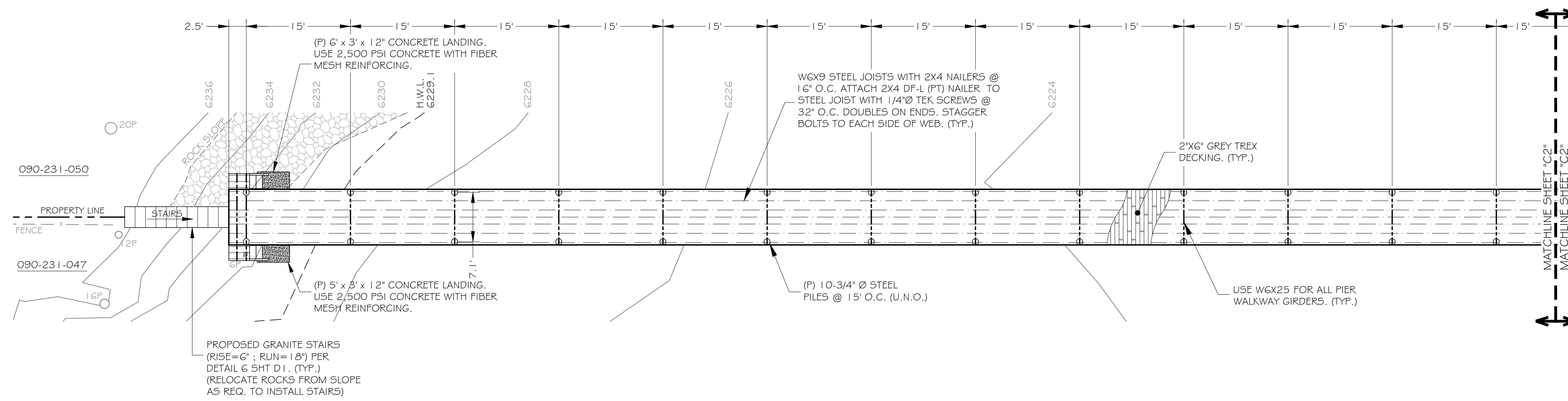
T1
OF
6



PLAN VIEW
SCALE: 1"=10'-0"



PLAN VIEW
SCALE: 1"=10'-0"



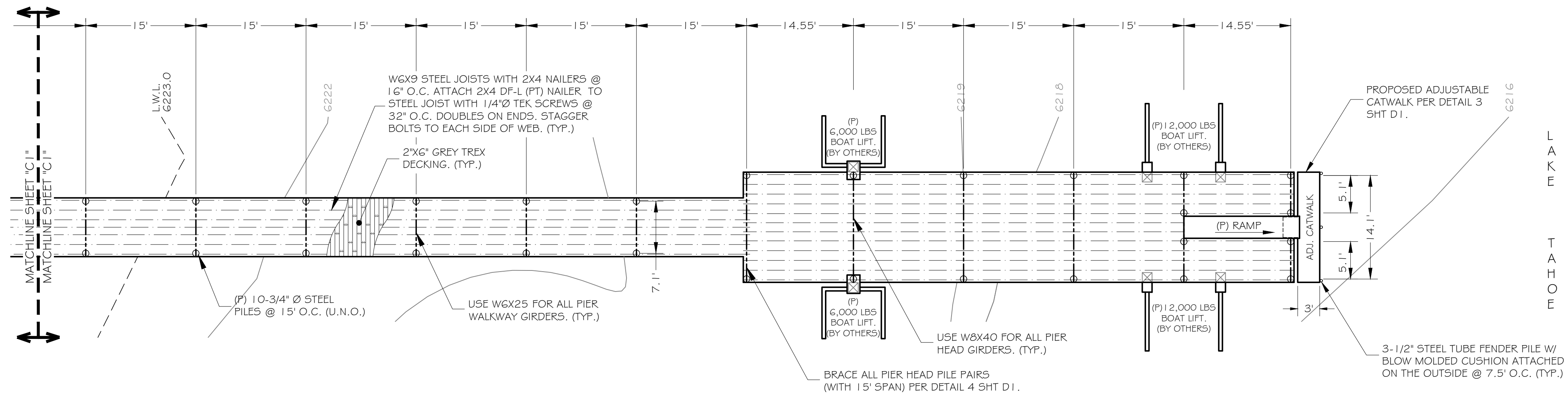
FRAMING PLAN VIEW
SCALE: 1"=10'-0"

COMP. DATE	DESIGN: HBG	APPROVED DATE
DRWN: HBS	PRJ. ENG.: TKF	
WORK ORDER:		
SCALE: 1"=10'-0"		
HORIZONTAL:		
VERTICAL:		
CAD:		
	DATE: MAY 6, 2020	

Ferrell Engineering
 Ferrell Civil Engineering
 CA # 55548 NY #12927
 P.O. Box 381, Tahoe Vista, CA 96148
 ferrell@ferrell.com
 ph: 530-546-2752
 fax: 530-544-4469

(P) PIER LAYOUT & FRAMING PLANS
 GILMARTIN, TELEFAN & AKATIFF-PIER PROJECT
 BROCKWAY VISTA AVE. A.P.N.: 090-231-047/48/49/50
 KINGS BEACH, CA

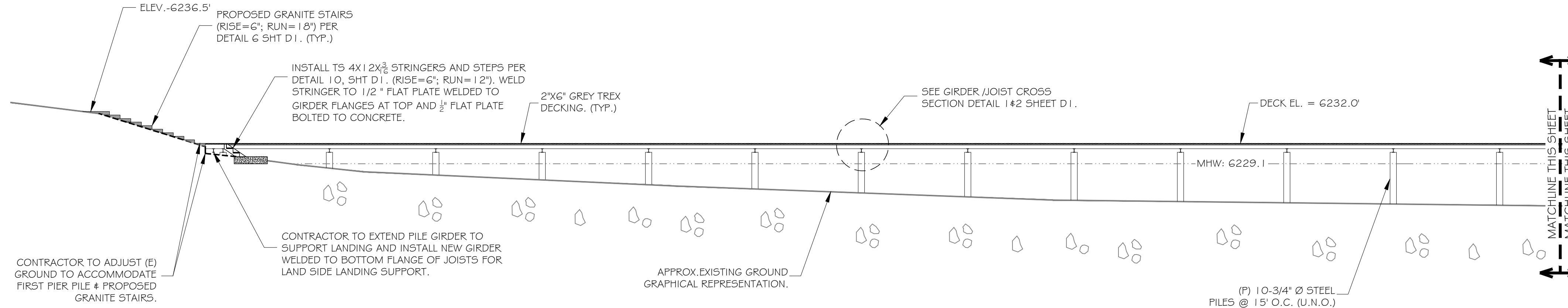
C1



FRAMING PLAN VIEW

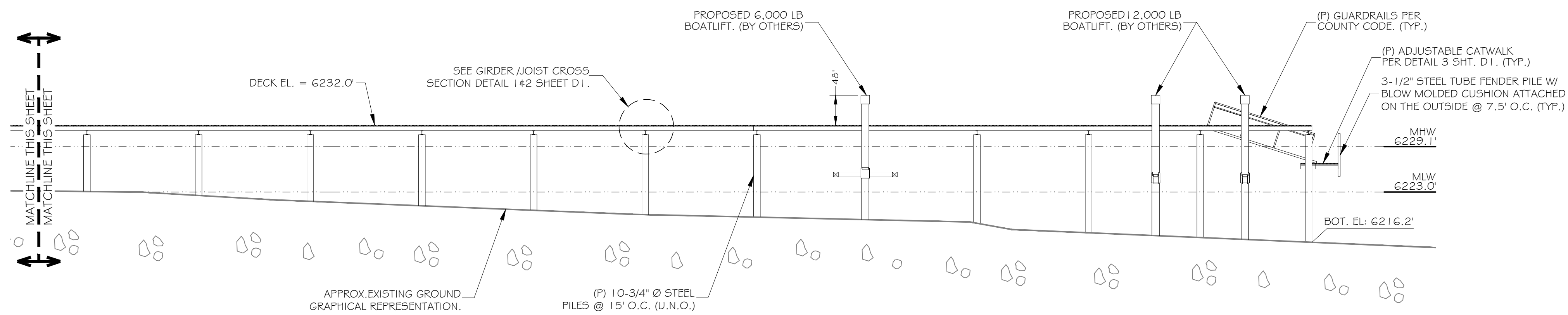
SCALE: 1"=10'-0"

NOTE:
THE PRIMARY COLOR OF THE PIER AND CATWALK SHALL REMAIN IN CONFORMANCE W/
THE EARTHTONE & WOODTONE RANGES TO BLEND W/ THE NATURAL SURROUNDINGS.
PILING WILL BE PAINTED FLAT BLACK OR A COLOR APPROVED BY TRPA.



EAST ELEVATION

SCALE: 1"=10'-0"

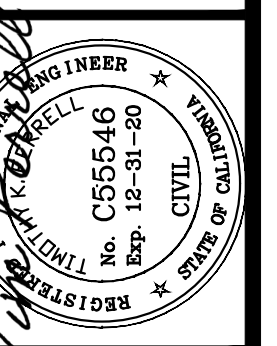


EAST ELEVATION

SCALE: 1"=10'-0"

REV.	DATE	DESCRIPTION	APPROVED DATE
1			
2			
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COMP. DATE: HBG
 DESIGN: HBG
 PRJ. ENG.: TKF
 WORK ORDER:
 SCALE: 1"=10'-0"
 HORIZONTAL:
 VERTICAL:
 CAD:
 DATE: MAY 6, 2020



(P) PIER FRAMING PLAN & ELEVATION
GILMARTIN, TELEFAN & AKATIFF-PIER PROJECT
 BROCKWAY VISTA AVE. A.P.N.: 090-231-047/48/49/50
 KINGS BEACH, CA

C2



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

STAFF REPORT

Date: May 20, 20
To: TRPA Governing Board
From: TRPA Staff
Subject: Appeal of Gonowabie Lot Line Adjustment Permit, 460, 470, 480 Gonowabie Road, Washoe County, APNs 123-131-04, -05, 06; TRPA Appeal File Numbers ADMIN2020-002, LLAD2019-0821

Requested Action:

To consider and act upon an appeal filed by Robert Goldberg and Reuben Richards of an Executive Director-issued permit to Gonowabie Properties, LLC to adjust the two lot lines between three adjacent lots in Crystal Bay, Nevada.

Staff Recommendation:

Staff recommends that the Governing Board deny the appeal and affirm the decision of the Executive Director to issue the Lot Line Adjustment ("LLA") as it meets all requirements by the TRPA Code of Ordinances.

Motion:

- 1) A motion to grant the appeal, which motion should fail to affirm the Executive Director's determination

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

Background:

In January 2020, TRPA staff issued an LLA permit to Gonowabie Properties, LLC ("Permittee"). The Permittee owns three lakefront adjoining buildable lots on Gonowabie Road, Crystal Bay, Nevada. The LLA shifted the two common side lot lines of the three neighboring parcels northward to make the southern-most lot a little wider and the northern-most lot a little narrower. A map of the three parcels is appended as Attachment A.

TRPA reviews LLAs for potential increases in new development potential. Goals and Policies LU-2.2(D) allows:

A modification to an existing subdivision or a lot line adjustment or lot consolidation, which does not result in any increase in development potential, or in present or potential land coverage or density, and shall not have an adverse impact upon the health, safety, general welfare or environment of the Region.

TRPA Code of Ordinances Section 39.1.3(D) provides for the same review criteria.

The LLA maintained the overall coverage available to the three lots but the changes in width allowed a little more coverage on the southern lot and an equal amount less on the northern lot. The middle lot stayed essentially the same size with approximately the same amount of coverage assigned to it. All three parcels are vacant, although the middle lot has a residential unit and coverage banked on it. While the LLA itself did not adjust coverage or render a lot buildable where it was not before, the LLA did result in shift northward of the potential building locations for each parcel and would permit more coverage on the previously smaller southern lot than could have occurred before. A project area deed restriction across all three lots maintains the same development potential. TRPA has acknowledged the LLA permit.

The LLA permit provides the foundation for the development plans the Permittee has for the three adjacent lots. TRPA has received single family residential applications for the middle and northern lots, with the northern lot application remaining incomplete and the middle lot application under review and likely ready for a decision hearing (Hearings Officer level). Staff understands that the Permittee is intending to submit a residential development application for the southern lot in the near future. The Permittee has also submitted an application to rebuild an existing pier and construct a new multiple use pier appurtenant to these parcels.

Discussion:

On February 21, 2020, Appellants Robert Goldberg and Rueben Richards (the “Neighbors”) appealed to the Governing Board the Executive Director’s grant of the LLA permit. On April 6, 2020, the Neighbors filed their Statement of Appeal (Attachment B) providing their grounds for overturning the Executive Director’s action.¹ On April 22, 2020, the Permittee submitted its Response to Statement of Appeal (Attachment C) providing its basis for upholding the Executive Director’s action. And on May 15, 2020, the Neighbors filed their Reply in Support of Statement of Appeal (Attachment D).

As described below, the Neighbors argue the Executive Director erroneously issued the LLA permit because, as addressed in more detail below, coverage was incorrectly counted, findings were not made with sufficient specificity, the environmental analysis viewed the project too narrowly, and deed restrictions created side setback “no build” areas that remain within the original lot lines.

A. Coverage

The Neighbors argue that the LLA permits “double counted” coverage allowing additional coverage across the three lots than had been verified as previously existing (see Attachment B, pp. 5-7). TRPA staff reviewed the amount of coverage verified on the middle parcel (from the existing development) and the amount of base allowable coverage on the other two lots. Staff agrees with the Neighbors to the extent that the LLA permit over-calculated the total allowable coverage by 207 square feet. Gonowabie Properties will be required to revise its total coverage figures and a revised deed restriction will be required. Gonowabie Properties recognizes this error and consents to the remedy.

¹ The Neighbors also requested TRPA stay the effectiveness of the LLA permit. Pursuant to TRPA Rules of Procedure Section 11.2, Chair Yeates denied the stay request principally because no change to the status quo was threatened as no development had been authorized on these lots.

B. Adequacy of Findings

The Neighbors assert that TRPA did not make the necessary finding under TRPA Code Section 3.3.2 regarding the significance of any environmental impacts of the LLA (see Attachment B, p. 8). To the contrary, the appropriate “Findings of Significance” are found on page 22 of the Initial Environmental Checklist (“IEC”) (see Attachment E).

Next, the Neighbors argue that the findings for the LLA only mirror code requirements and do not define how the project (here the LLA) meets environmental design standards (see Attachment B, p. 9). The LLA at issue here moved two boundary lines 10-15 feet; the applicable design “standards” are minimal: namely whether the change maintains development potential. With the adjustment of coverage, no increase in development potential exists so the applicable design standard is met in full.

C. Adequacy of Initial Environmental Checklist

The Neighbors contend that the scope of the Initial Environmental Checklist (Attachment E) did not address the eventual development of the adjusted lots, (see Attachment B, pp. 10-12). The IEC focused on the approval of the minor lot line changes rather than the particulars of the residential development to follow. The IEC compared the development condition beforehand to the development condition afterwards in terms of any increase in development facilitated by the LLA. The IEC concluded that no significant impacts would occur as the LLA did not facilitate any increase in development potential.

The Appellants argue that ultimate development of residences on the three parcels will impact parking, traffic, and views. The LLA, however, did not result in a change in development pattern that either (1) already existed because of the existing development potential of the three lots, or (2) could not be adequately addressed during the consideration of the development applications. For example, the Neighbors complain of the potential of increased traffic should the parcels be developed. The parcels, however, could already be developed and the LLA does not increase the total capacity for such development and related traffic. Additionally, the Appellants argue that residences could block public views (TRPA does not protect private views, nor is the degradation of such an adverse environmental impact). TRPA will, for each parcel, determine whether the proposal will adversely affect public views and assign appropriate mitigation if necessary. In short, the scope of the Executive Director’s environmental review was appropriate.

D. Applicable of Deed Restriction/No Build Zones

The Neighbors contend that setback requirements in the certain court orders and conditions, covenants, and restrictions (collectively “CCRs”) recorded for this development describe “no build” zones that remain in place notwithstanding adjustment of lot lines (see Attachment B, pp. 13-14). The Neighbors argue that the CCRs define a generic side setback from lot lines and those corridors remain dedicated open space even if lot lines are moved (presumably a new setback would also apply to the new lot line). The Neighbors’ interpretation of CCR minimum lot setbacks as *de facto* unchangeable open space corridors is novel. In general, TRPA will use setbacks of either the local jurisdiction or CCRs, whichever is greater, but it has never treated the setback from the prior lot line as an immovable, “no build” zone. The operation and construction of the CCRs as between these private parties is dispute between these property owners and should be resolved between them in another forum.

Contact Information:

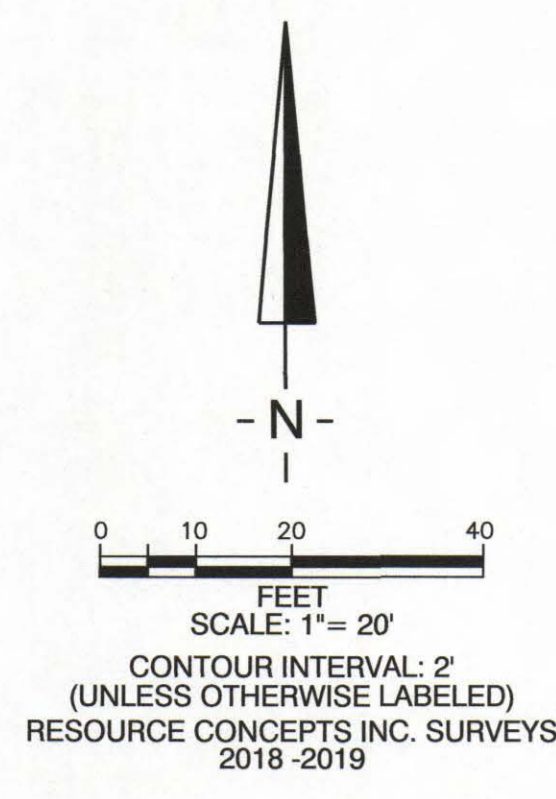
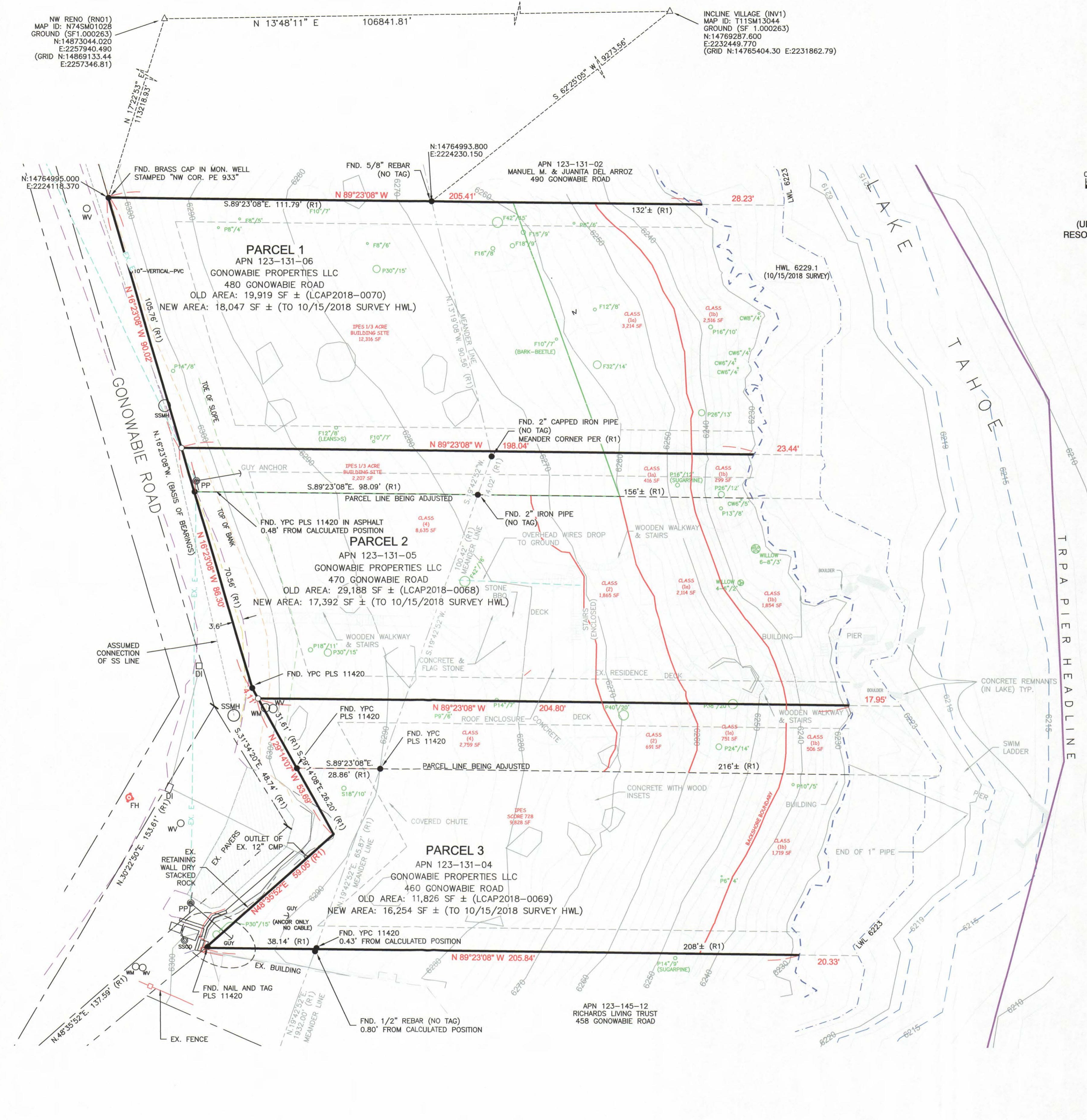
For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.org, or Julie Roll, Senior Planner, at (775) 589-5247 or jroll@trpa.org.

Attachments:

- A. Site Plan
- B. Statement of Appeal, dated April 6, 2020
- C. Response to Statement of Appeal, dated April 22, 2020
- D. Reply in Support of Statement of Appeal, dated May 15, 2020
- E. Initial Environmental Checklist

Attachment A

Site Plan



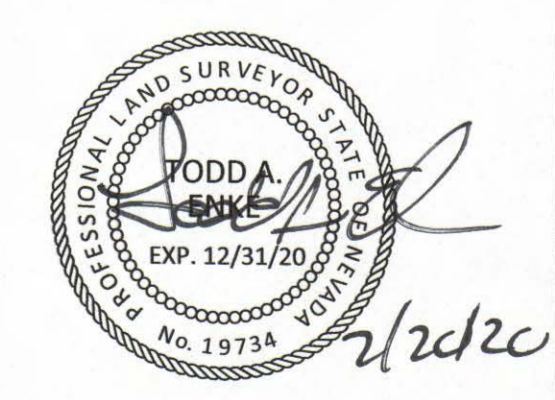
- LEGEND**
- FOUND MONUMENT AS NOTED
 - △ RENO GPS CONTROL MONUMENT
 - SET 5/8" REBAR WITH PLASTIC CAP, PLS 19734
 - (SSMH) SANITARY SEWER MANHOLE
 - (SSCO) SANITARY SEWER CLEAN OUT
 - DROP INLET
 - WATER VALVE
 - WATER METER
 - POWER POLE/GUY ANCHOR
 - FIRE HYDRANT
 - YPC YELLOW PLASTIC CAP
 - CMP CORRUGATED METAL PIPE
 - PARCEL & NEW PARCEL LINE
 - - - PARCEL LINE BEING REMOVED
 - - - EDGE OF PAVEMENT (EP)
 - - - EX. E. - - - OVERHEAD POWER/PHONE LINE
 - - - ADJACENT PROPERTY LINE
 - - - MEANDER LINE
 - - - WOODEN FENCE
 - - - HIGH WATER LINE LAKE TAHOE
 - - - ASSESSOR'S PARCEL NUMBER
 - - - TOP OF BANK
 - - - TOE OF SLOPE
 - TREE TYPE/DIA./DRIP RADIUS:
P=PINE, F=FIR, C=CEDAR, S=SPRUCE
 - BOULDERS

- NOTES:**
- ALL EXISTING SITE IMPROVEMENTS WILL BE REMOVED AND REVEGETATED PRIOR TO RECORDING OF THIS MAP.
 - PER TRPA/PAUL NIELSEN E-MAIL AGREEMENT, DATED AUG. 1, 2019, A PROJECT AREA DEED RESTRICTION WILL BE CREATED TO MAINTAIN THE ALLOWABLE IPES COVERAGE PRE AND POST BLA ON THE IPES PARCELS (PARCELS 1 AND 3) AND MAINTAIN THE EXISTING BAILEY'S COVERAGE ON PARCEL 2 PRE AND POST BLA, TO ENSURE DEVELOPMENT POTENTIAL DOES NOT INCREASE.

TOTAL PROJECT AREA COVERAGE (APN 123-131-05)	4,799 SF
TOTAL PROJECT AREA IPES COVERAGE	5,361 SF
TOTAL PROJECT AREA COVERAGE	10,160 SF
 - *VALUES PER DEED RESTRICTION DOCUMENT NUMBER 5000712 FILED FOR RECORD FEBRUARY 13, 2020 IN THE OFFICE OF THE WASHOE COUNTY RECORDER.
 - ...1. THE PROPERTY IDENTIFIED HEREIN SHALL NOT INCREASE DEVELOPMENT POTENTIAL AS A RESULT OF THE LOT LINE ADJUSTMENT. THE TOTAL ALLOWED COVERAGE FOR THE PROPERTY IS 5,361 SQUARE FEET OF BASE ALLOWABLE IPES COVERAGE, 4,799 SQUARE FEET OF VERIFIED EXISTING BAILEY COVERAGE, AND UP TO 1,131 SQUARE FEET OF TRANSFERRED IPES COVERAGE (IPES 827)...
 - ...2. COVERAGE MAY BE RELOCATED WITHIN THE PROJECT AREA, BUT COVERAGE ON BAILEY PARCEL 123-131-05 SHALL NEVER EXCEED 4799 SQUARE FEET."
 - REFERENCE IS HEREBY MADE TO THE ENTIRE DEED RESTRICTION DOCUMENT NO. 5000712 FOR PARTICULARS.
 - HIGH WATER LINE (HWL) IS BASED ON AN RCI TOPOGRAPHIC SURVEY DATED OCTOBER 15, 2018.
 - LOW WATER LINE (LWL) IS BASED ON AN RCI BATHYMETRIC SURVEY DATED MARCH 18, 2019.

These plans have been reviewed and approved as required under TRPA Rules, Regulations and Ordinances only. TRPA has not reviewed and shall not be responsible for any elements contained in these plans, i.e. structural, electrical, mechanical, etc. which are not required for review under said Rules, Regulations and Ordinances. TAHOE REGIONAL PLANNING AGENCY

APPROVED
THIS APPROVAL EXPIRES ON
JAN 31 2023
EXECUTIVE DIRECTOR / DESIGNEE
TAHOE REGIONAL PLANNING AGENCY



BASIS OF BEARINGS

RECORD OF SURVEY MAP 5996 IN SUPPORT OF A LOT COMBINATION DEED FOR THE HILDEGARD WILLMANN TRUST, FILED FOR RECORD ON SEPTEMBER 25, 2018, AS FILE NO. 4853261, OFFICIAL RECORDS OF WASHOE COUNTY NEVADA

BASIS OF ELEVATIONS

THE LEVEL OF LAKE TAHOE ON OCTOBER 15, 2018 AS PUBLISHED BY THE USGS FOR THE LAKE TAHOE GAUGE (6227.15').

Carson City
340 N. Minnesota St.
Carson City, NV 89403
775-883-1600

Lake Tahoe
276 Kingsbury Grade, Suite 206
Stateline, NV 89449
775-888-7500

Engineering • Surveying • Water Rights
Resources & Environmental Services
www.rci-nv.com



JOB NO.	19-129.3A
DATE	2-19-2020
DRAWN	CNJ/JTS
CHECKED	TAE

SHEET 2 OF 3

RECORD OF SURVEY
IN SUPPORT OF A BOUNDARY LINE ADJUSTMENT FOR
FOR
HILDEGARD WILLMANN
AS TRUSTEE OF THE HILDEGARD WILLMANN TRUST
460, 470 & 480 GONOWABIE ROAD
CRYSTAL BAY, NEVADA
APNS: 123-131-04, 123-131-05, 123-131-06
LOCATED WITHIN A PORTION OF LOT II SECTION 19,
T.16N., R.18E., M.D.M.,
WASHOE COUNTY, NEVADA

Attachment B

Statement of Appeal, dated April 6, 2020



GREG GATTO
PO Box 85
Calpine, CA 96124
D. 530.205.6503
greg@sierralanduselaw.com
www.sierralanduselaw.com

April 6, 2020

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

**Re: Statement of Appeal and Request for Stay of Permit - Appeal File Number
ADMIN2020-0002; TRPA Project File Number LLAD2019-0821**

Dear Honorable Members of the Board and Mr. Marshall:

This Statement of Appeal and Request for Stay of Permit is respectfully submitted on behalf of Robert Goldberg and Reuben Richards, owners of the residences located at 459 and 458 Gonowabie, Crystal Bay, Washoe County, Nevada, respectively (“Appellants”). Appellants are appealing approval of a lot line adjustment (TRPA File No. LLAD2019-0821) (the “Project”) affecting the real property located at 460, 470, and 480 Gonowabie Road (Washoe County APNs 123-131-04, -05, & -06) (collectively the “Properties”) filed on behalf of Gonowabie Properties, LLC (the “Applicant”). Appellants’ residences are directly adjacent to (458 Gonowabie) and across the street from (459 Gonowabie) the Properties.

In conjunction with this Statement of Appeal, Appellants respectfully request that the Chairman of the Board stay any approval of the Project and concomitant processing of applications dependent on the Project approval for the reasons more specifically detailed below.¹

This appeal arises from a lot line adjustment that would allow for the development of three oversized residences and a new multi-use pier on the shore of Lake Tahoe. Throughout the development process before both TRPA and Washoe County, the Applicant has endeavored to omit material facts, obfuscate information, and mislead the public and decisionmakers alike. In the current application under appeal, the Applicant has “double counted” coverage, disregarded potentially significant environmental impacts resulting from the ultimate development of the Properties, and concealed recorded deed restrictions and a judgment that create “no build” zones within the Properties as reconfigured.

The Project is inconsistent with the Regional Plan and Code, results in an exceedance of

¹ Appellants hereby incorporate by reference the complete administrative record of proceedings in this matter. Given circumstances relating to the coronavirus pandemic and difficulty in obtaining records, Appellants also respectfully request and reserve the right to submit additional information/justification in support of this appeal.



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Governing Board
c/o John Marshall, General Counsel
April 6, 2020
Page 2

environmental thresholds, has potentially significant impacts that were not fully analyzed or mitigated, and suppressed vital information that directly impacts development of the Properties. Accordingly, Appellants respectfully request that the Board grant this appeal, and overturn the Project approval.

I. Background Facts

Appellants first learned of this Project when they received notice of a front setback variance application submitted to Washoe County for 460 Gonowabie on Christmas Eve, 2019. At that time, they made multiple attempts to meet with the owner and/or design professionals of the Properties, but were repeatedly rebuffed, and informed that the Applicant likes the plans the way they are and has no interest in meeting.

Surprisingly, on Friday January 31, Appellants received an email from the Applicant informing them that the Applicant was “planning to postpone the Washoe County Board of Adjustment 460 Variance item until the April hearing to allow for further discussion” with Appellants. In what can only be described as sandbagging, on the afternoon of February 4th, less than two days prior to the scheduled hearing, the Applicant abruptly emailed Appellants to inform them that “[a]fter further review and consideration, we’ve decided to proceed with the hearing....” A true and correct copy of this correspondence is attached hereto as **Exhibit A**.

Shortly before the Washoe County Board of Adjustments hearing, Appellants learned that the Project had been approved by TRPA, on January 31, 2020. Nevertheless, during the variance hearing, the Applicant claimed that the exceptional narrowness of 460 Gonowabie supported the variance, claiming the lot was only approximately 60 feet.² What the Applicant failed to represent to the County was that the plans submitted depicted an approximately 86-foot lot, as a result of the TRPA-approved lot line adjustment. After public comments informed the Board of TRPA’s approval of the lot line adjustment, the Applicant was asked numerous times by Board members about the status of the Project. The answers provided were evasive, and in some cases, were outright misrepresentations. Under initial questioning, the Applicant responded only that they were “contemplating” a boundary line adjustment (not revealing that one had already been approved by TRPA). When pressed further, the Applicant responded that what they were contemplating was “very minor, you’re talking a few feet....” Subsequently, it was discovered by the Board that the lot line adjustment had been already approved by TRPA, and adjusted the boundary line over 20-feet. On the basis of these misrepresentations and other facts, the Applicant’s variance application was denied by a 4-0 vote.

² A video of the Washoe County Board of Adjustments hearing can be found at the following link: https://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=3113



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After the Washoe County hearing, Appellants received records from the County showing that the Properties are subject to eight separate deed restrictions, including a recorded court judgment, which strictly prohibit any development within the front setback from which the Applicant was requesting a variance, and create no build zones of up to 15-feet along the side lines of the originally described parcels. A true and correct copy of the preliminary title report for the Properties is attached hereto as **Exhibit B**, and the associated deed restrictions are attached hereto as **Exhibit C**. Yet in response to the application for the variance submitted to Washoe County, when the Applicant was asked whether “there are any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request,” the Applicant declared “No”.

And, as explained further below, the Applicant similarly failed to list any property restrictions and easements affecting the Properties in its application to TRPA, even though it was required to do so under penalty of perjury. Disturbingly, Applicant’s preliminary title report was issued on September 9, 2019, just shortly before Applicant submitted its application for the Project, on September 25, 2019. Despite its current and direct knowledge of the deed restrictions, and the requirement to disclose their existence to TRPA, Applicant decided to conceal this information. This omission directly impacts the ability to develop the Properties as a result of the lot line adjustment.

In response to Appellants continued attempt to reach a resolution regarding Applicant’s proposed development, the parties recently convened a video conference to discuss design considerations. During the call, revised plans for 460 Gonowabie were presented on-screen, which appeared to still be non-compliant with various TRPA and Washoe County regulations, including those relating to height, coverage, and scenic considerations. Notably, the plans did not address any of the traffic and safety concerns previously expressed by numerous neighbors. At the conclusion of that call, Applicant represented that a copy of the revised plans for development of 460 Gonowabie would be shared, yet despite Appellants’ subsequent inquires, no plans have been forthcoming.

II. Request for Stay

Pursuant to section 11.2 of the TRPA Rules of Procedure, a stay of a project may be granted upon appellant demonstrating the need for a stay pending a hearing on the appeal, supported by an affidavit or under penalty of perjury. The Chairman of the Board shall review any request for a stay of a project, any evidence of the hardship on the appellee, shall balance the equities, and shall determine whether or not a stay shall be issued.

In balancing the harms in cases where the potential impacts of a project have not been



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thoroughly evaluated, such as this one, the Supreme Court of the United States has noted “[e]nvironmental injury, by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, i.e. irreparable.” *Save the Yaak Committee v. J.R. Block*, 840 F.2d 714, 722 (9th Cir. 1988) (quoting *Amoco Production Company v. Gambell*, 480 U.S. 531, 545 (1987) (evaluating balance of harms in lawsuit brought under the National Environmental Policy Act (“NEPA”). Therefore, when environmental injury is “sufficiently likely, the balance of harms will usually favor the issuance of an injunction to protect the environment.”³ *Ibid*.

This case presents the classic situation under which a stay should be issued - - once the bell is rung, i.e. construction commenced, it will be difficult if not impossible to unring. Under such circumstances, courts have widely recognized that “[b]oth parties would suffer harm if the building were constructed and then had to be torn down.” *Friends of Westwood, Inc. v. City of Los Angeles*, 191 Cal.App.3d 259, 264 (1987).

The Project is the first of many subsequent approvals sought by the Applicant, which approvals are all dependent on the lot line adjustment. Applications for construction of single-family residences on 470 and 480 Gonowabie have already been submitted, as has an application for tear down/rebuild of an existing pier, proposed with a new multi-use designation. An application for construction of a residence on 460 Gonowabie is expected to be filed shortly. Given the error in coverage calculations explained below, and the no build restrictions on the Properties that were concealed from TRPA, it is likely these applications will all have to be revised. Additionally, upon required further evaluation of potential environmental impacts of the entire development, it is likely that mitigation measures and design changes will be required to mitigate potentially significant impacts associated with the overall development of the Properties.

If the Project were allowed to proceed to construction pending the appeal, additional environmental harm is likely to occur given potential for design changes and unnecessary grading and other work that would have to be remediated if the appeal is granted. Moreover, it would be a waste of limited TRPA resources to continue to process the multiple applications pending appeal when it is probable the plans will need to be revised.

By contrast, there is little to no hardship to Applicant that would result from the issuance of a stay. The applications for construction of single-family residences on 470 and 480 Gonowabie

³ While NEPA and CEQA do not directly apply to TRPA, cases interpreting these statutes may “inform interpretation of the Compact . . . where those cases rest on language analogous to that used in the Compact.” *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1274, 1276 (E.D. Cal. 2010) (noting that “like CEQA and NEPA, the Compact serves to inform the public and to protect the environment in a general sense”).



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 Governing Board
 c/o John Marshall, General Counsel
 April 6, 2020
 Page 5

are currently incomplete, and awaiting submittal of additional information from Applicant. It is certainly in the Applicant’s interest to avoid processing, design, and construction costs when it is likely the plans as presented cannot be approved, nor the houses constructed. Accordingly, Appellants respectfully request that TRPA stay the Project, and processing of any further applications dependent on Project approval, until this appeal is heard.

III. Bases for Appeal

A. The Total Allowed Coverage for the Project Area Was Improperly Calculated.

Per Special Condition No. 1 of the Project permit, the total allowed coverage for the Project area was calculated as 5,361 sf of base allowable IPES coverage, 4,799 sf of existing land coverage on a Bailey parcel, and up to 1,131 sf of transferred IPES coverage. However, because the existing land coverage was verified under a site assessment for multiple lots of record the verified coverage partially overlapped onto an IPES parcel (460 Gonowabie), this coverage was double counted, resulting in a total allowable coverage figure (11,291 sf) greater than authorized by the Code.

The calculation of existing land coverage for the Project is based on a July 28, 2008 Land Capability Verification and associated site assessment.⁴ A true and correct copy of the 2008 Land Capability verification is attached hereto as **Exhibit D**, and a true and correct copy of the 2008 site assessment is attached hereto as **Exhibit E**. The 2008 site assessment noted 1,780 sf of existing coverage, which includes a “Chute”, and 648 sf of coverage for concrete/rock/bbq.

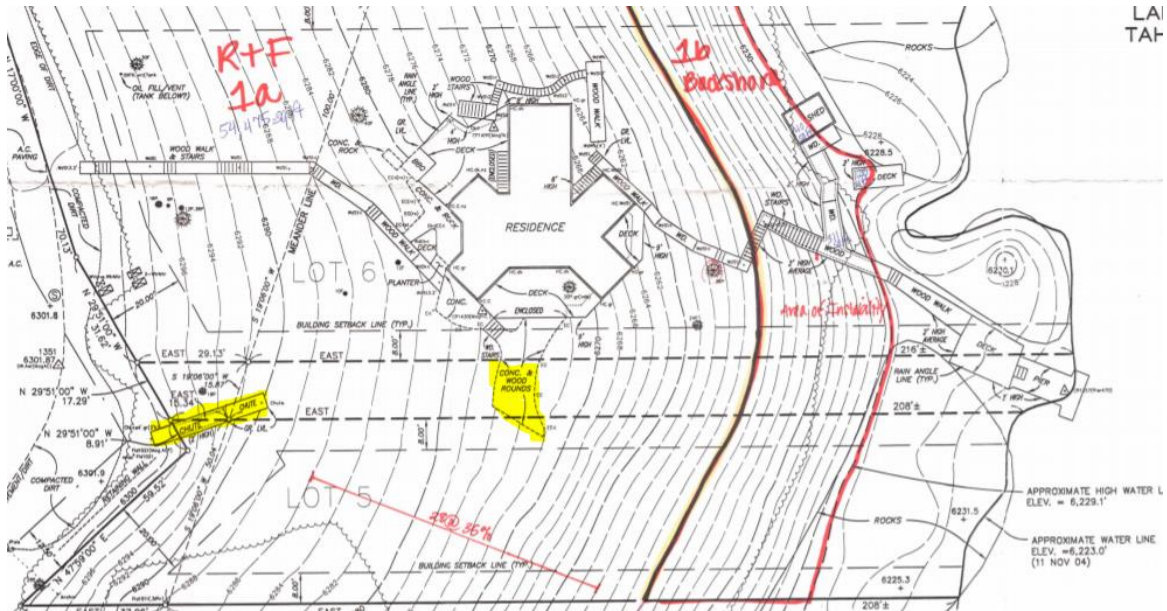
2008 Site Assessment

IMPERVIOUS SURFACE AREA (TO APPROXIMATE HIGH WATER LINE)		
RESIDENCE	1,439	SQ. FT.
DECKS/STAIRS/PIER/CHUTE	1,780	
CONCRETE/ROCK/BBQ	648	
A.C. PAVING	11	
SHED	44	
COMPACTED DIRT	877	
TOTAL	4,799	SQ. FT.

⁴ The 2008 Land Capability Verification erroneously calculates the entire project area as 63,888 sf. The Project area actually encompasses 50,929 sf.

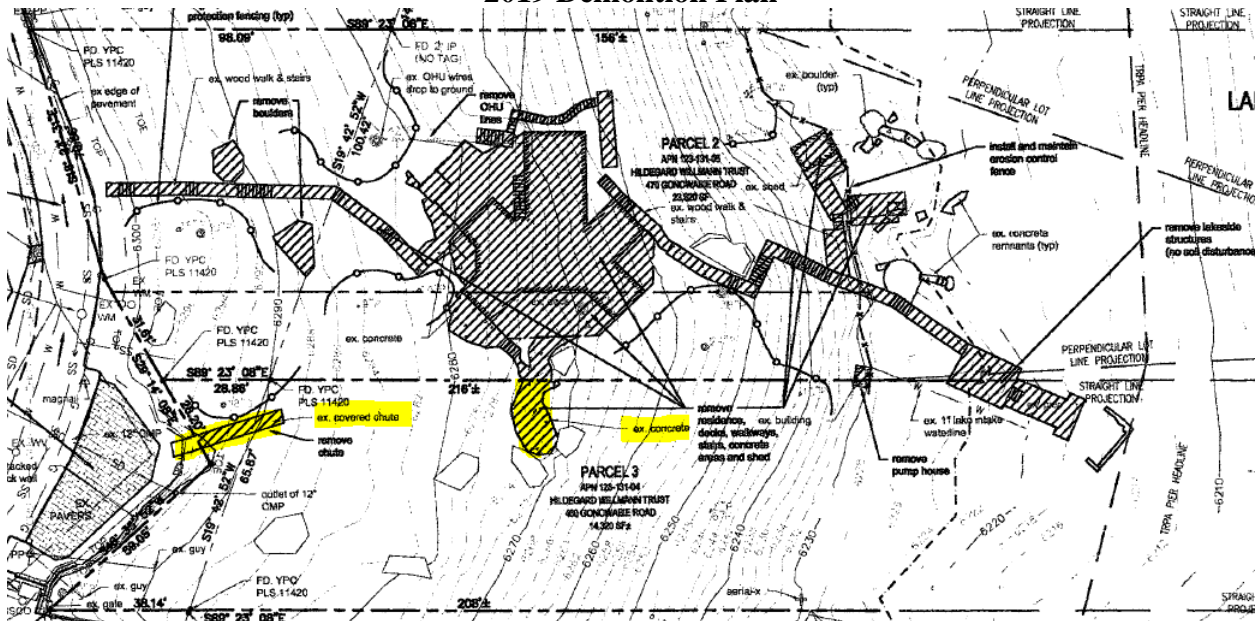


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The 2008 site assessment depicts a portion of the concrete coverage and the entirety of the chute coverage on 460 Gonowabie (see above). The location of the coverage encroaching onto 460 Gonowabie was confirmed in a 2019 demolition plan submitted by the Applicant (see below). A true and correct copy of the 2019 demolition plan is attached hereto as **Exhibit F**.

2019 Demolition Plan





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In addition to utilizing the existing land coverage on 460 Gonowabie for determining total allowable coverage, the coverage calculations also utilize the entirety of the 460 Gonowabie parcel to calculate allowable IPES coverage for 460 Gonowabie (1,241 sf allowed, with up to 1,131 sf of transferred coverage). By incorporating both the existing land coverage and IPES maximum land coverage from 460 Gonowabie, the Project essentially double counts a portion of the coverage on this lot, resulting in greater allowable coverage for the Project area than authorized by Code. Total allowable coverage figures must be revised, and a new project area deed restriction limiting total coverage recorded, prior to proceeding with the Project.⁵ See p. 9 of 18 of Project Application:

LAND COVERAGE CONFORMANCE WORKSHEET

APN: 123-131-04 / 460 Gonowabie

PART 1: EXISTING PARCEL(S)

First Lot

Total Area: 11,862 sq. ft.

Land Capability District(s) *	% Allowed Coverage	Area (sq. ft.)	Allowable Coverage (sq. ft.)	Existing Coverage (sq. ft.)
IPES	12%	10,197	1,224	NA
Bailey's 1b	1%	1,665	17	NA

* If this parcel was evaluated under the Individual Parcel Evaluation System (IPES), disregard the first column (Land Capability Districts) but complete all other columns.

Total Allowed Coverage: 1,241 sq. ft. *Max w/transfer = 2172 (1131 w/transfer)*

Total Existing Coverage: NA sq. ft.

B. The Findings Adopted as Part of the Project Approval Are Not Supported by Substantial Evidence and Are Legally Insufficient.

Findings required in support of a project approval must be in writing, supported by substantial evidence, and accompanied by a brief statement of the facts and rationales upon which they are based. TRPA Code of Ordinances § 4.3. Such findings must also articulate a rational connection between the facts found and the conclusions reached. *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F.Supp.2d 1260, 1267 (E.D. Cal. 2010).

As explained below, the required findings submitted by the Applicant and adopted by TRPA are conclusory, not supported by substantial evidence, and in some cases, entirely absent from the record.

⁵ The application also omits calculations of existing coverage by Land Capability District on the Bailey parcel (470 Gonowabie). See Applicant's Lot Line Adjustment Application, p. 9 of 18. These calculations must be included prior to any Project approval.



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1. The Written Findings Required Under Code of Ordinances Section 3.3.2 Are Not Included in the Record.

TRPA Code of Ordinances Section 3.3.2 requires the Agency to make one of three findings based on information submitted in an initial environmental checklist when approving a project:

- A. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.6;
- B. The proposed project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7; or
- C. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and the Rules of Procedure, Article 6.

When TRPA finds that either a project will not have a significant effect on the environment, or that significant adverse effects can be mitigated to a less than significant level, a statement of such finding must be placed in the TRPA project file. (TRPA Rules of Procedure §§ 6.6 & 6.7.)

The file is devoid of any such finding in this matter.⁶ Based on the potential Project impacts discussed below, Appellants respectfully request that an Environmental Assessment or, if appropriate, an Environmental Impact Statement be prepared to fully analyze project impacts, and that appropriate mitigation measures be incorporated in the Project conditions of approval. (TRPA Code of Ordinances § 3.7.)

2. The Findings Required Under Code of Ordinances Sections 4.4.1.A. and B. Are Not Supported by Substantial Evidence.

Pursuant to Code of Ordinances Sections 4.4.1.A. and B., a project can only be approved when, on the basis of substantial evidence, the project is found to be consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs, and the project will not cause the environmental threshold carrying capacities to be exceeded.

⁶ Appellants requested a copy of the Project files, and while certain findings were produced, there were no written findings made in accordance with TRPA Rules of Procedure sections 6.6 or 6.7



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The proposed findings in support of the Project merely parrot the findings as stated in the Code, and do not articulate any connection between the facts in the record and the conclusions reached. *See League to Save Lake Tahoe*, 739 F.Supp.2d at 1267. As summarized above, the Project is inconsistent with the Code and Regional Plan, and results in exceeding environmental thresholds by “double counting” coverage on 460 Gonowabie.

Further, while the Applicant’s finding under Section 4.4.1.C. baldly claims that the “BLA involving the three (3) Subject Parcels, has been designed to meet and to the maximum extent feasible, exceed all applicable federal, state and local air and water quality standards by implementing the strictest standards at the planning and design stages,” the record lacks any evidence whatsoever of the “strictest standards” that are being applied by the Applicant to development of the Properties. If application of “strictest standards” is a basis for this finding, such standards must be identified and made a part of the conditions of approval for the Project.

C. The Environmental Analysis Failed to Analyze the Potentially Significant Impacts Associated With Development of the Properties as a Result of the Lot Line Adjustment.

TRPA’s definition of a “project” closely mirrors the definition under CEQA, i.e. “an *activity* undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region. TRPA Compact art. II(h) (emphasis added); *see also* Cal. Pub. Res. Code § 20165(a) (project is “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment....”) By referring to an “activity,” the definition of a project “focuses attention on that which has impact on the environment,” and ensures that the action reviewed by TRPA is not the approval itself, but the development or other activities that will result from the approval. *See Poet, LLC v State Air Resources Bd.*, 12 Cal.App.5th 52, 73 (2017); *Bozung v. Local Agency Formation Commission*, 13 Cal.3d 263, 283-84 (1975).

TRPA’s definition of “project” is broad to enable maximum protection of the environment, requiring that environmental considerations not be concealed by separately focusing on isolated parts, overlooking the effect of the whole action in its entirety. This rule against piecemealing insures that “environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” *Bozung*, 13 Cal.3d at 283-84 (1975); *see also National Wildlife Fed. v. Andrus*, 440 F.Supp. 1245 (D. D.C. 1977) (one of the purposes of NEPA “was to break the cycle of such incremental decision-making.”). Further, TRPA requires an analysis of the cumulative impacts of a project. TRPA Initial Environmental Checklist § 21.c.; *see also, Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 897 (9th Cir. 2002)



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(requiring analysis of the cumulative impact of “individually minor but collectively significant actions taking place over a period of time.”). Implicit in the analysis of cumulative impacts is that TRPA should not limit environmental disclosure by ignoring the development or other activity that will ultimately result from an initial approval. *See City of Antioch v. City Council*, 187 Cal.App.3d 1325, 1337-38 (1986).

Here, Applicant has submitted applications for three additional projects that are all dependent on the approval of the lot line adjustment: ERSP2019-1498 (reconstruction of a pier with new multi-use designation), ERSP2019-1453 (single family dwelling on 470 Gonowabie), ERSP2019-1471 (single family dwelling on 480 Gonowabie), and a fourth application, for development of a single family home on 460 Gonowabie, is anticipated to be submitted shortly.

Yet despite these incremental and interdependent developments, the Applicant’s Initial Environmental Checklist evaluates only the impacts of the lot line adjustment approval, and ignores the development *activities* associated with the entire Project, in blatant violation of TRPA requirements.

Specifically, the following sections of the Applicant’s Initial Environmental Checklist all fail to analyze the impacts associated with development of the Properties resulting from approval of the lot line adjustment. Because these impacts are potentially significant, they should be fully evaluated in an Environmental Assessment or Environmental Impact Statement, and mitigated accordingly.

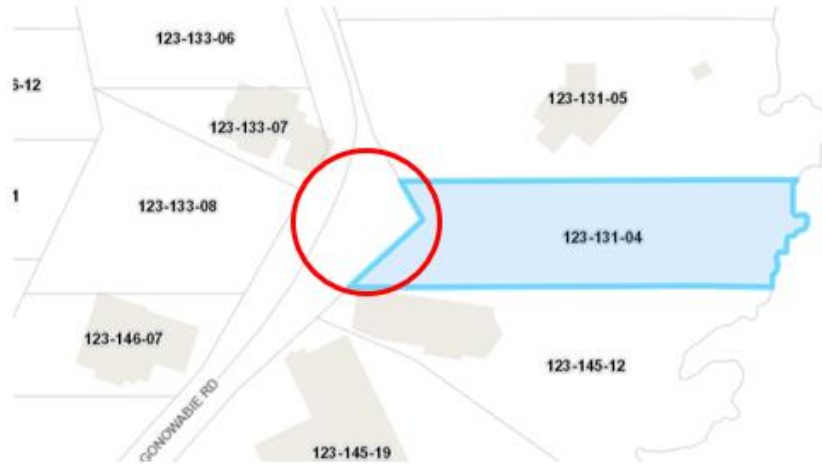
a. IEC Section 13.b. & f. – Loss of Parking Facilities and Increase in Traffic Hazards.

Initial Environmental Checklist sections 13.b. and f. require an analysis of (i) whether there will be a change to existing parking facilities or demand for new parking, and (ii) an increase in traffic hazards to motor vehicles, bicyclist, and pedestrians as a result of the Project. The development of three estate-sized residences within this small subdivision will indisputably result in significant parking impacts and increased traffic hazards.

The public right-of-way on Gonowabie Road was uniquely developed to require a large turnout directly in front of 460 Gonowabie (see below).



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This turnout feature serves several purposes. It functions as one of the only available on-street parking areas on Gonowabie Road. As depicted on the Google earth picture below (dated June 7, 2018), there are two cars parked in the public right of way directly fronting 460 Gonowabie.



The turnout also enhances emergency vehicular access on this narrow roadway, helps to eliminate conflicts between motor vehicles and bicycles and pedestrians, and serves as snow removal storage.

Appellants are informed and believe that the Project is proposing three separate single-family homes, all with a minimum of four bedrooms, and each exceeding 5,500 sf. Yet, each residence will only include two onsite parking spaces. With such sizeable manors, there is a potential for



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large gatherings, including vacation rentals, that could easily exceed onsite parking availability. And, without proper design and mitigation for any driveway encroachments on 460 Gonowabie, an already extremely limited supply of on street public parking will be virtually eliminated. An analysis of the project's potential impact to parking and traffic hazards, and implementation of appropriate designs, should be considered as part of the Project.

b. IEC Section 18.a. & c. – Modification of Views of and from Lake Tahoe.

In response to Section 18.a. of the Initial Environmental Checklist, where the Applicant was asked whether the Project would be visible from Lake Tahoe, the Applicant responded that the "proposed LLA will have no impact on existing views and will not add scenic massing." This again ignores the impact of the whole of the Project/activity that must be assessed. The Project involves three substantial lakefront residences and a new multi-use pier, all of which will be very visible from the Lake. Further, the effect on scenic views must be analyzed in light of Washoe County's denial of the 460 Gonowabie setback variance. As a result of the variance denial, the Applicant's intention is to build the same size house on 460 Gonowabie, but now much closer to the shoreline, which will undoubtedly have a detrimental effect on shoreline views. The impacts associated with these developments should be analyzed and mitigated as part of this Project application.

Similarly, the Project will block and modify views of the Lake from a public road (Gonowabie) as the three residences are developed. *See* Initial Environmental Checklist Section 16.c. Yet there is no evaluation of the impacts associated with this development, nor mitigation measures proposed to protect the public's views. *See Ocean View Estates Homeowners Ass'n v. Montecito Water Dist.* 116 Cal.App.4th 396, 402 (2004) (an adverse effect on scenic views enjoyed by the public is significant).

Similarly, while the Applicant's Initial Environmental Checklist claims there will be no new sources of exterior lighting, it would be nonsensical to presume that three residences and a pier could be developed without any exterior lighting. *See* Initial Environmental Checklist Section 7.a.

The potentially significant view impacts should be identified, analyzed, and appropriately mitigated as part of approval of this Project.



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D. The Applicant Failed to Provide Complete and Accurate Information With its Application, and Recorded Deed Restrictions and a Judgment Restrict Developability of the Properties.

Special Condition No. 5 of the permit issued for the Project provides that:

This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

As part of an application for a lot line adjustment, applicants are required to disclose, under penalty of perjury, all property restrictions and easements affecting the property. The importance of this requirement cannot be understated. By requiring an applicant to disclose property restrictions as part of the application, TRPA can help to avoid what may otherwise be costly civil disputes, including lawsuits directly involving the agency. Early disclosure of private restrictions also conserves valuable agency resources, as it is futile to process and permit a project that ultimately cannot be approved and constructed.

Here, rather than listing the known deed restrictions impacting the Properties, as required by TRPA, the Applicant merely stated "See attached site plan." A true and correct copy of Applicant's declaration submitted in connection with the Project application is attached hereto as **Exhibit G**. In response to a similar question on a related application for a variance submitted to Washoe County, where the Applicant was asked whether "there are any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request," Applicant similarly declared "No". A true and correct copy of portions of the variance application submitted by Applicant to Washoe County is attached hereto as **Exhibit H**.

Contrary to the Applicant's misrepresentations, the title report for the Properties list eight separate deed restrictions, including a judgment, applicable to the Properties, none of which are disclosed or in any way depicted on the site plan. *See* Ex. B (exception nos. 21-28). And notably, the deed by which the Applicant took title to the Properties states it is subject to "Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record." A true and correct copy of Applicant's deed is attached hereto as **Exhibit I**.

The recorded deed restrictions affecting the Properties directly impact site design and building location, creating no build zones within the Properties. In fact, the deed restrictions restrict any dwelling or building within three (3) feet of a specifically described side line. The recorded



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judgment contains an even more expansive no build zone, prohibiting any dwelling or building within fifteen (15) feet of the side lines of the parcels described therein.⁷ *See* Exh. C.

While a TRPA lot line adjustment may alter parcel lines, it does not alter a private deed restriction or judgment, nor relocate these privately restricted no build zones. *Western Land Co. v. Truskolaski*, 88 Nev. 200, 495 P.2d 624, 627 (Nev. 1972) (the actions of a regulatory agency “cannot override privately-placed restrictions.”). The no build zones apply to the side lines of the lots as originally configured and described within the deeds and judgment, and do not “move” when a lot line is adjusted by a regulatory agency. *Ibid.* These no build zones, as described with reference to the original lot lines contained in the deeds and judgment creating them, were relied on by adjacent property owners when they themselves purchased their lots and sited their residences, providing open space and view corridors. They cannot now be relocated as a result of a lot line adjustment.

The recorded no build zones serve to severely restrict development on the parcels as reconfigured by the Project. The impact of the proposed lot line adjustment to the deed and judgment created no build zones must be evaluated as part of the Project application.

Because of the Applicant’s violation of Special Condition No. 5 of the permit, failure to provide accurate and true information in connection with its application, and active concealment of property restrictions that directly impact the lot line adjustment, the Project approval should be rescinded.

Based on the foregoing, Appellants respectfully request that the Board set aside and rescind the Project approval.

I declare under penalty of perjury that this Statement of Appeal and Request for Stay of Permit and all information submitted herewith is true and accurate to the best of my knowledge.

Respectfully,

Greg Gatto

Exhibits (highlighting of pertinent information has been added to exhibits)

⁷ The recorded judgment provides that the building restrictions are made pursuant to the maintenance of a common building plan and scheme for the Crystal Bay Park subdivision, which benefits Appellants’ properties.

EXHIBIT LIST

Statement of Appeal and Request for Stay of Permit - Appeal File Number ADMIN2020-0002

- Exhibit A** February 3 and 4, 2020 Correspondence Regarding Washoe County Board of Adjustments Appeal

- Exhibit B** Preliminary Title Report for 460, 470, and 480 Gonowabie Road

- Exhibit C** Recorded Deed Restrictions and Judgment Applicable to 460, 470, and 480 Gonowabie Road

- Exhibit D** 2008 Land Capability Verification

- Exhibit E** 2008 Site Assessment

- Exhibit F** 2019 Demolition Plan

- Exhibit G** Portion of Lot Line Adjustment Application With Declaration of Property Restrictions/Easements

- Exhibit H** Portion of 460 Gonowabie Variance Application

- Exhibit I** Gonowabie Properties, LLC Deed (Washoe County Recorder Document No. 4869226)

EXHIBIT A

Greg Gatto

From: Nick Exline <nick@midkiffandassoc.com>
Sent: Tuesday, February 4, 2020 2:56 PM
To: 'Hayes Parzybok'; Robert Goldberg
Cc: Brian Helm; Greg Gatto; reubr@aol.com
Subject: RE: 460 Gonowabie

Hi All,

Just to confirm, the meeting is actually this Thursday, February 6th at 1:30 PM at the Washoe County offices in Reno.

Thanks,

Nick Exline, AICP

Senior Planner

Midkiff and Associates, Inc.

Office: (775) 588-1090

Fax: (775) 588-1091

nick@midkiffandassoc.com

P.O. Box 12427

Zephyr Cove, NV 89448

 Please consider the environment before printing this email.

From: Hayes Parzybok <hparzybok@paradigm8.com>
Sent: Tuesday, February 04, 2020 2:52 PM
To: Robert Goldberg <rtgoldberg@gmail.com>
Cc: Brian Helm <bhelm@paradigm8.com>; Greg Gatto <Greg@sierralanduselaw.com>; reubr@aol.com; Nick Exline <nick@midkiffandassoc.com>
Subject: Re: 460 Gonowabie

Hi Rob,

After further review and consideration, we've decided to proceed with the hearing next week. That said, we continue to welcome the opportunity to meet with you and the project owner, and understand your issues.

Yes, Brian will be at the hearing.

Thanks,

Hayes Parzybok | PARADIGM8
p: (530) 448-9310
hparzybok@paradigm8.com

On Feb 4, 2020, at 10:58 AM, Robert Goldberg <rtgoldberg@gmail.com> wrote:

Brian,

I'm copying Greg Gatto our legal counsel. Based on your representation that you are asking for a continuance, we have asked him to stand down on preparing opposition to the variance request. We have also notified concerned neighbors they will not need to attend. Please advise when you have made that formal request.

In the interest of making progress on a number of time sensitive issues including scheduling a meeting with Dave, we should find a time to talk or meet soon. Will you be at the hearing on Thursday? If so perhaps we can talk then, if not please suggest a few times that might be convenient for you to meet or talk on the phone.

Best,
Robert

On Mon, Feb 3, 2020 at 1:38 PM Robert Goldberg <rtgoldberg@gmail.com> wrote:

Nick as of the last hour, staff had not received the request. When are you intending on making it?

Also we understand it is too late to be pulled from the agenda.

Robert

On Mon, Feb 3, 2020 at 12:38 PM Brian Helm <bhelm@paradigm8.com> wrote:

Robert,
Nick was going to request the deferral. I have copied him to confirm.

thanks
Brian

From: Robert Goldberg <rtgoldberg@gmail.com>
Sent: Monday, February 3, 2020 6:52:12 AM
To: Brian Helm <bhelm@paradigm8.com>
Cc: reubr@aol.com <reubr@aol.com>; Hayes Parzybok <hparzybok@paradigm8.com>
Subject: Re: 460 Gonowabie

Brian, thanks for reaching out. Have you formally requested the postponement? It looks like the item is still on the agenda for Thursday.

We are open to meeting, but not certain those dates will work for us.

Robert

On Fri, Jan 31, 2020 at 5:54 PM Brian Helm <bhelm@paradigm8.com> wrote:

Reuben and Robert,

I received your contact information from Nick Exline at Midkiff & Associates. He provided me with some background from your previous discussions. As a follow-up, we would like to coordinate a time for a meeting with the property owner to discuss your comments on the 460 Gonowabie Residence.

We are planning to postpone the Washoe County Board of Adjustment 460 Variance item until the April hearing to allow for further discussion with you both.

Please let me know if you have any availability on Feb 11 or 12 and we will schedule the meeting.

Thanks and have a nice weekend,

Brian

<image001.png>

Brian Helm

Principal

p: (775) 313-6903

w: www.paradigm8.com e: bhelm@paradigm8.com

EXHIBIT B



PRELIMINARY REPORT

Proposed Buyer: buyer
 Proposed Lender: Prelim only
 Proposed Loan Amount: \$0.00
 Property Address: 460, 470, and 480 Gonowabie Road, Crystal Bay, NV 89402

Escrow Office:
 Ticor Title of Nevada, Inc.
 264 Village Boulevard #101
 Incline Village, NV 89451
 Phone: (775) 413-6111 Fax: (775) 249-9510
 Escrow Officer: Shannon Pisano
 Customer No.: /

Title Office:
 Ticor Title of Nevada, Inc.
 5441 Kietzke Lane, Suite 100
 Reno, NV 89511
 Phone: (775) 324-7400 Fax: (775) 324-7402
 Order No.: 01905559-SLP

The information contained in this report is through the date of September 4, 2019 at 7:30 a.m.

In response to the application for a policy of title insurance referenced herein, Ticor Title of Nevada, Inc. hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Timothy S. Palko, Title Officer

THE FOLLOWING REQUIREMENTS MUST BE MET PRIOR TO CLOSE OF ESCROW:

1. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: Gonowabie Properties, LLC

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member
- b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps
- c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member
- d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin
- e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

FEE

Title to said estate or interest at the date hereof is vested in:

Gonowabie Properties, LLC, a Nevada Limited Liability Company

The land referred to in this Report is situate in the State of Nevada, County of Washoe and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to lien for services, labor or material not shown in the Public Records.
7. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, payable in four (4) quarterly installments (due on or before 3rd Monday in August and 1st Monday in October, January and March, respectively) are as follows:

Assessor's Parcel No.:	123-131-04	
Fiscal Year:	2019-2020	
Total Taxes:	\$6,002.93	
1st Installment:	\$1,500.83	PAID
2nd Installment:	\$1,500.70	OPEN
3rd Installment:	\$1,500.70	OPEN
4th Installment:	\$1,500.70	OPEN
8. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, payable in four (4) quarterly installments (due on or before 3rd Monday in August and 1st Monday in October, January and March, respectively) are as follows:

Assessor's Parcel No.:	123-131-05	
Fiscal Year:	2019-2020	
Total Taxes:	\$13,202.05	
1st Installment:	\$ 3,300.61	PAID
2nd Installment:	\$ 3,300.48	OPEN
3rd Installment:	\$ 3,300.48	OPEN
4th Installment:	\$ 3,300.48	OPEN

9. General and special State, County and/or City property taxes, including any personal property taxes and any assessments collected with taxes, payable in four (4) quarterly installments (due on or before 3rd Monday in August and 1st Monday in October, January and March, respectively) are as follows:
 Assessor's Parcel No.: 123-131-06
 Fiscal Year: 2019-2020
 Total Taxes: \$8,257.18
 1st Installment: \$2,064.40 PAID
 2nd Installment: \$2,064.26 OPEN
 3rd Installment: \$2,064.26 OPEN
 4th Installment: \$2,064.26 OPEN
10. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Nevada Revised Statutes.
11. Any liens which may be levied by reason of the Land being within the Washoe County Public Works Department, Utility Division. Specific amounts may be obtained from Washoe County Public Works Department, Phone Number (775) 954-4601.
12. Any liens, charges or assessments levied by the Incline Village General Improvement District by reason that the Land is located within said district.
13. Any adverse claim based upon the assertion that:

 Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Lake Tahoe in the event the boundary of said Lake Tahoe has been artificially raised or is now or at any time has been below the high watermark, if said Lake Tahoe is in its natural state.

 Some portion of said Land has been created by artificial means or has accreted to such portion so created.

 Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Lake Tahoe, or has been formed by accretion to any such portion.
14. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Lake Tahoe.
15. Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.
16. The right to raise or lower the level of Lake Tahoe as set forth and defined in Nevada Revised Statutes, further evidenced by matters and determinations set forth in the Truckee River Agreement, final decree entered in 1944, case entitled United States vs. Orr Water Ditch Co., United States District Court for the District of Nevada.
17. Excepting any portion of the Land lying within the bed of Lake Tahoe below the line whose elevation is 6223 feet, Lake Tahoe datum pursuant to Nevada Revised Statutes and also excepting any artificial accretions to said Land, waterward of said Land or natural ordinary high water or, if lake level has been artificially lowered, excepting any portion below such elevation as may be established as the boundary by boundary line agreement with the state or by quiet title action in which the state is a party.
18. Water rights, claims or title to water, whether or not disclosed by the public records.
19. Rights of way for any existing roads and alleys, trails, canals, ditches, flumes, conduits, pipes, poles or transmission lines on, under, over, through or across the Land.

20. The following provisions as set forth in the deed to the State of Nevada,

Executed By: Walter D. Bliss, et al
Recording Date: June 27, 1930
Recording No: Book 83, Page 155, Deed Records

Which recites as follows:

“It is expressly agreed and understood that grantee with the consent of grantors in writing first had and obtained, may deposit earth and rock excavated from said right-of-way upon grantors land immediately adjacent to said highway.”

21. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: June 22, 1935
Recording No: Book 99, Page 288, as Document No. 70435, Deed Records

22. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: June 24, 1936
Recording No: Book 106, Page 132, as Document No. 74334, Deed Records

23. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: January 11, 1938
Recording No: Book 112, Page 522, as Document No. 80564, Deed Records

24. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: April 22, 1943
Recording No: Book 154, Page 26, as Document No. 111350, Deed Records

25. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: September 29, 1943
Recording No: Book 156, Page 363, as Document No. 115323, Deed Records

26. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: February 18, 1946
Recording No: Book 179, Page 72, as Document No. 138290, Deed Records

27. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: June 17, 1947
Recording No: Book 15, Page 411, as Document No. 153196, Deeds Records

28. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed

Recording Date: April 5, 1955
Recording No: Book 376, Page 388, as Document No. 241612, Deed Records

29. Facts and Matters as shown on that certain ALTA/NSPS Survey prepared by Resource Concepts Inc. dated 11/09/2018 as Job No. 18-299-1:
- a) Improvements located within the Gonowabie Road right-of-way.
 - b) Transmission lines and pole across the Westerly Boundary.
 - c) "Chute" across the Westerly boundary of Parcel 3.
 - d) Concrete patio area and doc across the common boundary between Parcels 2 and 3 described herein.
 - e) Edge of asphalt for Gonowabie Road extends in to Parcel 1 and 2 as much as 3.6'.
 - f) Stone steps across the boundary line in the Southwest corner of Parcel 3.
30. Easement(s) and rights incidental thereto as delineated or as offered for dedication on Record of Survey Map No. 5996 in Support of a Lot Combination Deed
- Recording Date: September 25, 2018
Recording No: 4853261 Official Records
31. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

INFORMATIONAL NOTES

1. Note: Due to the Nevada Supreme Court's interpretation of N.R.S. §116.3116 (2)(c) in SFR Investments Pool 1, LLC v. U.S. Bank, N.A. 334 P. 3d 408 (2014), the Company is unwilling to issue the ALTA 9-06 Endorsement, but instead will issue the ALTA 9.10-06 Endorsement. This does not apply to common interest communities that are not subject to N.R.S. §116.3116 (i.e. apartment complexes, commercial condominiums that are exempt or other commercial properties).
2. Note: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
3. Note: The charge for a policy of title insurance, when issued through this title order, will be based on the Basic Title Insurance Rate.
4. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Recording Date: September 25, 2018
Recording No: 4853260, Official Records

Grantor: Suzanne Meehan, Successor Trustee of the Hildegard Willmann Trust, dated October 14, 1983

Grantee: Gonowabie Properties, LLC, a Nevada Limited Liability Company
Recording Date: November 28, 2018
Recording No: 4869226, Official Records

5. Note: The following information is provided strictly as an accommodation. According to the Assessor, the address of the Land is as follows:

Type of Dwelling: Vacant Land
Address: 460 Gonowabie Road, Crystal Bay, Nevada
Affects: Parcel 3 APN: 123-131-04

6. Note: None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land a single family residence known as 470 Gonowabie Road, Crystal Bay, Nevada, to an Extended Coverage Loan Policy, when issued.

Affects: Parcel 2 APN: 123-131-05

7. Note: The following information is provided strictly as an accommodation. According to the Assessor, the address of the Land is as follows:

Address: 480 Gonowabie Road, Crystal Bay, Nevada
Affects: Parcel 1 APN: 123-131-06

Order No.: 01905559-SLP

EXHIBIT A

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

PARCEL 1:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

BEGINNING at an angle point on the U.S. Government Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M.D.B. &M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 5°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, and the TRUE POINT OF BEGINNING.

Thence North 13°19'08" West 90.56 feet;
Thence North 89°23'08" West 111.79 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;
Thence South 16°23'08" East 105.76 feet along the Easterly boundary of Gonowabie Road;
Thence South 89°23'08" East 98.09 feet to said Meander Line;
Thence North 19°42'52" East 14.02 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-06

PARCEL 2:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North. Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 14.02 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 98.09 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 70.56 feet along said Easterly boundary of Gonowabie Road;
Thence South 29°14'08" East 31.61 feet along said Easterly boundary of Gonowabie Road;
Thence South 89°23'08" East 28.86 feet to said Meander Line;
Thence North 19°42'52' East 100.42 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN: 123-131-05

PARCEL 3:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 114.44 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 28.86 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 29°14'08" East 2.20 feet along said Easterly boundary of Gonowabie Road;
Thence South 48°35'52" West 59.05 feet along said Easterly boundary of Gonowabie Road;
Thence South 89°23'08" East 38.14 feet to said Meander Line;
Thence North 19°42'52" East 65.87 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-04

Note: Document No. 4869226 is provided pursuant to the requirements of Section 6.NRS 111.312.

EXHIBIT A

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

PARCEL 1:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

BEGINNING at an angle point on the U.S. Government Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M.D.B. &M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 5°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, and the TRUE POINT OF BEGINNING.

Thence North 13°19'08" West 90.56 feet;

Thence North 89°23'08" West 111.79 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 105.76 feet along the Easterly boundary of Gonowabie Road;

Thence South 89°23'08" East 98.09 feet to said Meander Line;

Thence North 19°42'52" East 14.02 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-06

PARCEL 2:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North. Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 14.02 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 98.09 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 16°23'08" East 70.56 feet along said Easterly boundary of Gonowabie Road;

Thence South 29°14'08" East 31.61 feet along said Easterly boundary of Gonowabie Road;

Thence South 89°23'08" East 28.86 feet to said Meander Line;

Thence North 19°42'52' East 100.42 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN: 123-131-05

PARCEL 3:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per Document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 114.44 feet to the TRUE POINT OF BEGINNING.

Thence North 89°23'08" West 28.86 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;

Thence South 29°14'08" East 2.20 feet along said Easterly boundary of Gonowabie Road;

Thence South 48°35'52" West 59.05 feet along said Easterly boundary of Gonowabie Road;

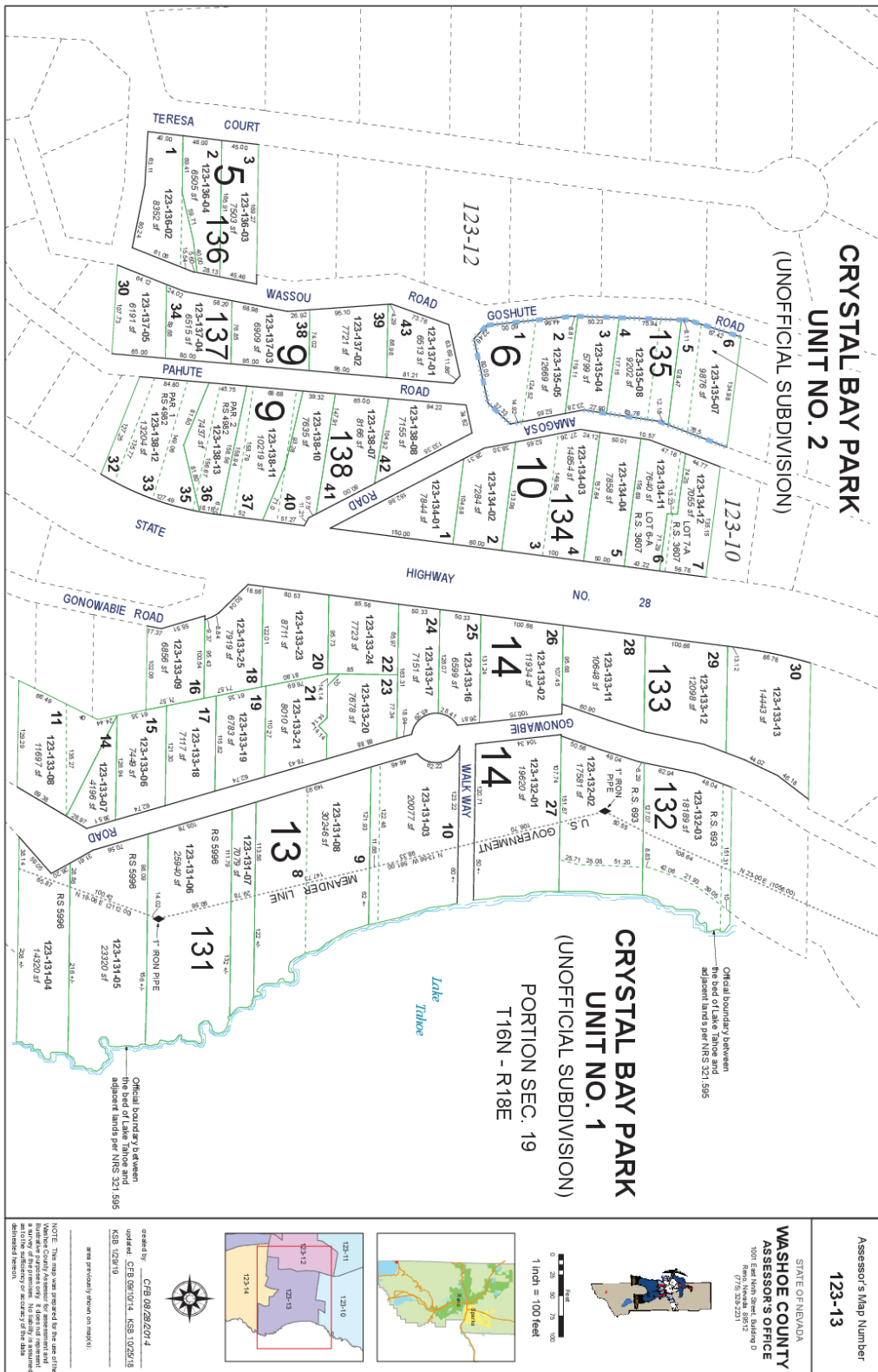
Thence South 89°23'08" East 38.14 feet to said Meander Line;

Thence North 19°42'52" East 65.87 feet to the TRUE POINT OF BEGINNING.

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-04

Note: Document No. 4869226 is provided pursuant to the requirements of Section 6.NRS 111.312.



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

AGENDA ITEM NO. IX.A.

ATTACHMENT ONE (Revised 05-06-16)

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;

- e. land division; and
 - f. environmental protection.
- This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
 3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
 4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
 5. Failure to pay value for Your Title.
 6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
 7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
 8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
 9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is

- (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

{Except as provided in Schedule B - Part II, {or T}his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

{PART I

{The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.}

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:}

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

{The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records. }
7. {Variable exceptions such as taxes, easements, CC&R's, etc. shown here.}

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY – ASSESSMENTS PRIORITY (04-02-15)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

Note: Notice of Available Title Insurance and Escrow Discounts

Your transaction may qualify for one of the discounts shown below. In order to receive these discounts, you will need to contact your escrow officer or a company representative to determine if you qualify and to request the discount. Your escrow officer or company representative will provide a full description of the terms, conditions and requirements associated with each discount.

Available Title Insurance Discounts (These discounts will apply to all transactions where the company is issuing a policy of title insurance, including such transactions where the company is not providing escrow closing services.)

CREDIT FOR PRELIMINARY TITLE REPORTS AND/OR COMMITMENT CANCELLATION CHARGES ON SUBSEQUENT POLICIES

Where an order was cancelled and no major change in the title has occurred since the issuance of the original report or commitment, and the order is reopened within 24 - 36 months, all or a portion of the charge previously paid upon the cancellation of the report or commitment may be credited on a subsequent policy charge.

SHORT TERM RATE

The Short Term Rate is a reduction of the applicable insurance rate which is allowable only when the current order is placed within 60 months from the date of issuance of a prior policy of title insurance to the vested owner or an assignee of the interest insured. The short term rate is 80% of the Basic Rate. Unless otherwise stated, the reduction only applies to policies priced at 80% or greater of the basic rate. This reduction does not apply to Short Sale transactions or to any surcharge calculated on the basic rate.

PRIOR POLICY DISCOUNT (APPLICABLE TO ZONE 2, DIRECT OPERATIONS ONLY)

The Prior Policy Discount will apply when a seller or borrower provides a copy of their owner's policy upon opening escrow. The prior policy rate is 70% of the applicable owner's title premium. This discount may not be used in combination with any other discount and can only be used in transactions involving property located in Zone 2 (Zone 2 includes all Nevada counties except Clark, Lincoln and Nye) that are handled by a direct operation of the FNF Family of Companies.

CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities the charge for a policy shall be 50% to 70% of the appropriate title insurance rate, depending on the type of coverage selected. This discount shall not apply to charges for loan policies issued concurrently with an owner's policy.

EMPLOYEE RATE

No charge shall be made to employees of the Company, its subsidiary or affiliated companies (including employees on approved retirement) for policies issued in connection with financing, refinancing, sale or purchase of the employee's bonafide home property. Waiver of such charges is authorized only in connection with those costs which the employee would be obligated to pay, by established custom, as a party to the transaction.

INVESTOR RATE

This rate is available for individuals, groups of individuals or entities customarily engaged in real estate investments. The parties must provide reasonable proof that they currently hold title to or have transferred title to three (3) or more investment properties in the State of Nevada within the past twelve (12) months to qualify for this rate. On a sale transaction, the investor rate is 70% of the basic rate. This reduction does not apply to any surcharge calculated on the basic rate. On a refinance transaction or where the investor is obtaining a loan subsequent to a purchase, the rate shall be 85% of the applicable rate with a minimum charge of \$385.00. The loan discount shall only apply to transactions priced under Section 5.1 B (1b) of the title insurance rate manual. This rate is available upon request only.

Available Escrow Discounts These discounts will apply only to the escrow fee portion of your settlement charges, and the discounts will apply only if the company is issuing a policy of title insurance in conjunction with providing escrow services.

SENIOR CITIZEN RATE

If a valid identification is provided, principals to a given transaction who qualify as Senior Citizens (55 year of age and over) shall be charged 70% of their portion of the escrow fee wherein a valid identification is provided. This discount shall only apply on residential resale transactions wherein the principal resides in the subject property. This discount may not be used in combination with any other escrow rate discount. This rate is available upon request only.

MILITARY DISCOUNT

Any person on active military duty or a Veteran of the U.S. Armed Forces shall be charged 80% of their portion of the escrow fee. A copy of a current military identification card or a copy of the DD-214 (Certificate of Release or Discharge from Active Duty) must be provided. This discount may not be used in combination with any other discount. This rate is for sale transaction and it is available upon request only.

FIRST TIME HOMEBUYER RATE (APPLICABLE TO ZONE 2 ONLY)

A first time homebuyer of an owner-occupied residential property shall be charged 75% of their portion of the escrow fee, provided reasonable evidence is presented that this is their first home. Applies to all counties **except** Clark, Lincoln and Nye. This discount may not be used in combination with any other discount. This rate is for sale transactions and it is available upon request only.

EMPLOYEE RATES

An employee will not be charged an escrow fee for the purchase, sale or refinance of the employee's primary residence. The employee must be a principal to the transaction and the request for waiver of fees must be submitted to Management prior to approval.

INVESTOR RATE

This rate is available for individuals, groups of individuals or entities customarily engaged in real estate transactions. The parties must provide reasonable proof that they currently hold title to or have transferred title to three (3) or more investment properties within the State of Nevada within the past twelve (12) months to qualify for this rate. The charge is 70% of their portion of the escrow fee. This discount may not be used in combination with any other discount. This rate is for sale transactions and it is available upon request, only.

Wire Fraud Alert

This Notice is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the phone number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL, INC. PRIVACY NOTICE

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g., Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g., loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates’, and third parties’ products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or

- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see “**Choices With Your Information**” to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an “opt out” request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information and Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information and Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not share information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF’s headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the “Service Websites”). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender’s privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender’s privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

EXHIBIT C

21. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: June 22, 1935
Recording No: Book 99, Page 288, as Document No. 70435, Deed Records
22. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: June 24, 1936
Recording No: Book 106, Page 132, as Document No. 74334, Deed Records
23. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: January 11, 1938
Recording No: Book 112, Page 522, as Document No. 80564, Deed Records
24. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: April 22, 1943
Recording No: Book 154, Page 26, as Document No. 111350, Deed Records
25. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: September 29, 1943
Recording No: Book 156, Page 363, as Document No. 115323, Deed Records
26. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: February 18, 1946
Recording No: Book 179, Page 72, as Document No. 138290, Deed Records
27. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
Recording Date: June 17, 1947
Recording No: Book 15, Page 411, as Document No. 153196, Decrees Records
28. Covenants, Conditions, Restrictions and Reservations as set forth in a Deed
Recording Date: April 5, 1955
Recording No: Book 376, Page 388, as Document No. 241612, Deed Records

STATE OF NEVADA,)
County of Washoe) ss.

On this 3rd. day of October A. D. one thousand nine hundred and thirty-two personally appeared before me E. R. Simms, a Notary Public in and for said County of Washoe; Charles M. Sherman and Ida May Sherman, his wife known (or proved) to me to be the persons described in and who executed the annexed instrument, who acknowledged to me that they executed the same, freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) E. R. Simms

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires Dec. 1, 1932

FILING NO. 70432

Filed for Record at the Request of F. Raffetto JUN 22 1935 at 26 min. past 9 o'clock A M.

Fee \$2.05

HR: MB
HD: JL
MB *Verbed*

Idella B. Boyd
COUNTY RECORDER

CRYSTAL BAY CORPORATION TO HILDEGARD WILLMANN MIRC

(U. S. Internal Rev. Stamps \$2.50 Attached & Cancelled)

THIS INDENTURE, made the 21 day of May, 1935, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and HILDEGARD WILLMANN MIRC of Reno, State of Nevada, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III Section 19, T. 16 N. R. 18 E., Washoe County, Nevada, bears S. 19°06' W. 1997.87 feet and S. 5°06' W. 435.57 feet and S. 89°05' 50" W. 601.37 feet; thence West 29.13 feet; thence N. 29°51' W. 31.62 feet; thence N. 17°00' W. 28.38 feet, thence East to the said Meander Line; thence S. 19°06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof;

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

Book: 99
Page: 288

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said second party and her heirs and assigns forever.

IN WITNESS WHEREOF, first party has caused this instrument to be executed by its duly authorized officers and hereto has affixed its corporate seal the day and year first above written.

(CORPORATE SEAL) CRYSTAL BAY CORPORATION

By Norman. H. Biltz
President.

By E. M. Anderson
Secretary.

STATE OF NEVADA,)
) ss.
County of Washoe)

On this 21st day of May A. D. one thousand nine hundred and thirty-five personally appeared before me George Springmeyer, a Notary Public in and for said County of Washoe, NORMAN H. BILTZ known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the

uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) George Springmeyer.

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires _____

FILING NO. 70435

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO. JUN 22 1935 at 17 Minutes past 10 o'clock A M.

Fee \$2.45

HR: LF
HD: JL
MB Verified

Stella B. Boyd

COUNTY RECORDER

WASHOE COUNTY WATER CONSERVATION TO C. W. WORDEN, ET AL
DISTRICT

THIS INDENTURE, made this 13th day of December, 1934, by and between WASHOE COUNTY WATER CONSERVATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Nevada, Party of the First Part, and C. W. and M. T. WORDEN, Parties of the Second Part,

W I T N E S S E T H:

That the Party of the First Part, in consideration of the sum of \$4.75, lawful money of the United States to it paid by the Parties of the Second Part, the receipt of which is hereby acknowledged, does by these presents, remise, release and quitclaim unto the Parties of the Second Part, as tenants in common, all that certain parcel of land situated in Washoe County Water Conservation District in Washoe County, Nevada, and described as follows:

Fractional Southwest Quarter of Northeast Quarter of Section 1, T. 19 N., R. 19 E., M. D. B. & M., containing 4.7 acres, more or less.

TOGETHER with all the appurtenances thereunto belonging or in any-wise appertaining, and the reversion and reversions, rents, issues and profits thereof.

TO HAVE AND TO HOLD said premises with the appurtenances unto the Parties of the Second Part, their heirs and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part, by resolution of its Board of Directors, has caused these presents to be executed and signed by its Vice-President the day and year first above written.

(CORPORATE SEAL) WASHOE COUNTY WATER CONSERVATION DISTRICT.

By Lawrence Christensen
Vice-President.

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

On this 14th day of December, 1934, personally appeared before me, the undersigned, a notary public in and for said County and State, LAWRENCE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this Certificate first above written.

(SEAL)

Matilda A. Hancock
Notary Public in and for the
County of Washoe, State of Nevada.

My commission expires Mar. 2, 1938.

FILING NO. 74322

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO.
JUN 23 1936 at 43 min. past 1 o'clock P M. FEE \$2.05

HR: ACB
HD: MP
ACB ~~MP~~

Stella B. Perry
COUNTY RECORDER

Book: 106
Page: 132

CRYSTAL BAY CORPORATION TO HILDEGARD WILLMANN MIRC.

(U. S. INT. REV. STAMPS \$2.50 ATTACHED AND CANCELLED)

THIS INDENTURE, made the 18th day of June, 1936, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and HILDEGARD WILLMANN MIRC, of Crystal Bay, Washoe County, State of Nevada, SECOND PARTY,

W I T N E S S E T H:

That first party, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by second party, receipt whereof is hereby acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.87 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19°06' West, 1932 feet and South 5°06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 38.42 feet; thence North 47°59' East, 59.05 feet; thence North 29°51' West, 26.20 feet, thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.87 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Four Hundred Dollars (\$400.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said second party and to her heirs and assigns forever.

IN WITNESS WHEREOF, first party has caused this instrument to be executed by its duly authorized officers and hereto has affixed its corporate seal the day and year first above written.

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION
 By Norman Biltz
 President
 By George Springmeyer
 Secretary

STATE OF NEVADA,)
)
 COUNTY OF WASHOE.) SS.

On this 18th day of June, A. D., one thousand nine hundred and thirty-six, personally appeared before me, the undersigned, a Notary Public in and for said County of Washoe, NORMAN BILTZ, known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day ^{and} year in this certificate

first above written.

(SEAL)

Ethel L. Fletcher

Notary Public

My commission expires June 4, 1939.

FILING NO. 74334

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO.

JUN 24 1936 at 56 Minutes past 9 o'clock A M. FEE \$3.25

HR: ACB
HD: MP
ACB /

Ethel L. Fletcher
COUNTY RECORDER

ALFRED H. TILLIS & WF.

TO

CARL LEWIS & WF.

(U. S. INT. REV. STAMP FIFTY CENTS ATTACHED AND CANCELLED)

THIS INDENTURE made the 8th day of May, 1936, between ALFRED H. TILLIS and MELBA TILLIS, his wife, of the County of Washoe, State of Nevada, the parties of the first part, and CARL LEWIS and ANN LEWIS, his wife, of the aforesaid county and State, the parties of the second part, as joint tenants;

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said parties of the second part, with right of survivorship and to the survivor of either, as joint tenants and not as tenants in common, and to their heirs and assigns, and to the heirs and assigns of the survivor thereof, all that certain lot, piece or parcel of land situate, lying and being in the County of Washoe, State of Nevada, and particularly described as follows, to-wit:

Commencing at a point on the west line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, T. 19 N., R. 19 E., M. D. B. & M., distant thereon 370 feet north of the Southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 1; thence running easterly, parallel with the south line of said 40 acre tract a distance of 249 feet; thence running southerly and parallel with the west line of said 40 acre tract a distance of 70 feet; thence running westerly and parallel with the south line of said 40 acre tract a distance of 124 $\frac{1}{2}$ feet; thence running southerly and parallel with the west line of said 40 acre tract a distance of 20 feet; thence running westerly and parallel with the south line of said 40 acre tract a distance of 124 $\frac{1}{2}$ feet to a point on the west line of said 40 acre tract; thence running northerly along said west line of said 40 acre tract a distance of 90 feet to the point of beginning, said lands being a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, T. 19 N., R. 19 E., M. D. B. & M.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER with the appurtenances and all rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto said party of the second part, his heirs, successors and assigns forever., as joint tenants with right of survivorship as such and not as tenants in common.

IN WITNESS WHEREOF, the party of the first part has executed these presents the day and year first above written.

N Filipelli
Maria Filipelli


STATE OF CALIFORNIA)
(ss.
County of San Joaquin)

On this 4th day of January, A.D., one thousand nine hundred and thirty-eight, before me, a Notary Public in and for the county and state aforesaid, personally appeared N. FILIPELLI and MARIA FILIPELLI personally known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Recorder's note:Signature traced)

(SEAL)


Notary Public
In and for the County of
San Joaquin State of California

FILING NO. 80563

Filed for Record at the Request of John Donovan JAN 11 1938 at 12
Minutes past 9 o'clock AM. Fee \$2.45

HR: LG
HD: ACB
LG *marked*


COUNTY RECORDER

CRYSTAL BAY CORPORATION TO HILDEGARD WILLMANN MIRC

(U. S. Int. Rev. Stamps \$1.50 Attached & Cancelled)

THIS INDENTURE, made the 2nd day of November 1937, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and Hildegard Willmann Mirc of RENO, State of NEVADA, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

NORTH POR. LOT SIX, BLOCK 13

Beginning at a point on the U. S. Meander Line from which the S.W. Corner of Lot III Section 19 Township 16 N., R. 18 E Washoe County, Nevada, bears S. 19° 06' W. 2057.87 ft. and S 5° 06' W. 435.57 ft. and S. 89° 05'50" W. 601.37 ft., thence Westerly along the Northerly line of parcel conveyed by Party of the First Part by deed recorded Book 99 Page 288 Washoe Co., Nevada Records, to the N.W. Corner

Book: 112
Page: 522

thereof, thence North 17° W. 41.75 ft., thence Easterly 98.10 ft. to the Meander Line; thence Southerly 19° 06' W. 40 ft. along the Meander Line to the place of beginning, being also the N. E. Corner of the parcel of land previously conveyed by said First Party as herein above mentioned in said Book 99 of Deeds, Page 288, said parcel of land in this conveyance containing .074 Acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the grantor's unofficial map thereof.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said second party and her heirs and assigns forever.

IN WITNESS WHEREOF, first party has caused this instrument to be executed by its duly authorized officers and hereto has affixed its corporate seal the day and year first above written.

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

By Norman H. Biltz
President.

By George Springmeyer,
Secretary.

STATE OF NEVADA,)
(ss.
County of Washoe)

On this 2nd day of November A.D. one thousand nine hundred and Thirty Seven personally appeared before me the undersigned, a Notary Public in and for said County of Washoe, NORMAN H. BILTZ and GEORGE SPRINGMEYER known to me to be the President and Secretary of the corporation that executed the foregoing instrument,

and upon oath, did depose that they are the officer of said corporation as above designated; that they are acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) Madeleine C. Huber

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires Sept. 15, 1940.

FILING NO. 80564

Filed for Record at the Request of WASHOE COUNTY TITLE GUARANTY CO. JAN 11 1938 at 48 Minutes past 9 o'clock AM. Fee \$2.85

HR: LG
HD: ACB
LG Verific

Lella B. Boyd

COUNTY RECORDER

CECIL H. SKIPPER & WF. TO MARIE CLARK HART

(U. S. Int. Rev. Stamps \$2.00 Attached & Cancelled)

THIS INDENTURE made the 13th day of August, 1937, between CECIL H. SKIPPER and FRANCES G. SKIPPER, his wife, of the City of Reno, County of Washoe, State of Nevada, the parties of the first part, and MARIE CLARK HART, of the aforesaid city, county and State, the party of the second part; W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party of the second part, and to her heirs and assigns, all those certain lots, pieces or parcels of land situate, lying and being in the City of Reno, County of Washoe, State of Nevada, and particularly described as follows, to-wit:

Lots 9 and 10 in Block 7 of "SCENIC PARK ADDITION", according to the official map thereof filed in the office of the County Recorder of Washoe County, State of Nevada.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, her heirs and assigns, forever.

This conveyance is given subject to the terms and provisions of two trust deeds dated May 4th, 1937, which said trust deeds are recorded in the office of the County Recorder of Washoe County, State of Nevada, in Book 109 of Trust Deeds, at pages 25 and 33 respectively.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

certificate first above written.

(SEAL)

Esther J. Detlow

Notary Public in and for said
County of Alameda, State of
California

My Commission Expires March 4th, 1945

FILING NO. 111339

Filed for Record at the Request of WASHOE COUNTY TITLE GNTY. CO. APR
22 1943 at 13 Minutes past 10 o'clock A M.

Fee \$2.75

HR: ACB
HD: BE
HM *verified*


COUNTY RECORDER

Book: 154
Page: 26

CRYSTAL BAY CORP.

TO

HOWARD PARISH

(U. S. Int. Revenue Stamps \$1.10 Attached & Cancelled)

THIS INDENTURE made the Twenty-fifth day of February, one thousand
nine hundred and forty-three, between: CRYSTAL BAY CORPORATION, a Nevada Corporation,
the party of the first part, and HOWARD PARISH, the party of the second part,

WITNESSETH: That the said party of the first part, in consideration
of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to
it in hand paid by the said party of the second part, the receipt whereof is hereby
acknowledged, does by these presents grant, bargain, and sell unto the said party of
the second part, and to his heirs and assigns forever, all that certain lot, piece or
parcel of land situate in the County of Washoe, State of Nevada, and bounded and
described as follows, to-wit:

Beginning at a point on the U. S. Government Meander line from which
the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D.
B. & M., Washoe County, Nevada, bears south 19°06' west 2112.00 feet and south 5°06'
west 435.57 feet and south 89°05'50" west, 601.37 feet, the true point of beginning
for the description of this parcel of land; thence north 19°06' east 14.13 feet to
the northeast corner of the parcel conveyed to Hildegard Willmann Mirc by deed record-
ed in Book 112 of Deeds, page 522, records of Washoe County, Nevada; thence west along
the north line of the said Mirc parcel a distance of 98.10 feet to the northwest
corner of said Mirc parcel; thence north 17°00' west to a point which would be inter-
sected by a line drawn west (and parallel to the north line of said Mirc parcel) from
a point on the aforesaid meander line north 13°56' west 60.87 feet from the true point
of beginning; thence east along said line so drawn, to said meander line; thence south
13°56' east along said meander line 60.87 feet to the true point of beginning; being
the south portion of Lot 7 in Block 13 of CRYSTAL BAY PARK according to an unofficial
map thereof, which has never been placed of record in the office of the County Recorder
of Washoe County, State of Nevada

Subject, however, to reservations and restrictions as follows:

1. No part of said premises ever, at any time, shall be used for
the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1,500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF the said party of the first part, has hereunto set its hands the day and year first above written.

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

By Norman Biltz
President

By George Springmeyer.
Secretary

STATE OF NEVADA,)
) ss.
County of Washoe)

On this 25th day of February A. D. one thousand nine hundred and forty-three personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, NORMAN BILTZ Known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

C Edgar Miller

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires September 10, 1944.

STATE OF NEVADA,)
County of Washoe) ss.

On this 25th day of February A. D. one thousand nine hundred and forty-three personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, GEORGE SPRINGMEYER Known to me to be the secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

C Edgar Miller

Notary Public in and for the County of Washoe, State of Nevada

My commission expires September 10, 1944.

FILING NO. 111350

Filed for Record at the Request of WASHOE COUNTY TITLE GNTY. CO. APR 22 1943 at 2 o'clock P M.

Fee \$3.25

Ellen B. Boyd

HR:JL
HD:HM
HM Verified

COUNTY RECORDER

~~MRS. E. F. LAWRENCE, also known as MRS. ELLEN F. LAWRENCE~~

TO

PAUL MANUEL

(U. S. Int. Rev. Stamps 55 Cents Attached & Cancelled)

~~THIS INDENTURE, made this 22nd day of April, 1943, between MRS. E. F. LAWRENCE, also known as MRS. ELLEN F. LAWRENCE, a widow, of the City of Reno, County of Washoe, State of Nevada, the party of the first part, and PAUL MANUEL, of the aforesaid City, County, and State, the party of the second part;~~

WITNESSETH:

~~That the said party of the first part for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged~~

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

Irving J Smith

Notary Public in and for the
County of Washoe, State of Nevada.

My commission expires Feb'y 20, 1945.

FILING NO. 115312

Filed for Record at the Request of Mrs Joseph. Greco SEP 28 1943 at 26
Minutes past 3 o'clock P M.

Fee \$2.25

HR: HM
HD: MP
ACB/verified

Dale B. Boyd

COUNTY RECORDER

HOWARD PARISH & WF.

TO

HILDEGARD WILLMANN MIRC

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

THIS INDENTURE made the Twenty-fifth day of September, one thousand nine hundred and forty-three, between: HOWARD PARISH and RUTH PARISH, his wife, the parties of the first part, and HILDEGARD WILLMANN MIRC, the party of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

Beginning at a point on the U. S. Government Meander line from which the southwest corner of Lot 111, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south 19°06' west 2112.00 feet and south 5°06' west 435.57 feet and south 89°05'50" west, 601.37 feet, the true point of beginning for the description of this parcel of land; thence north 19°06' east 14.13 feet to the northeast corner of the parcel conveyed to Hildegard Willmann Mirc by deed recorded in Book 112 of Deeds, page 522, records of Washoe County, Nevada; thence west along the north line of the said Mirc parcel a distance of 98.10 feet to the northwest corner of said Mirc parcel; thence north 17°00' west to a point which would be intersected by a line drawn west (and parallel to the north line of said Mirc parcel) from a point on the aforesaid meander line north 13°56' west 60.87 feet from the true point of beginning; thence east along said line so drawn, to said meander line; thence south 13°56' east along said meander line 60.87 feet to the true point of beginning; being the south portion of Lot 7 in Block 13 of CRYSTAL BAY PARK according

to an unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada

Subject, however, to reservations and restrictions as follows:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling ---- intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1,500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF the said parties of the first part, have hereunto set their hands the day and year first above written.

Howard Parish

Ruth Parish

STATE OF NEVADA,)
)
County of Washoe) ss.

On this 25th day of September A. D. one thousand nine hundred and forty-three personally appeared before me La Rie Riley, a Notary Public in and for said County of Washoe, Howard Parish and Ruth Parish, his wife, known (or proved) to me to be the persons described in and who executed the annexed instrument, who acknowledged to me that they executed the same, freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this Certificate first above written.

(SEAL)

La Rie Riley

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires November 19, 1946

FILING NO. 115323

Filed for Record at the Request of Howard Parish SEP 29 1943 at 5 Minutes past 10 o'clock A M. FEE \$3.05

HR: ACB
HE: HM
ACB *11/23/43*

Della B. Boyd
COUNTY RECORDER

L. A. SAUER & WF.

TO

KENNETH A. ARNOLD ET AL

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

DEED

THIS INDENTURE, made the 22nd day of September, in the year of our Lord one thousand nine hundred and forty three, between L. A. SAUER and NEVA SAUER, his wife, both of Washoe County, State of Nevada, the parties of the first part, and KENNETH A. ARNOLD and DORIS ARNOLD, of the County of Washoe, State of Nevada, parties of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of the sum of Seven Hundred (\$700.00) Dollars, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said parties of the second part, and to their heirs and assigns forever; all that certain lot, piece, or parcel of land situate, lying, and being in the County of Washoe, State of Nevada, and bounded and particularly described as follows, to-wit:

All that portion of the Northeast quarter of the Southeast quarter of Section 34, Township 17 North, Range 19 East; lying immediately South of the land heretofore sold to John Evans and immediately West of the Reno-Carson City Highway and containing seven acres, more or less.

Also to take from Ophir Creek of the water belonging to the parties of the first part three miners inches under six inches pressure.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

* thereunto belonging, or in anywise appurtenant, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, together with all water and water rights in or upon or appurtenant to said real property.

TO HAVE AND TO HOLD said real property unto GEORGE H. MCKAIG and MARY MCKAIG, his wife, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of the survivor thereof forever;

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and caused its seal to be impressed hereon the day and year first above written by a duly qualified officer of said party of the first part.

FIRST NATIONAL BANK OF NEVADA,
RENO, NEVADA.

(CORPORATE SEAL)

By R. C. Kwapil
Trust Officer

By Paul W. Beidler
Asst. Trust Officer

STATE OF NEVADA,
COUNTY OF WASHOE, SS:

On this 29th day of January, 1946, personally appeared before me, a notary public in and for Washoe County, R. C. Kwapil, Trust Officer of the FIRST NATIONAL BANK OF NEVADA, RENO, NEVADA, Party of the First Part in the foregoing instrument, known to me to be the duly authorized representative acting for and on behalf of said Bank, who acknowledged to me that he executed the foregoing instrument, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County of Washoe, the day and year in this certificate first above written.

(SEAL)

Bert Goldwater
Notary Public in and for the County
of Washoe, State of Nevada.

My commission expires: Oct. 22, 1949

FILING NO. 138259

Filed for Record at the Request of WASHOE COUNTY TITLE CNTY. CO. FEB 18
1946 at 35 Minutes past 10 o'clock A M.

Fee \$2.25

HR: ACB
HD: HB
EB: [unclear]

COUNTY RECORDER

Book: 179
Page: 72

CRYSTAL BAY CORPORATION TO F. J. CODDINGTON & WF.

(U. S. Internal Revenue Stamps \$2.75 Attached & Canceled)

D E E D

THIS INDENTURE made the twenty-first day of January, one thousand nine hundred and forty-six, between CRYSTAL BAY CORPORATION, a Nevada corporation, the party of the first part, and F. J. CODDINGTON and MILDRED CODDINGTON, his wife, the parties of the second part,

W I T N E S S E T H:

That the said party of the first part, in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does

by these presents grant, bargain and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all that certain lot, piece, or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

Beginning at a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 north, Range 18 east, M.D.B.&M., Washoe County, Nevada, bears south $13^{\circ} 56'$ east 60.37 feet and south $19^{\circ} 06'$ west 2112.00 feet and south $5^{\circ} 06'$ west 435.57 feet and south $89^{\circ} 05' 50''$ west 601.37 feet, the true point of beginning for the description of this parcel of land; thence north $13^{\circ} 56'$ west 60.00 feet; thence west 113.56 feet to the easterly boundary of Gonowable Road; thence south $17^{\circ} 00'$ east along said easterly boundary of Gonowable Road to the northwest corner of that parcel of land conveyed to Howard Parish by deed recorded in Book 154 of Deeds, page 26, Records of Washoe County, Nevada; thence east along the north line of said Parish parcel to the U. S. Government Meander Line, the true point of beginning.

Said premises being approximately the north 22.73 feet of Lot 7 and the south 37.27 feet of Lot 8 in Block 13 as designated upon the unofficial map of Crystal Bay Park which said map has never been filed for record in Washoe County, Nevada. Said Crystal Bay Park being a subdivision of Portions of Lots 2, II, and 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada.

Subject, however, to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
 2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian Race.
 3. All said property is restricted to be used for private residential purposes only.
 4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
 5. No shacks or unsightly structures of any kind, nature, or description whatsoever shall be constructed or placed upon said premises.
 6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
 7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
 8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.
 9. The said property is subject to all easements which now duly are of record.
 10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water, also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.
- TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents,

issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set its hand the day and year first above written.

(CORPORATE SEAL) CRYSTAL BAY CORPORATION
By John Mueller President
By Albert J Judge Secretary

STATE OF NEVADA,)
; ss.
County of Washoe)

On this 21st day of January A. D. one thousand nine hundred and Forty-six personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, John Mueller known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) C Edgar Miller

My commission expires September 10, 1948

STATE OF NEVADA,)
; ss.
County of Washoe)

On this 21st day of January A. D. one thousand nine hundred and Forty-six personally appeared before me C. Edgar Miller, a Notary Public in and for said County of Washoe, Albert J. Judge known to me to be the Secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) C Edgar Miller

My commission expires September 10, 1948

1946 at 36 Minutes past 10 o'clock A M.

Fee \$3.25

HR:HB
HD:GK
HB

COUNTY RECORDER

AUGUST HILL & WF.

TO

FRED BOTTI & WF.

(U. S. Internal Revenue Stamps \$2.20 Attached & Canceled)

THIS INDENTURE made the 1st day of March, 1946, between AUGUST HILL and ELIZA HILL, his wife, both of the City of Reno, County of Washoe, State of Nevada, the parties of the first part, and FRED BOTTI and JENNIE BOTTI, his wife, of the County of Washoe, State of Nevada, the parties of the second part, as Joint Tenants with right of survivorship;

W I T N E S S E T H:

That the said parties of the first part, in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all that certain piece or parcel of land situate in the County of Washoe, State of Nevada and bounded and described as follows, to-wit:

Starting at the northeast corner of Lot 5, NIXON FARM SUBDIVISION, T. 19 N., R. 19 E., M.D.B. & M.; Section 24, WASHOE COUNTY, NEVADA, according to the official map thereof filed in the office of the County Recorder of Washoe County, State of Nevada, on April 11, 1916; thence N. 11°07' W., 461 feet to a point on the easterly right-of-way line of Reno-Carson State Highway, said point being the southwesterly corner of the Boswell property; thence S. 20°36' E., 100 feet along said easterly right-of-way line to the place of beginning; thence N. 69°21' E., 82.89 feet to the westerly right-of-way line of Virginia and Truckee Railroad; thence S. 20°53' E. 100 feet along said railroad right-of-way line; thence S. 69°21' W., 83.38 feet to the easterly right-of-way line of Reno-Carson State Highway; thence N. 20°36' W., 100 feet along said Highway right-of-way line to the place of beginning; containing 0.191 acre, more or less.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

Grantees, in accepting this conveyance, covenant for themselves, their heirs and assigns that they will at all times keep all ditches now traversing said premises open and clean in accordance with the custom and manner employed in connection with other ditches in the vicinity thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands the day and year first above written.

August Hill
AUGUST HILL

Filed for Record at the Request of C. Lester Zahniser JUN 16 1947 at 8 Minutes past 3 o'clock P M

Fee \$2.15

HR:HB
HD:EB
PR

COUNTY RECORDER

Book: 15
Decree Records
Page: 411

J. H. FRANTZ & WF., ET AL

VS.

RAY WHERRIT & WF., ET AL

No. 97608

Dept. No. 2

MORGAN, BROWN & WELLS

Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE.

J. H. FRANTZ and MYRTLE E. FRANTZ, his wife, :
D. L. ACREA, and LONA ACREA, his wife, WALTER :
J. TOBIN, HILDEGARD WILLMANN MIRC, HARRY MARCH, :
A. W. STORZ, and CLYDE M. MAST and MURIEL O. :
MAST, his wife, :

F I L E D

May 14 11 24 AM '47

E. H. BEEMER, CLERK

Plaintiffs

vs.

BY B Buchanan

DEPUTY

RAY WHERRIT and EVA WHERRIT, his wife, JOHN :
J. HEFFERNAN, and CRYSTAL BAY CORPORATION, a :
Nevada Corporation, :

Defendants.

JUDGMENT AND DECREE

The above entitled action came on regularly for trial on the 13th and 14th day of MAY, 1947, before the above entitled Court sitting without a jury, a trial by jury having been waived by the parties hereto. The plaintiffs, WALTER J. TOBIN, MURIEL O. MAST, appeared personally and all the plaintiffs appeared by their attorneys, MORGAN, BROWN & WELLS and RALPH MORGALI, and the defendants, CRYSTAL BAY CORPORATION, filed a verified answer in said action; the defendant, JOHN J. HEFFERNAN, having filed a verified answer in said action, and appearing by his attorneys, LESLIE A. LEGGITT, and JOSEPH P. HALLER, but not in person; the defendants, RAY WHERRIT and EVA WHERRIT, his wife, HAVING ENTERED A GENERAL APPEARANCE by and through their attorney, WILLIAM C. SANFORD, and said cause coming on for trial on all the pleadings herein; thereupon testimony and evidence was introduced in said cause and the matter was submitted to the Court for its decision, and the Court having heretofore filed herein its decision, and the Court having heretofore filed herein its opinion, and Findings of Fact and Conclusions of Law, wherein it finds for the plaintiff and each of them and against the defendants and each of them, imposing building restrictions upon the real property owned by said defendants, and permanently enjoining the defendants, John J. Heffernan, Ray Wherrit, and Eva Wherrit, his wife, from using said property in violation of said restrictions and awarding judgment for costs to plaintiffs and against defendants, and each of them.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that all of the following real property and lots located in Crystal Bay Park, a subdivision, Washoe County, Nevada, to-wit:

PARCEL I.

Beginning at a point on the U. S. Government Meander Line from which the S. W. corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County,

Nevada, bears South 23° 11' W. 351.98 feet and South 13° 56' East 561 feet and South 19° 06' W. 2112.00 feet and South 5° 06' W. 435.57 feet and South 89° 05' 50" W. 601.37 feet; thence West 293.30 feet, more or less, to the Easterly right of way line of the State Highway; thence along a curve to the right having a radius of 560 feet for a length of 103.74 feet, said described curve being the said right of way line; thence East 284.86 feet, more or less, to the U. S. Government Meander line; thence South 23° 00' W. along said Meander Line a distance of 100.00 feet to the point of beginning. Said premises being a portion of Lots 31 and 32 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by J. H. FRANTZ and MYRTLE K. FRANTZ, his wife;

PARCEL 2.

Beginning at a point in the westerly right of way line of the State Highway, from which the southwest corner of Lot III of Section 19 T. 16 N. Range 18 E. bears S. 14° 19' W. 271.55 feet and S. 75° 41' E. 40 feet and S. 14° 19' W. 1235.11 feet and S. 89° 05' 50" W. 246.05 feet; thence west 147.34 feet; thence N. 13° 49' E. 31.49 feet; thence east 147.80 feet to a point in the said westerly right of way line of the said State Highway; thence S. 14° 19' W. 51.60 feet along the said westerly right of way line to the place of beginning, containing 0.169 acres more or less, said premises being Lot Nine (9) in Block 9 of Crystal Bay Park, according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by D. L. ACREA and LEONA ACREA, his wife;

PARCEL 3.

Lots 4 and 5 in Block 12 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by WALTER J. TOBIN;

PARCEL 4.

(Parcel (a))

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III, Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears S. 19° 06' W. 1997.87 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' W. 601.37 feet; thence West 29.13 feet; thence N. 29° 51' W. 31.62 feet; thence N. 17° 00' W. 28.38 feet; thence East to the said Meander Line; thence S. 19° 06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof.

(Parcel (b))

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.87 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19° 06' West, 1932 feet and South 5° 06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 38.42 feet; thence North 47° 59' East, 59.05 feet; thence North 29° 51' West, 26.20 feet; thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.87 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

(Parcel (c))

NORTH POR. LOT SIX, BLOCK 13.

Beginning at a point on the U. S. Meander Line from which the S. W. corner of Lot III Section 19 Township 16 N. R. 18 E. Washoe County, Nevada, bears S. $19^{\circ} 06'$ 2057.87 feet and S. $5^{\circ} 06'$ 435.57 feet and S. $89^{\circ} 05' 50''$ W. 601.37 feet; thence Westerly along the Northerly line of parcel conveyed by party of the First Part by deed recorded in Book 99, Page 288, Washoe County, Nevada records to the N. W. corner thereof; thence North $17^{\circ} W.$ 41.75 feet; thence Easterly 98.10 feet to the Meander Line; thence Southerly $19^{\circ} 06' W.$ 40 feet along the Meander Line to the place of beginning, being also the N. E. corner of the parcel of land previously conveyed by said First Party as hereinabove mentioned in said Book 99 of Deeds, page 288, said parcel of land in this conveyance containing .074 acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the Grantor's unofficial map thereof.

Now owned by HILDEGARD WILLMAN MIRC:

PARCEL 5.

Said premises being approximately the North 61.06 feet of Lot 8 and the South 88.87 feet of Lot 9 in Block 13 of Crystal Bay Park, a Subdivision of Portions of Lot 2, II, 3 and III, of Section 19 Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by HARRY MARCH:

PARCEL 6.

Part of Lots 9 and 10, in Block 13 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by A. W. STORZ;

PARCEL 7.

Parcel a.

Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and south $1^{\circ} 54'$ West 288.60 feet and South $10^{\circ} 17'$ East 88.32 feet and South $19^{\circ} 33'$ East 231.62 feet and South $0^{\circ} 07'$ East 75.67 feet and South $13^{\circ} 47'$ West 625.25 feet and South $26^{\circ} 01'$ West 101.31 feet and South $20^{\circ} 29'$ West 335.60 feet and South $0^{\circ} 34' 05''$ East 68.53 feet and South $18^{\circ} 35'$ West 629.87 feet and North $89^{\circ} 18' 50''$ East 176.13 feet; thence North $5^{\circ} 47'$ East 40.00 feet; thence East 159.41 feet; thence South $20^{\circ} 39'$ West 61.06 feet; thence North $79^{\circ} 18'$ West 80.24 feet; thence North $87^{\circ} 47'$ West 63.11 feet to the place of beginning; containing 0.162 acres, more or less; said premises being Lot 1 in Block 5 of Crystal Bay Park, a subdivision of portions of Lots 1, 2, II, 3 and III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Lot 2, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, State of Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and South $1^{\circ} 54'$ West 288.60 feet

and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40 feet to the point of beginning; thence North 5° 47' East 48.00 feet; thence East 165.91 feet; thence South 10° 00' West 33.73 feet; thence South 20° 39' West 15.54 feet; thence West 159.41 feet to the place of beginning; containing 0.179 acres, more or less.

Parcel c.

Also Lot 3, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 298.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 68 feet to the place of beginning; thence North 5° 47' East 45.00 feet; thence East 169.27 feet; thence South 10° 00' West 45.46 feet; thence West 165.91 feet to the place of beginning; containing 0.172 acres, more or less.

Description, as shown on the unrecorded map of said subdivision.

Now owned by CLYDE M. MAST and MURIEL O. MAST, his wife;

PARCEL 8.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 13° 56' East 505.91 feet, and South 19° 06' West 2112.00 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence along said meander line North 13° 56' West 55.09 feet, and North 23° 00' East 159.19 feet; thence West 266.28 feet to a point on the easterly right of way line of the State Highway; thence South 6° 34' West 201.32 feet along said right of way line; thence East 240.37 feet to the point of beginning; said premises being Lots 28 and 29 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by RAY WHERRIT and EVA WHERRIT, his wife:

PARCEL 9.

Parcel a.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 23° 00' West 159.15 feet and South 13° 56' East 561.00 feet and South 19° 06' West 2112.00 feet and South 5° 06' West 435.37 feet and South 89° 05' 50" West 601.37 feet; thence West 266.28 feet to the easterly right of way line of the State Highway; thence North 6° 34' East 13.33 feet along the said right of way line; thence along a curve concave to the right having a radius of 560.00 feet for a length of 85.78 feet through a central

angle of $9^{\circ} 05'$ same being identical with the said right of way line; thence continuing along the curve on the easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed to Crystal Bay Corporation by deed dated February 26, 1942, recorded in Book 146 of Deeds, page 430, records of Washoe County, Nevada; thence East 293.30 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line; thence South $23^{\circ} 00'$ West 192.79 feet to the point of beginning. Being all of Lot 30 and approximately the southerly 84.08 feet of Lot 31 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South $25^{\circ} 00'$ West 551.98 feet and South $13^{\circ} 66'$ East, 561.00 feet and South $19^{\circ} 06'$ West, 2112.00 feet and South $5^{\circ} 06'$ West, 435.57 feet and South $89^{\circ} 05' 50''$ West, 601.37 feet; said point being the northeasterly corner of the parcel conveyed to Arthur M. Brown by Deed recorded in Book 146 of Deeds, page 435, records of Washoe County, Nevada; thence continuing along the U. S. Meander Line North $23^{\circ} 00'$ East 160.55 feet; thence West 175.75 feet to a point on the easterly right of way line of said State Highway; thence along the said easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed by deed recorded in Book 146 of Deeds, page 434, above mentioned; thence East a distance of 247.5 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line the point of beginning. Being all of Lot 34 and a portion of Lot 33 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel c.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line, from which the southwest corner of Lot III of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $19^{\circ} 06'$ West 1444.97 feet, and South $5^{\circ} 06'$ West 435.57 feet, and South $89^{\circ} 05' 50''$ West 601.37 feet; thence West 25.85 feet; thence North $16^{\circ} 00'$ West 147.41 feet; thence North $9^{\circ} 00'$ East 151.05 feet; thence North $42^{\circ} 00'$ East 147.48 feet; thence North $47^{\circ} 59'$ East, 87.94 feet; thence East to the Meander Line; thence along the said Meander Line South $19^{\circ} 06'$ West 497.03 feet to the place of beginning; being all of lots 1, 2, 3, and 4, and the southerly portion of Lot 5, in Block 13 of CRYSTAL BAY PARK, a subdivision of Portions of Lots 2, II, 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, the map of which has never been filed for record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by JOHN J. HEFFERNAN;

PARCEL 11.

All of the lots and parcels now owned in said Crystal Bay Park, a sub-division, Washoe County, Nevada, by defendants, JOHN J. HEFFERNAN and CRYSTAL BAY CORPORATION, a Nevada corporation, save and except those lots which had improvements constructed thereon of a commercial nature prior to the adoption of restrictions and a general plan and building scheme for the development and improvement of said sub-division.

PARCEL 12.

All the remaining lots owned by Crystal Bay Corporation at the time of the filing of this action in the CRYSTAL BAY PARK, a sub-division, Wasnoe County, Nevada, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision,

is and each parcel and lot thereof subject to the following restrictions and conditions in respect to the maintenance of a common building plan and scheme for the development and improvement of Crystal Bay Park, a sub-division, Wasnoe County, Nevada, to wit:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the defendants, JOHN J. HEFFERTAN, RAY WHERRIT and EVA WHERRIT, his wife, and each of them, are hereby permanently enjoined and restrained from the erection of any structure or the use of any of said parcels of lands for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above, and the plaintiffs, and each of them, have JUDGMENT FOR THEIR COSTS.

DATED: This 24th day of MAY, 1947.

RECORDED IN

A. J. Maestretti

JUDGMENT RECORD

DISTRICT JUDGE

Book 990 Pages 567-572

E H Beemer
County Clerk

Lou V Leberski
Deputy Clerk

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

I, E. H. BEEMER, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, Judgment and Decree In case No. 97608 J H Frantz, et al, Plaintiffs vs. Ray Wherrit, et al Defendants which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 17th day of June, A. D. 1947.

(SEAL)

E H Beemer, Clerk.

By _____ Deputy.

FILING NO. 153196

Filed for Record at the Request of J. H. Frantz JUN 17 1947 at 40 Minutes past 10 o'clock A M

Fee \$10.70



HR: CG
HD: EB
ES

COUNTY RECORDER

IN RE ESTATE OF MARVIN P. HARGES Also Known as MARVIN PORTER HARGES DEC'D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-oOo-

IN THE MATTER OF THE ESTATE) NO. 109887. DEPT. NO. 1.
)
OF) FILED
) Jun 23 10 19 AM '47
MARVIN P. HARGES, also known as)
) E. H. BEEMER, CLERK
MARVIN PORTER HARGES,) BY M. Dowd
) DEPUTY
Deceased.)

-oOo-

ORDER AND DECREE OF SUMMARY SETTLEMENT OF
ACCOUNT AND FINAL DISTRIBUTION.

LOIS LEOLA ALTIC RAGAN, formerly LOIS LEOLA ALTIC, as Executrix of the Estate of MARVIN P. HARGES, also known as MARVIN PORTER HARGES, deceased, having on the 23 day of June, rendered and filed herein a full and final account and report of her summary administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of the said deceased, and said account and petition came on regularly and was heard on the 23 day of June, 1947, and Executrix proved to the satisfaction of the Court, that the value of the estate of said deceased does not exceed the sum of \$400 (Four Hundred Dollars); it is ordered that the same, after payment of all legal claims against said deceased be set aside to your Petitioner and Executrix of deceased, without administration.

The personal property set aside is a Bank Account situate in the First National Bank of Nevada, First and Virginia Branch, 106 N. Virginia St., Reno, Nevada, to the amount of

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DEED 241612

THIS INDENTURE, made the 15th day of September, 1954,
between CRYSTAL BAY CORPORATION, a Nevada corporation, the party
of the first part, and ED MALLEY, a single man, the party of
the second part,

WITNESSETH :

That the said party of the first part, in consideration
of the sum of Ten Dollars (\$10.00) lawful money of the United
States of America to it in hand paid by the said party of the
second part, the receipt whereof is hereby acknowledged, does by
these presents grant, bargain and sell unto the said party of the
second part, and to his heirs and assigns forever, all those
certain lots, pieces or parcels of land situate in the County of
Washoe, State of Nevada, and bounded and described as follows,
to-wit:

All of Lots 1, I, 2, II, 3 and III in
Section 19, Township 16 North, Range 18
East, M.D.B. & M., EXCEPT such portions
as have been heretofore conveyed.

Said lands are generally referred to as
"Crystal Bay Park Subdivision," according
to an unofficial map, and "Crystal Bay Park
Unit No. 2 comprising Lots 1 to 10 inclusive,
of Block 6, and being a portion of Lot I of
Section 19, T. 16 N., R. 18 E., M.D.B. & M.,
Washoe County, Nevada", according to the
map thereof, filed in the office of the
County Recorder of Washoe County, State of
Nevada, on August 20, 1948, together with
unlotted portions. Also including here-
with all roads, trails, walkways now standing
of record in the name of the grantor herein.

SUBJECT TO existing highways, telephone,
telegraph and transmission lines and ease-
ments granted to the Crown-Willamette Paper
Company, or rights of way of record.

SUBJECT, however, to the following reservations and restrictions:

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1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature, or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and together with all water rights, facilities and systems owned by first party.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand the day and year first above written.

CRYSTAL BAY CORPORATION,



By [Signature] President
By [Signature] Secretary

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STATE OF NEVADA }
COUNTY OF WASHOE } ss.

On this 15th day of September, 1954, personally appeared before me, Jeanette F. Green, a Notary Public in and for said County of Washoe, JOHN V. MUELLER, known to me to be the President of Crystal Bay Corporation, the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by said officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

Jeanette F. Green
Notary Public in and for the
County of Washoe, State of Nevada.

My Commission Expires: 2/28/58

DOCUMENT No. 241612
Filed for record at the request of Ed Malley
APR 5 - 1955 at 30 Minutes past 1 o'clock P.M.
Recorded in Book 376 of PEEPS
Page 388 Records of Washoe County, Nevada.
Fee: \$ 3.05
DELE B. BOYD, County Recorder
By W.E. McLeod Deputy

EXHIBIT D

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

July 28, 2008

Midkiff and Associates, Inc.
PO Box 12427
Zephyr Cove, NV 89448

DELETT FULL SITE ASSESSMENT, 470 GONOWABIE ROAD, WASHOE COUNTY, NEVADA, ASSESSOR'S PARCEL NUMBER (APN) 123-131-01, TRPA FILE NUMBER LCAP2008-0171.

Dear Mr. Midkiff,

At your request, a full site assessment was recently conducted at the above-referenced property. Based on the submitted information and a site visit to the property, TRPA will recognize the following existing land coverage:

LAND CAPABILITY VERIFICATION

The land capability of this property has been verified as follows:

<u>Capability District</u>	<u>Percent Coverage</u>	<u>Area (sq.ft.)</u>	<u>Total Allowed Coverage (sq.ft.)</u>
Class 1a (RtF)	1%	54,475	545
Class 1b (Backshore)	1%	9,413	94

Assuming a parcel size of 63,888 square feet, the total allowed land coverage for this parcel is 639 square feet.

LAND COVERAGE VERIFICATION

The Tahoe Regional Planning Agency (TRPA) has verified the following existing land coverage:

<u>Existing Coverage</u>	<u>Class 1a (RtF)</u>	<u>Square Feet</u>
Residence		1,439
Deck /Stairs/Pier/Chute		1,444
Concrete/Rock/BBQ		648
A.C. Paving		11
Compacted Dirt		877
Total existing on-site coverage:		4,419 square feet

Class 1b (Backshore)

<u>Existing Coverage</u>	<u>Square Feet</u>
Deck /Stairs	336
Shed	44
Total existing on-site coverage:	380 square feet

Please revise the project plans to reflect the verified existing land coverage by capability district (see attached site plan).

Please note, under the TRPA Code of Ordinances, land coverage created before TRPA standards were adopted is legal coverage, even though it may exceed the allowable coverage for the parcel. Additional coverage is not allowed but, in many cases, coverage may be moved from one place to another on the parcel.

Please be advised that according to the Tahoe Regional Planning Agency (TRPA) Code of Ordinances (Sections 30.4 and 37.3.D) no additional land coverage or other permanent land disturbance shall be permitted in Class 1a, 1c, 2 or 3 Land Capability Districts or in Class 1b Stream Environment Zone (SEZ) or in the SEZ setback.

Fertilizer use and application shall be minimized near SEZ. Slow release organic fertilizers are to be released only. All fertilizer shall be applied per section 81.7 of the TRPA Code of Ordinances.

Please note that this property is visible from the waters of Lake Tahoe and is located within the TRPA defined Shoreland. Any future projects that will be visible from the Lake will require a Baseline Scenic Assessment to be completed prior to the submittal of the project application. The Scenic Assessment for the Shoreland and Shorezone application is available from our website, www.trpa.org.

TREES

Please be advised that Section 71.2 of the TRPA Code of Ordinances requires certain standards for the conservation of healthy and sound trees in excess of 30 inches diameter at breast height (dbh) for your area. These standards require that specified trees be retained as specimen trees having aesthetic and wildlife values, unless 1) all reasonable alternatives are not feasible to retain the tree, including reduction of parking area and/or modification of the original design; 2) a written discussion pursuant to Section 71.2 has been provided, regarding how this Code section was applied. The TRPA Code of Ordinances is available for viewing on line at www.trpa.org.

HISTORIC

Based on assessor's data, the structures on this parcel are over 50 years in age and could be eligible as historic resources. Demolitions, repairs, additions, reconstruction, modifications and maintenance of the structures are subject to the provisions of Section 29.6 of the TRPA Code of Ordinances and will require TRPA review and approval. Please note that demolition of structures 50 years or greater in age is not exempt from TRPA review and approval.

FIRE DISTRICT APPROVAL

Future construction or development projects may be subject to defensible space and fire protection review and approval by local fire protection agencies before an application can be submitted for TRPA review. If you are planning a project, contact the appropriate fire protection agency for their submittal requirements before you intend to apply for a permit from TRPA or the local building department. Pre-approval of landscape plans, site plans, and/or architectural plans by the fire agency will be required prior to submittal to TRPA or our delegation partner agencies.

BEST MANAGEMENT PRACTICES

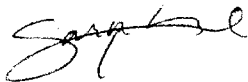
It was observed during the site visit to this property that the Best Management Practices identified below had not been installed as required by the BMP retrofit program. This program requires the installation of BMP's by **October 15, 2000** in your neighborhood. Infiltration facility sizes may be adjusted based on final BMP design. **Please contact the Nevada Tahoe Conservation District at 775-586-1610 ext. 28 for a BMP evaluation.**

It will be necessary to post a security to ensure compliance with certain conditions of approval. Project securities are typically equal to 110 percent of the estimated cost of the required BMPs.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this full site assessment may be appealed within twenty-one (21) days from the time TRPA releases any final decision (July 28, 2008).

If you have any questions, please call.

Sincerely,



Sara Thorne
Associate Planner
Land Capability Program
Environmental Review Services

enclosures

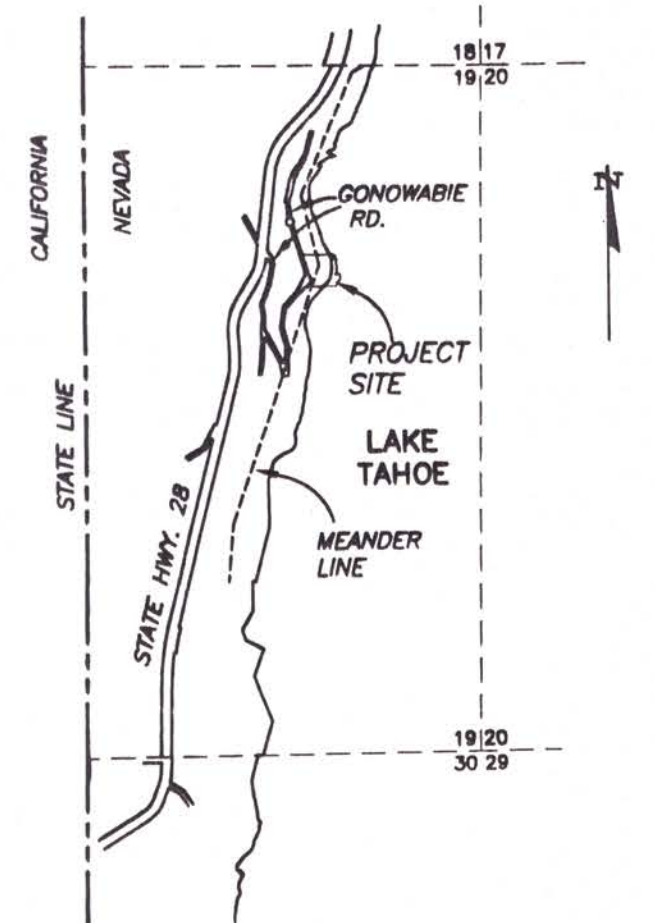
Cc: Washoe County Building Department

Robert Delett
550 Hammill Lane
Reno, NV 89511

EXHIBIT E

DISCLAIMER
 THIS DRAWING WAS PREPARED EXCLUSIVELY FOR SEAN MEEHAN AND ACCURATELY REPRESENTS, TO THE BEST OF OUR KNOWLEDGE, THE MATTERS CONTAINED HEREIN AS OF THE DATE STATED HEREON. THIS DRAWING MAY NOT BE RELIED UPON BY ANY OTHER PERSON OR ENTITY FOR ANY PURPOSE, WHATSOEVER.

Ken Barrow
 KENNETH F. BARROW
 LAND SURVEYOR
 DATE 1-31-05



VICINITY MAP
 WASHOE COUNTY, NV - NO SCALE

- NOTES**
- 1) BUILDING SETBACKS SHALL BE CONFIRMED WITH HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP.
 - 2) IMPERVIOUS SURFACE AREA SHALL BE CONFIRMED BY TRPA SITE ASSESSMENT.
 - 3) SOME LANDSCAPE FEATURES MAY NOT BE SHOWN ON MAP; CONTOURS ARE AVERAGED IN THESE AREAS.
 - 4) CONTOUR LINES PRODUCED FROM KELLOGG AERIAL SURVEYS.
 - 5) YEAR BUILT = 1935 PER WASHOE COUNTY ASSESSOR.

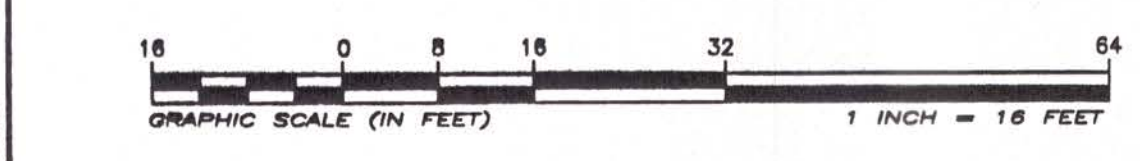
- NOTES FROM KELLOGG AERIAL SURVEYS**
 4200 N. FREEWAY BLVD. SUITE 3, SACRAMENTO, CA. 95834 (916) 649-0557
- 1) MAP SCALE: 1" = 20', CONTOUR INTERVAL: 2', PHOTO DATE: 11-17-04, PHOTO SCALE: 1:2400, KELLOGG AERIAL PROJECT #: 04171
 - 2) SURVEY GROUND CONTROL PROVIDED BY: KEN BARROW LAND SURVEYOR.
 - 3) ADJACENT BUILDING OUTLINES INDICATE DRIP LINE BUT MAY ALSO INCLUDE STAIRS AND ATTACHMENTS.
 - 4) DASHED LINES MAY NOT MEET MAPPING ACCURACY STANDARDS.
 - 5) FEATURES IN SHADOWS AND VEGETATION MAY BE OBSCURED DUE TO PHOTOGRAPHIC ANGLE.
 - 6) PLANIMETRY AND TOPOGRAPHY IN OBSCURED AREAS MAY NOT MEET MAPPING ACCURACY STANDARDS.
 - 7) SMALL SHADOW AND VEGETATION AREAS NOT SHOWN FOR CLARITY.
 - 8) SHOWN CONTROL POINT ELEVATIONS ARE AT GROUND LEVEL UNLESS OTHERWISE INDICATED.

IMPERVIOUS SURFACE AREA (TO APPROXIMATE HIGH WATER LINE)

RESIDENCE	1,439	SQ. FT.
DECKS/STAIRS/PIER/CHUTE	1,780	
CONCRETE/ROCK/BBQ	648	
A.C. PAVING	11	
SHED	44	
COMPACTED DIRT	877	
TOTAL	4,799	SQ. FT.

LOT AREA (TO APPROXIMATE WATER LINE)
 63,888 SQ. FT.
 1.4667 ACRES

1b (backshore) 9,413 sq ft. x 14% = 94 sq. ft. of coverage
1a (R+F) 54,475 sq ft. x 14% = 545 sq. ft. of coverage



SYMBOL LEGEND

+	Spot Elevation
△	Survey Control Point
⊗	Tree (Pine/Fir/Cedar) (20P=20"dia. Pine)
○	Centerline
⊕	Water Valve
⊙	Sewer Manhole
⊕	Joint Utility Pole
⊗	Dead Tree
⊕	Water Meter

Scenic - Yes
Historic - Yes, 1935
BMP's - None in place
Coverage - All verifiable, parking
Tree language

Area of Instability

Area of Instability

Boundary is H.W.L.

Area of Instability

Site Assessment
Sara Thorne
Heather Gustafson
7-8-08

PROPERTY OWNER
 ROBERT DELETT

RECEIVED
 JUN 09 2008
 TAHOE REGIONAL PLANNING AGENCY



123-131-01 // LCAP2008-0171 // 05/09/2008
 HILDEGARD WILLMANN
 Robert Delett
 470 GONOWABIE RD - Washoe County
 081 - Site Assessment - Complete

KENNETH F. BARROW P.L.S.
 LAND SURVEYOR
 P.O. DRAWER 7000 INCLINE VILLAGE, NEVADA 89450
 775 - 831 - 1701 FAX 775 - 831 - 1766

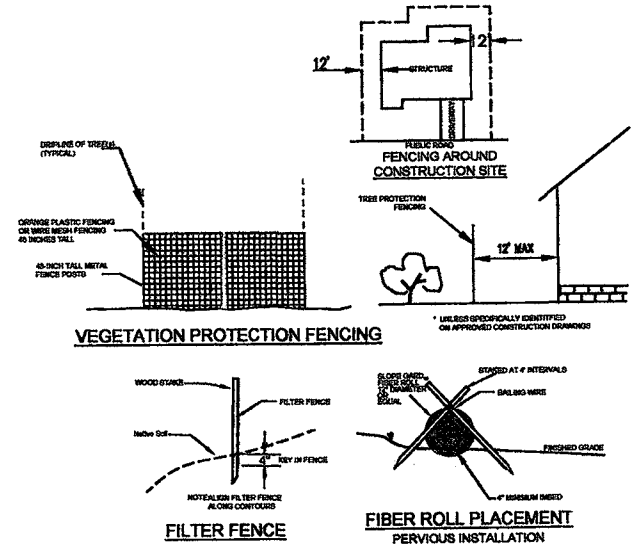
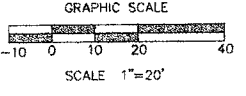
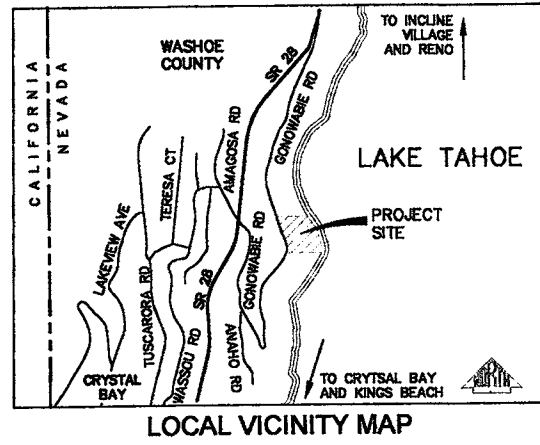
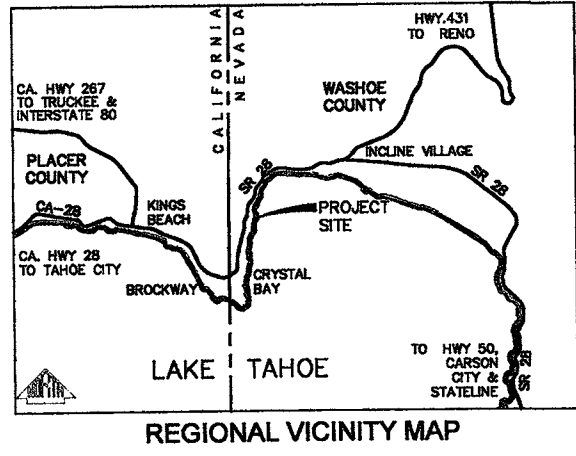
AS-BUILT CONTOUR SURVEY
 LOTS 6 & 7 AND POR. OF LOTS 5 & 8, BLOCK 13, CRYSTAL BAY PARK UNIT NO. 1 SUBD. (UNOFFICIAL)
 CRYSTAL BAY, WASHOE COUNTY, NEVADA
 A.P.N. 123-131-01

SCALE
 1" = 16'
 DATE
 11 NOV 04
 DRAWN
 RBL
 APPROVED
 KFB
 REVISED
 JOB NO.
 164-04

EXHIBIT F

19-103905
PLAN

2 working days
Call before you Dig.
1-800-227-2600
AVOID CUTTING UNDERGROUND UTILITIES

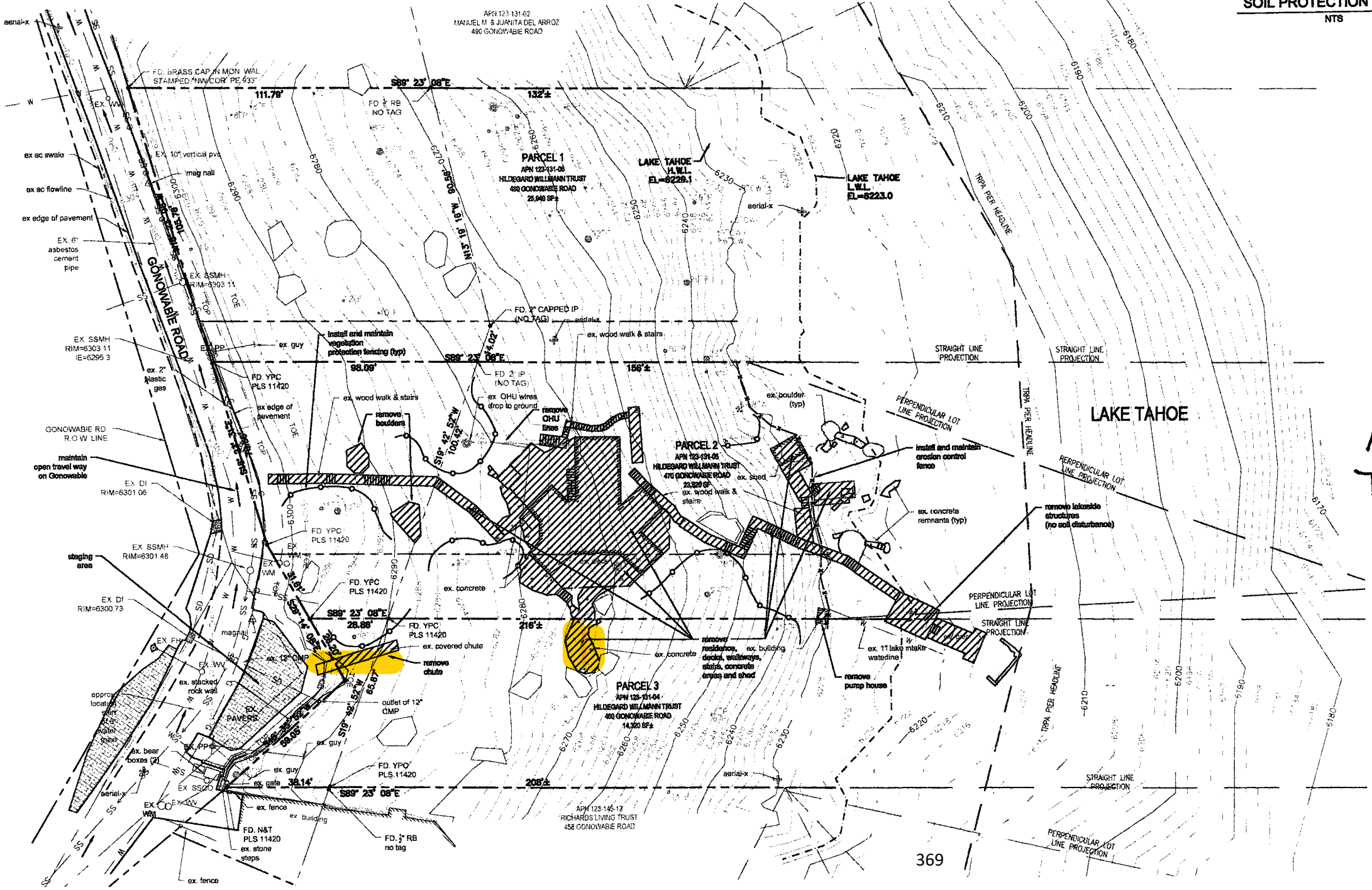


- DUST CONTROL PRACTICES ARE REQUIRED FOR ANY GRADING ACTIVITY AND ARE APPLICABLE TO MOST CONSTRUCTION SITES. ALL EXPOSED AREAS OF THE APPROVED CONSTRUCTION SITE SHALL BE MULCHED WITH A 2 TO 3 INCH LAYER OF PINE NEEDLES OR WOOD CHIPS. MULCHING TO A DEPTH WHICH APPROACHES OR EXCEEDS 4 INCHES NEGATIVELY AFFECTS SOIL PROPERTIES AND CAN INHIBIT REVEGETATION. STRAW MULCH WILL NOT BE ACCEPTABLE. OTHER TECHNIQUES SUCH AS EROSION CONTROL BLANKETS CAN BE SUBSTITUTED FOR MULCH IF THEY ARE INSTALLED AND MAINTAINED ACCORDING TO MANUFACTURERS SPECIFICATIONS.
- FENCING OF "NON-APPROVED" CONSTRUCTION AREAS SHALL BE SPECIFIED TO BE AT LEAST 48 INCHES HIGH AND SHALL BE CONSTRUCTED OF METAL POSTS AND EITHER ORANGE CONSTRUCTION FENCING OR METAL MESH FENCING ALSO AT LEAST 48 INCHES HIGH.
- NO MATERIAL OR EQUIPMENT SHALL ENTER OR BE PLACED IN THE AREAS PROTECTED BY FENCING OR OUTSIDE THE APPROVED CONSTRUCTION AREA WITHOUT PRIOR APPROVAL.
- TO REDUCE SOIL DISTURBANCE AND DAMAGE TO VEGETATION, THE AREA OF DISTURBANCE DURING THE CONSTRUCTION OF A STRUCTURE SHALL BE LIMITED TO THE AREA BETWEEN THE FOOTPRINT OF THE BUILDING AND THE PUBLIC ROAD. FOR THE REMAINDER OF THE SITE, THE DISTURBANCE AREA SHALL NOT EXCEED 12 FEET FROM THE FOOTPRINT OF THE STRUCTURE, PARKING AREA OR CUT/FILL SLOPE. THIS FENCING SHALL BE CLEARLY SHOWN ON THE APPROVED PLANS. ALL CHANGES OR EXCEPTIONS SHALL BE SHOWN ON A REVISED SET OF PLANS FOR APPROVAL. ANY "IN-THE-FIELD" CHANGES SHALL BE APPROVED BY THE ENGINEER.

SOIL PROTECTION DETAILS
NTS

NOTES

- DUST CONTROL PRACTICES ARE REQUIRED FOR ANY GRADING ACTIVITY AND ARE APPLICABLE TO MOST CONSTRUCTION SITES. ALL EXPOSED AREAS OF THE APPROVED CONSTRUCTION SITE SHALL BE MULCHED WITH A 2 TO 3 INCH LAYER OF PINE NEEDLES OR WOOD CHIPS. MULCHING TO A DEPTH WHICH APPROACHES OR EXCEEDS 4 INCHES NEGATIVELY AFFECTS SOIL PROPERTIES AND CAN INHIBIT REVEGETATION. STRAW MULCH WILL NOT BE ACCEPTABLE. OTHER TECHNIQUES SUCH AS EROSION CONTROL BLANKETS CAN BE SUBSTITUTED FOR MULCH IF THEY ARE INSTALLED AND MAINTAINED ACCORDING TO MANUFACTURERS SPECIFICATIONS.
- FENCING OF "NON-APPROVED" CONSTRUCTION AREAS SHALL BE SPECIFIED TO BE AT LEAST 48 INCHES HIGH AND SHALL BE CONSTRUCTED OF METAL POSTS AND EITHER ORANGE CONSTRUCTION FENCING OR METAL MESH FENCING ALSO AT LEAST 48 INCHES HIGH.
- NO MATERIAL OR EQUIPMENT SHALL ENTER OR BE PLACED IN THE AREAS PROTECTED BY FENCING OR OUTSIDE THE APPROVED CONSTRUCTION AREA WITHOUT PRIOR APPROVAL.
- TO REDUCE SOIL DISTURBANCE AND DAMAGE TO VEGETATION, THE AREA OF DISTURBANCE DURING THE CONSTRUCTION OF A STRUCTURE SHALL BE LIMITED TO THE AREA BETWEEN THE FOOTPRINT OF THE BUILDING AND THE PUBLIC ROAD. FOR THE REMAINDER OF THE SITE, THE DISTURBANCE AREA SHALL NOT EXCEED 12 FEET FROM THE FOOTPRINT OF THE STRUCTURE, PARKING AREA OR CUT/FILL SLOPE. THIS FENCING SHALL BE CLEARLY SHOWN ON THE APPROVED PLANS. ALL CHANGES OR EXCEPTIONS SHALL BE SHOWN ON A REVISED SET OF PLANS FOR APPROVAL. ANY "IN-THE-FIELD" CHANGES SHALL BE APPROVED BY THE ENGINEER.



ALL UTILITIES TO BE PROPERLY CAPPED OFF

LEGEND

- DEMO AREAS

REV.	DATE	DESCRIPTION	APPROVED

TIESLAU CIVIL ENGINEERING, INC.
3080 NORTH LAKE BLVD
TAHOE CITY, CA 96145
P.O. BOX 412
TAHOE VISTA, CA 96145
TCEI@TAHOE.COM
(530) 946-8005



DEMOLITION PLAN
GONOWABE PROPERTIES, LLC
470 GONOWABE ROAD
APN 123-131-05

COMP.:	DESIGN:
DRWN:	PRJ.ENG: AT
PROJECT #: 19.008	SCALE: 1" = 20'
HORIZONTAL: N/A	VERTICAL: N/A
DATE: 8/20/2019	

C1

EXHIBIT G



OFFICE
128 Market St.
Stateline, NV
Phone: (775) 588-4547
Fax: (775) 588-4527

MAIL
PO Box 5310
Stateline, NV 89449-5310
trpa@trpa.org
www.trpa.org

HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday
New Applications Until 3:00 pm

LOT LINE ADJUSTMENT AND RIGHT-OF-WAY ABANDONMENT APPLICATION FORM

Projects involving divisions of land (the creation of new lots of record, including new condominium lots) should be submitted with a subdivision application form.

LOT LINE ADJUSTMENT BETWEEN TWO OR MORE EXISTING LOTS OF RECORD.

Number of affected lots: 3

PUBLIC RIGHT-OF-WAY ABANDONMENT AND MERGER WITH ONE OR MORE EXISTING LOTS OF RECORD.

Number of affected lots: _____

Number of affected rights-of-way: _____

(attach additional sheets if necessary)

OTHER (PLEASE DESCRIBE):

Applicant Gonowabie Properties, LLC

Mailing Address P.O. Box 14001-174 City Ketchum State ID
Zip Code 84440 Email Contact Agent Phone Contact Agent FAX Contact Agent

Representative or Agent Midkiff & Associates, Inc.

Mailing Address P.O. Box 12427 City Zephyr Cove State NV
Zip Code 89448 Email nick@midkiffandassoc.com Phone 775-588-1090 FAX 775-588-1091

Note: A signed Authorization For Representation must accompany this application if the authorized person is not sole owner of all the properties involved with this project.)

Project Location/Assessor's Parcel Number (APN) 123-131-04, -05, -06
Street Address 460, 470 & 480 Gonowabie Rd. Subdivision _____ Lot # _____
County Washoe Previous APN _____
(if changed by county assessor since 1987)

Plan Area Statement/Community Plan: Crystal Bay

Property Restrictions/Easements (List any deed restrictions, easements or other restrictions): None

(initial here): I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed.

-See attached site plan.

TRPA-Lot Line Adjust.

123-131-04 // LLAD2019-0821 // 09/25/2019
GONOWABIE PROPERTIES LLC
MIDKIFF AND ASSOCIATES, INC.
460 GONOWABIE RD - Washoe County
105 - Lot Line Adjustment

RECEIVED

SEP 25 2019

TAHOE REGIONAL PLANNING AGENCY

Mar 2012

EXHIBIT H

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: 460 Gonowabie Variance			
Project Description: 460 Gonowabie setback variance. For additional information please see attached submittal letter and packet.			
Project Address: 460 Gonowabie			
Project Area (acres or square feet): 14,564			
Project Location (with point of reference to major cross streets AND area locator): Gonowabie Road, approx. 1 mile south of CA/NV border			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-131-04	.33		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Gonowabie Properties, LLC		Name: Midkiff & Associates, Inc.	
Address: P.O. Box 14001-174		Address: P.O. Box 12427, Zephyr Cove, NV	
Ketchum, ID	Zip: 83340		Zip: 89448
Phone: Contact Consultant		Phone: 588-1091	
Fax: Consultant		Fax: 588-1091	
Email: Consultant		Email: nick@midkiffandassoc.com	
Cell: Consultant	Other: Consultant	Cell: 775-240-9361	Other:
Contact Person: Contact Consultant		Contact Person: Nick Exline	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Contact Consultant		Name: Contact Consultant	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Gonawebic Properties, LLC - David Duffield

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF ^{Idaho} NEVADA)
COUNTY OF ^{Blaine} WASHOE)

I, David A. Duffield
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 123-131-04

Printed Name David A. Duffield

Signed [Signature]

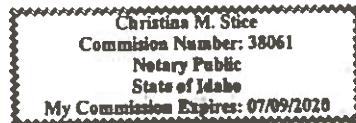
Address _____

Subscribed and sworn to before me this 15th day of November, 2019.

[Signature]
Notary Public in and for said county and state

My commission expires: 07-09-2020

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Variance Application Supplemental Information

(All required information may be separately attached)

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

Front Yard Setback (110.406.05.1) MDS - 20' Front Yard Setback.

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

Steep slope (33%+) and parcel configuration abutting road.

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

Garage closer to road will improve views - see submittal letter.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Scenic, community, health & safety, environment - see submittal letter.

5. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?

Enclosed garage require per Washoe County Code - see submittal letter.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

Yes No If yes, please attach a copy.

7. How is your current water provided?

IVGID

8. How is your current sewer provided?

IVGID

EXHIBIT I

RECORDING REQUESTED BY:

Reliant Title
937 Tahoe Blvd., Ste 130
Incline Village, NV 89451
Escrow No.: 203-1800324-KOT

DOC #4869226

11/28/2018 11:21:20 AM
Electronic Recording Requested By
RELIANT TITLE - INCLINE VILLAGE
Washoe County Recorder
Lawrence R. Burtness
Fee: \$41.00 RPTT: \$41000.00
Page 1 of 4

**WHEN RECORDED MAIL TO and
MAIL TAX STATEMENTS TO:**

Gonowabie Properties, LLC
PO Box 14001-174
Ketchum, ID 83340

R.P.T.T.: \$41,000.00

A.P.N.: 123-131-04; 123-131-05 and 123-131-06

GRANT, BARGAIN, SALE DEED

THE INDENTURE WITNESSETH: That Suzanne Meehan, Successor Trustee of the Hildegard Willmann Trust, Dated October 14, 1983

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and

Convey to Gonowabie Properties, LLC, a Nevada Limited Liability Company

all that real property situated in Washoe County, State of Nevada, bounded and described as follows:

All that certain real property situate in the County of Washoe, State of Nevada, described as follows;

Parcel 1:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

BEGINNING at an angle point on the U.S. Government Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M.D.B. &M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 5°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, and the True Point of Beginning;

Thence North 13°19'08" West 90.56 feet;
Thence North 89°23'08" West 111.79 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada;
Thence South 16°23'08" East 105.76 feet along the Easterly boundary of Gonowabie Road;
Thence South 89°23'08" East 98.09 feet to said Meander Line;
Thence North 19°42'52" East 14.02 feet to the True Point of Beginning,

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-06

Parcel 2:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 14.02 feet to the True Point of Beginning;

Thence North 89°23'08" West 98.09 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada; Thence South 16°23'08" East 70.56 feet along said Easterly boundary of Gonowabie Road; Thence South 29°14'08" East 31.61 feet along said Easterly boundary of Gonowabie Road; Thence South 89°23'08" East 28.86 feet to said Meander Line; Thence North 19°42'52" East 100.42 feet to the True Point of Beginning,

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN: 123-131-05

Parcel 3:

A portion of Lot II of Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, more particularly described as follows:

Commencing at an angle point on the U.S. Government Meander Line from which the Southwest Corner of Lot III Section 19 Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, bears South 19°42'52" West 2112.00 feet (South 19°06' West 2112.00 feet per document 917479 recorded April 6, 1984 in the Official Records of Washoe County, Nevada) and South 05°42'52" West 435.57 feet and South 89°42'42" West 601.37 feet, thence South 19°42'52" West 114.44 feet to the True Point of Beginning;

Thence North 89°23'08" West 28.86 feet to the Easterly boundary of Gonowabie Road as shown on the unofficial map of Crystal Bay Park, which map has never been filed for record in Washoe County, Nevada; Thence South 29°14'08" East 26.20 feet along said Easterly boundary of Gonowabie Road; Thence South 48°35'52" West 59.05 feet along said Easterly boundary of Gonowabie Road; Thence South 89°23'08" East 38.14 feet to said Meander Line; Thence North 19°42'52" East 65.87 feet to the True Point of Beginning,

Together with the land to the East of the U.S. Government Meander Line to the low waterline of Lake Tahoe bordered on the North and South by the prolongation of the North and South Parcel Lines of the above described parcel.

APN 123-131-04

The above legal descriptions appeared previously in that certain Document recorded on September 25, 2018, as Document No. 4853260, Official Records, pursuant to NRS Section 6. NRS 111.312.

- SUBJECT TO:** 1. Taxes for the fiscal year 2018-2019.
2. Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record.

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

COPY

Date: October 11, 2018

Hildegard Willmann Trust

BY: Suzanne Meehan
Suzanne Meehan
Successor Trustee

STATE OF NEVADA

COUNTY OF Washoe

On this 13 day of October, 2018, before me, a Notary Public in and for said County and State, personally appeared Suzanne Meehan, as Trustee of Hildegard Willmann Trust the trust which executed the foregoing instrument, and acknowledged that he/she did sign said instrument as such Trustee on behalf of said trust, duly authorized; that said instrument was signed as his/her free act and deed of said trust.

Notary Public: Heidi Kurasewich

My Commission Expires: _____



Attachment C

Response to Statement of Appeal, dated April 22, 2020

April 22, 2020

Honorable Governing Board Members
c/o John Marshall, General Counsel
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Via Electronic Mail – jmarshall@trpa.org

Re: Appeal and Request for Stay – File No. ADMIN2020-002
Boundary Line Adjustment File No. LLAD2019-0821
460, 470 and 480 Gonowabie Road, APNs 123-131-04, 05 and 06

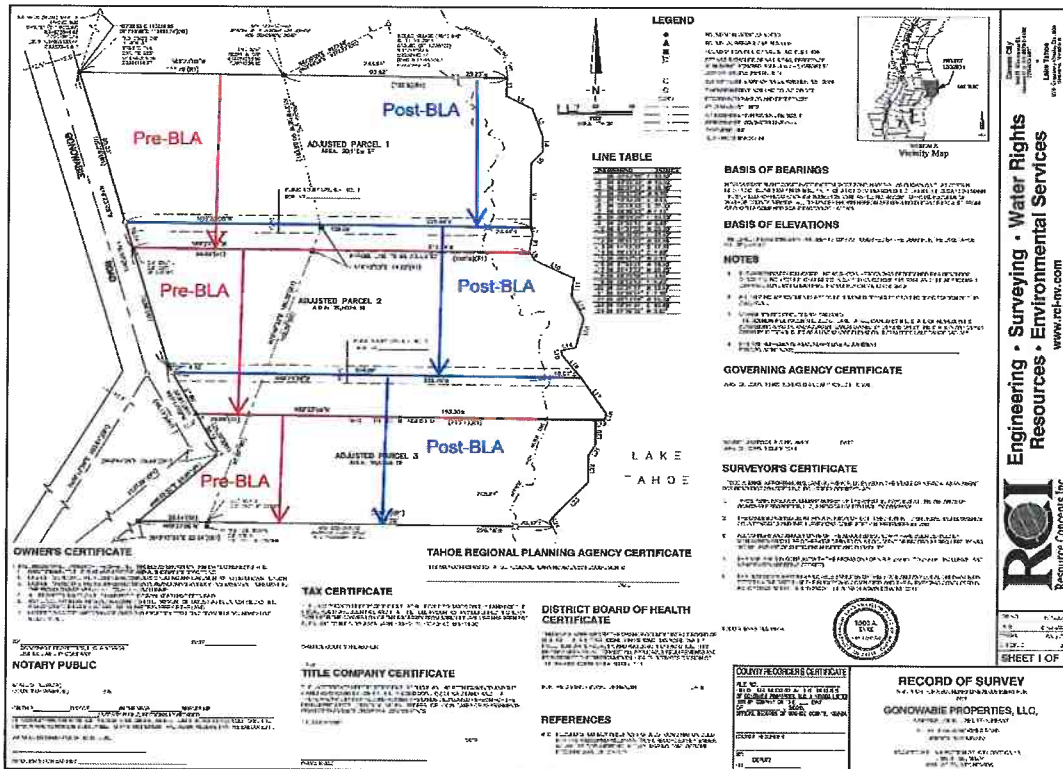
Honorable Governing Board Members:

On behalf of Gonowabie Properties, LLC (“GP”), owner of the above-referenced properties (“Properties”), and appellee/permittee in the above-listed files, we submit this response to Appellants’ Statement of Appeal, dated April 6, 2020, concerning TRPA’s approval of a boundary line adjustment (BLA). As the following demonstrates, the appeal has no merit and, we respectfully submit, must be denied.

I. OVERVIEW.

The appealed “project” is a BLA approved by TRPA on January 31, 2020 which adjusts the common boundary line between 460 Gonowabie Road (“460”) and 470 Gonowabie Road (“470”) and the common boundary line between 470 and 480 Gonowabie Road (“480”). An overlay map depicting the before and after BLA condition is attached as Exhibit A (and imbedded below). While TRPA single family dwelling (SFD) applications are pending for 470¹ and 480, TRPA has not approved or otherwise authorized construction of any improvements on the Properties. If and when TRPA issues development permits for the Properties, we expect Appellants will express concerns relevant to actual development; however, their complaints today concerning future development permits are neither before the Governing Board nor relevant to this appeal.

¹ 470 was previously developed with an SFD and has two legally existing piers. The residence has been demolished and an SFD rebuild application is pending with TRPA.



As a preliminary matter, Appellants correctly explain in their Statement of Appeal that an error occurred in TRPA's verification of 470's existing land coverage and determination of base allowable coverage for 460 under IPES.² TRPA and GP only became aware of the error during this appeal. In 2008, well before GP acquired the Properties, TRPA verified 4,799 square feet (sf) of legally existing coverage on 470. Of this coverage, 270 sf was in fact located on 460 rather than 470. As a result, 470's existing coverage is actually 4,529 sf instead of 4,799 sf. 460's total permissible coverage remains unchanged.³ TRPA will revise its files to reflect a reduction of 270 sf in 470's legally existing coverage for a total of 4,529 sf. As corrected, the Properties have 9,890 sf of combined legally existing and allowable coverage instead of 10,160 sf as previously, albeit incorrectly, determined.

As detailed below, Appellants have amalgamated a litany of fear-based, inaccurate and irrelevant allegations concerning a garden variety lot line adjustment. Although this scatter gun

² TRPA's 2008 land coverage verification encompassed 460, 470 and 480 because, at that time, all three legal lots of record were assigned a single APN. Even though 460 is undeveloped, a few improvements serving 470 were located on 460 and, considering the Properties as a single project area, TRPA included 460's 270 sf of existing coverage in the total existing coverage for the Properties, the balance of which existed solely on 470. TRPA subsequently evaluated 460 and 480 under IPES.

³ Pursuant to TRPA's 2018 IPES evaluation, 460's base allowable coverage was 1,241 sf. Accounting for 460's 270 sf of existing coverage that was incorrectly attributed to 470, 460's base allowable coverage is reduced to 971 sf. Combined, 460's base allowable and legally existing coverage equals 1,241 sf.

effort includes, among other distractions, character attacks, GP respectfully submits the law and facts support Staff's issuance of a BLA permit and has restricted the scope of this reply accordingly.

A. Applicable Standard.

In considering a proposal to adjust boundary lines between adjoining parcels, TRPA must find the BLA will not (1) increase the development potential of any parcel or (2) create a non-conforming condition. The record unequivocally demonstrates TRPA correctly made both findings.

B. Development Potential.

TRPA Goals and Policies LU-2.2 provides that a lot line adjustment which does not result in any increase in development potential, or in present or potential land coverage or density, is consistent with TRPA's general policy prohibiting new divisions of land. The Region's existing development potential is defined by the amount of development authorized under the 1987 Regional Plan that remains unbuilt. If, as a result of a BLA, a greater amount of development than authorized could occur, it would increase the Region's development potential.⁴ The approved BLA does not increase present or potential land coverage or permissible density and is, therefore, consistent with LU-2.2.

Pre-BLA: The Properties are eligible for a total of three (3) SFDs, one on each of 460, 470 and 480, and total combined land coverage of 9,890 sf.

Post-BLA: The resultant parcels are eligible for a total of three (3) SFDs, one on each of resultant 460, 470 and 480, and their total combined land coverage remains unchanged at 9,890 sf as will be evidenced by an amended project area deed restriction to be recorded against the Properties as required in TRPA's BLA permit.⁵

Accordingly, although an arithmetic error in coverage has been acknowledged and corrected, TRPA properly concluded the approved BLA did not increase development potential in the Tahoe Region.

⁴ For example, if a BLA between two adjoining vacant parcels, each less than one (1) acre in size resulted in a parcel greater than one (1) acre in size, it would increase development potential. Parcels less than one (1) acre are eligible for one (1) SFD, while parcels greater than one (1) acre are eligible for a primary and a secondary SFD. Pre-BLA, existing development potential consisted of two (2) SFDs; Post-BLA, development potential increased by one (1) SFD for a total of three (3) SFDs. This increase in density would be impermissible under TRPA's ordinances.

⁵ The deed restriction currently recorded against the Properties as required as a condition of TRPA's BLA approval states the Properties total combined land coverage is 10,160 sf.

C. Non-Conformity.

470 was developed prior to adoption of the TRPA Regional Plan and has legally existing (i.e., grandfathered) land coverage in excess of that otherwise allowable under the Bailey land capability system. As a result, the parcel's verified coverage is legally existing non-conforming coverage. To ensure the BLA did not result in an increase in non-conformity, the deed restriction recorded against the Properties provides that, while coverage may be relocated within the project area, 470 may never contain more than its legally existing grandfathered coverage.

Since the BLA did not increase development potential or exacerbate the extent of 470's legally existing non-conformity, TRPA properly approved the BLA.

II. APPELLANTS' SPECIFIC CONTENTIONS

A. Appellants' Contention: This appeal arises from a lot line adjustment that would allow for the development of three over-sized residences and a new multi-use pier on the shore of Lake Tahoe. (Statement of Appeal, p. 1.)

GP's Response: False.

Each of the Properties is a developable SFD parcel in its current configuration, as evidenced by the buildable IPES scores issued for pre-BLA 480 and pre-BLA 460 and the verification of existing land coverage on pre-BLA 470 in the revised amount of 4,529 sf. The BLA is not necessary to develop 460, 470, or 480 with a residence. Rather, the BLA achieves parcel configurations of relatively equal size the owner deems more desirable, consistent with TRPA's and Washoe County's rules, regulations, and design standards, nothing more.

Although not relevant to the BLA, 470 has two legally existing grandfathered piers. Consistent with TRPA's Shorezone Ordinances which favor multiple-use piers over single use piers, GP proposes to rebuild one of the piers to serve 460 and 470. It is not a *new* pier. In any event, the BLA does not authorize either residential development or future pier uses and these allegations are not relevant to this appeal.

B. Appellants' Contention: The Properties are subject to eight separate deed restrictions, including a recorded judgment, which strictly prohibit any development within the front setback ... and create no build zones of up to 15-feet [sic] along the side lines of the originally described parcels. (Statement of Appeal, p. 3.)

GP's Response re Deed Restrictions: False and false.

The properties are *not* subject to eight separate deed restrictions or a recorded judgment.

~~Various deeds to the parcels comprising the Properties, granted by the original developer of the Crystal Bay Park Subdivision, Crystal Bay Corporation, between the years 1935 and 1955 contained the following restriction: any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line (the “15/3 Setbacks”).⁶ Deeds granted during the same period for other properties in the Subdivision, including Appellants’, contained the same restriction.⁷ GP did not identify or submit these early deeds in the TRPA BLA application package because the 15/3 Setbacks were not relevant to the BLA and Washoe County’s setback standards are more restrictive than the 15/3 Setbacks and, therefore, govern.~~

It is noteworthy, the 15/3 Setbacks have not appeared in deeds to the Properties for approximately 65 years, including the deed whereby GP acquired title to the Properties in 2018. Even if the 15/3 Setbacks apply to the Properties, they do not prohibit adjustments between property lines, and any development of the Properties would satisfy the setbacks. Washoe County’s front yard setback is 15 feet and side yard setback is eight (8) feet; GP is not seeking a variance from these more rigorous standards.

In contrast, both of Appellants’ properties, which are subject to the 15/3 Setbacks to the same extent the Properties are, benefit from variances obtained from Washoe County’s front and side yard setback standards. The Goldberg property located at 459 Gonowabie Road (the “Goldberg Property”) enjoys a zero-foot (0’) front yard setback (reduced from 15 feet) a one-foot (1’) side setback (reduced from five (5) feet). (Variance Case No. V4-15-95.) Mr. Richards sought and obtained a variance on two separate occasions for 458 Gonowabie Road (the “Richards Property”). One reduced the front setback from 15 feet to seven (7) feet, the southern side setback from five (5) feet to two (2) feet, and the northern side setback from five (5) feet to three (3) feet. (Variance Case No. VA0010-029.) The second reduced the side setback from five (5) feet to one (1) foot and the front setback from 20 feet to 13 feet six (6) inches. Although it is evident Appellants are not compliant with the restrictions they advocate, these restrictions are not relevant to this BLA appeal.

GP’s Response re Judgment: False.

The Properties are not subject to the 15-foot side setback restriction in the 1947 judgment as alleged. GP’s immediate predecessor in interest in the Properties was, in fact, a prevailing plaintiff in the cited lawsuit; the 15-foot restriction imposed by the Court only applies to properties owned by defendants in the suit.⁸ Again, the judgment’s restrictions are neither applicable nor relevant to the BLA, although it is evident Appellants are in violation of the 1947 Judgment, not GP.

⁶ See, e.g., Document No. 115323, Book 156, Page 363 recorded September 29, 1943 (enclosed as Exhibit B).

⁷ See 1935 deed to the Goldberg Property: Document No. 71302, Book 99, Page 585 recorded September 16, 1935 (enclosed as Exhibit C), and deed to the Richards Property: Document No. (Exhibit D).

⁸ The 1947 judgment is listed as an exception to title for both the Goldberg Property and the Richards Property.

C. Appellants' Contention: The 2008 Land Capability Verification erroneously calculates the entire project area as 63,888 sf. The Project area actually encompasses 50,929 sf. (Statement of Appeal, p. 5, fn 4.)

GP's Response: Irrelevant.

The Properties comprise a total land area of 63,888 sf to the low water line, and 50,929 sf to the high water line. In accordance with Nevada law, ownership of properties abutting Lake Tahoe extends to the low water line. (NRS 321.595.) However, TRPA calculates allowable coverage based on the size of the parcel to the high water line. The 2008 Land Capability Verification ("2008 Verification") was issued for the Properties as a single project area comprised of Class 1a and Class 1b land entitled to one percent (1%) coverage. The pre-GP acquisition 2008 Verification did incorrectly calculate allowable coverage of 639 sf based on the parcel size to low water. At that time, allowable coverage for the project area should have been 509 sf based on the parcel's size to high water, or 50,929 sf, a difference of 120 sf.

Nevertheless, the error is of no significance for the following reasons:

(1) The IPES evaluations for 460 and 480 supersede the 2008 Land Capability Verification for the vacant SFD parcels;

(2) TRPA approved a land capability challenge in 2016 (File No. LCAP2016-0066) for 470 which reclassified 2/3's of the parcel's area above high water to high capability Class 4 land; and

(3) TRPA completed a subsequent Land Capability Verification for 470 in 2018, following the approved land capability challenge, which properly determined the parcel's base allowable coverage to be 2,428 sf based on the land area to high water.

In other words, like Appellants' reference to deeds and a 1947 judgment that do not bear on the BLA, the 2008 characterization of the project area is irrelevant and of no consequence.

D. Appellants' Contention: The findings adopted as part of the project approval are not supported by substantial evidence and are legally insufficient. (Statement of Appeal, p. 7.)

GP's Response: False.

Based on the Initial Environmental Checklist (IEC) and findings submitted with the BLA application and other information in the record, TRPA properly found the BLA would not have a significant effect on the environment and approved the BLA. Adjusting the boundaries of the Properties did not have the potential to impact any of TRPA's nine (9) thresholds: air quality, water quality, soil conservation, vegetation, wildlife, fisheries, scenic, noise, or recreation. Thus, TRPA having properly determined the BLA would not increase development potential or impact thresholds, TRPA appropriately adopted the required Chapter 4 findings applicable to any project.

~~Appellants are again raising development issues which are not before this Board nor relevant to the BLA.~~

E. Appellants' Contention: The environmental analysis failed to analyze the potentially significant impacts associated with development of the Properties as a result of the lot line adjustment. (Statement of Appeal, p. 9.)

GP's Response: False.

As mentioned above, each of the Properties was eligible for a SFD at the same rate of coverage prior to the BLA; the BLA did not create the potential to develop them. Thus, Appellants' focus on impacts that may result from future development of the Properties is, again, misplaced. The BLA permit does not authorize development or physical changes of any kind. The BLA approval is an independent, stand-alone action that does not guarantee future approval of any proposed development. Prior to TRPA's authorization to construct improvements proposed by GP on one or more of the Properties, TRPA must conclude that potentially significant impacts, if any, will be mitigated.

F. Appellants' Contention: The public right-of-way on Gonowabie Road was uniquely developed to require a large turnout directly in front of 460 Gonowabie. This turnout feature serves several purposes. It functions as one of the only available on-street parking areas on Gonowabie Road. The turnout also enhances emergency vehicular access on this narrow roadway, helps to eliminate conflicts between motor vehicles and bicycles and pedestrians, and serves as snow removal storage. Appellants are informed and believe that the Project is proposing three separate single-family homes, all with a minimum of four bedrooms, and each exceeding 5,500 sf. Yet, each residence will only include two onsite parking spaces. (Statement of Appeal, pp. 10-11.)

GP's Response: False and false.

The BLA does not involve any changes to or otherwise impact the public Gonowabie Road right-of-way. As such, it too is irrelevant to this appeal. GP does not propose alterations to the existing condition of Gonowabie Road.

Contrary to Appellants' contentions, GP's SFD proposals include two (2) garage parking spots and a minimum of two (2) surface parking spots, for a total of four (4) onsite parking spaces. Washoe County Code requires two (2) parking spots per residence one of which must be in a garage. Gonowabie will continue to function as potential turnaround spots for emergency vehicles.

It is important to note, similar to Appellants' deviation from both front and side yard setbacks, Appellants actually encroach into the Gonowabie right-of-way ("ROW") and onto undeveloped properties owned by the State of Nevada as detailed below:

- (1) The Goldberg Property's garage extends beyond its property line several feet into the ROW (see aerial attached as Exhibit E and survey attached as Exhibit F);
- (2) Two (2) bear box trash enclosures, a wooden fence, stone steps and a retaining wall serving the Richards Property are located within the ROW and in front of 460 (in its pre- and post-BLA configurations) hindering access to 460 (see survey attached as Exhibit F);
- (3) The aforementioned wooden fence and a pathway serving the Richards Property encroach onto/across 460's front property line (see photographs attached as Exhibits G and H);
- (4) The Richards Property and the Goldberg Property each have two (2) garage parking spaces but no other onsite parking spaces, whereas, as proposed, the Properties will each have four (4) onsite parking spaces;
- (5) The house, including the roof overhang, patios, outdoor space and yard on the Goldberg Property encroach onto the parcel to the north, APN 123-133-06, owned by the State of Nevada (see aerial attached as Exhibit E);
- (6) Landscaping improvements on the Goldberg Property encroach onto the lot to the south, APN 123-133-08, owned by the State of Nevada (see aerial attached as Exhibit E).

Appellants' zeal to preserve the status quo is impressive given their use and their occupancy of public and private lands they do not own. Their determination to frustrate GP's BLA involving only lands owned by GP is consistent with their unauthorized use of adjoining Nevada State Lands' parcels, the Gonowabie ROW, and GP's private land. It is disingenuous for Appellants to advocate claims to uphold the actual rules and restrictions applicable to properties on Gonowabie Road they have violated, and then some. Cloaking their attempt to deny GP fundamental property rights to be exercised in accordance with TRPA's and Washoe County's applicable standards to maintain the status quo at GP's expense must not be sanctioned.

G. Appellants' Contention: The Project will block and modify views of the Lake from a public road (Gonowabie) as the three residences are developed. See Initial Environmental Checklist Section 16.c. Yet there is no evaluation of the impacts associated with this development, nor mitigation measures proposed to protect the public's views. (Statement of Appeal, p. 12.)

GP's Response: False.

Of course, this is the gravamen of this adventure, stopping development they fear will impact their views. Again, the "project" is the BLA which involves no physical changes that block views. In any event, TRPA's scenic policies only apply to properties in identified scenic resource areas. While Lake Tahoe is a TRPA-identified scenic resource, Gonowabie Road is not. Future development of the Properties must incorporate measures to ensure the improvements,

Honorable TRPA Governing Board Members
c/o John Marshall
Page No. 9
April 22, 2020

FELDMAN
THIEL LLP

when viewed from Lake Tahoe, do not degrade the scenic quality of the shoreland or upland. TRPA is not charged with protecting private views of Lake Tahoe.

III. CONCLUSION

Appellants have made an array of allegations and cited numerous irrelevant materials yet have totally neglected to point to facts or law demonstrating TRPA Staff erred in their issuance of the BLA permit (although Appellants did bring a 270 sf harmless arithmetic error to the attention of the parties which occurred well before GP acquired the Property and that GP agrees requires correction). Again, returning to the proper scope of this appeal, the foregoing analysis clearly demonstrates the BLA (1) did not increase development potential or (2) create a non-conforming condition. GP submits the BLA permit TRPA approved for 460, 470 and 480 was properly issued and respectfully requests the Governing Board deny the appeal.

Sincerely,

FELDMAN THIEL LLP

By:

Lewis S. Feldman

LSF/jps
Enclosures

cc: Gonowabie Properties, LLC
Greg Gatto, Esq.

EXHIBIT A

EXHIBIT B

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL)

Irving J Smith

Notary Public in and for the
County of Washoe, State of Nevada.

My commission expires Feb'y 20, 1945.

FILING NO. 115312

Filed for Record at the Request of Mrs Joseph. Greco SEP 28 1943 at 26
Minutes past 3 o'clock P M.

Fee \$2.25

HR: HM
HD: MP
ACB Verified

Della B. Boyd

COUNTY RECORDER

HOWARD PARISH & WF.

TO

HILDEGARD WILLMANN MIRC

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

THIS INDENTURE made the Twenty-fifth day of September, one thousand nine hundred and forty-three, between: HOWARD PARISH and RUTH PARISH, his wife, the parties of the first part, and HILDEGARD WILLMANN MIRC, the party of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

Beginning at a point on the U. S. Government Meander line from which the southwest corner of Lot 111, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south 19°06' west 2112.00 feet and south 5°06' west 435.57 feet and south 89°05'50" west, 601.37 feet, the true point of beginning for the description of this parcel of land; thence north 19°06' east 14.13 feet to the northeast corner of the parcel conveyed to Hildegard Willmann Mirc by deed recorded in Book 112 of Deeds, page 522, records of Washoe County, Nevada; thence west along the north line of the said Mirc parcel a distance of 98.10 feet to the northwest corner of said Mirc parcel; thence north 17°00' west to a point which would be intersected by a line drawn west (and parallel to the north line of said Mirc parcel) from a point on the aforesaid meander line north 13°56' west 60.87 feet from the true point of beginning; thence east along said line so drawn, to said meander line; thence south 13°56' east along said meander line 60.87 feet to the true point of beginning; being the south portion of Lot 7 in Block 13 of CRYSTAL BAY PARK according

to an unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada

Subject, however, to reservations and restrictions as follows:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling ---- intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1,500.00) for any dwelling house built thereon.

5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.

8. No bill boards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.

9. The said property is subject to all easements which now duly are of record.

10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

.IN WITNESS WHEREOF the said parties of the first part, have hereunto set their hands the day and year first above written.

Howard Parish

Ruth Parish

STATE OF NEVADA,)
County of Washoe) ss.

On this 25th day of September A. D. one thousand nine hundred and forty-three personally appeared before me La Rie Riley, a Notary Public in and for said County of Washoe, Howard Parish and Ruth Parish, his wife, known (or proved) to me to be the persons described in and who executed the annexed instrument, who acknowledged to me that they executed the same, freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this Certificate first above written.

(SEAL)

La Rie Riley

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires November 19, 1946

FILING NO. 115323

Filed for Record at the Request of Howard Parish SEP 29 1943 at 5 Minutes past 10 o'clock A M. FEE \$3.05

HR: AGB
HD: HM
ACB VerEnd

Della B. Boyd
COUNTY RECORDER

L. A. SAUER & WF.

TO

KENNETH A. ARNOLD ET AL

(U. S. INT. REV. STAMPS \$1.10 ATTACHED AND CANCELED)

DEED

THIS INDENTURE, made the 22nd day of September, in the year of our Lord one thousand nine hundred and forty three, between L. A. SAUER and NEVA SAUER, his wife, both of Washoe County, State of Nevada, the parties of the first part, and KENNETH A. ARNOLD and DORIS ARNOLD, of the County of Washoe, State of Nevada, parties of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of the sum of Seven Hundred (\$700.00) Dollars, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said parties of the second part, and to their heirs and assigns forever; all that certain lot, piece, or parcel of land situate, lying, and being in the County of Washoe, State of Nevada, and bounded and particularly described as follows, to-wit:

All that portion of the Northeast quarter of the Southeast quarter of Section 34, Township 17 North, Range 19 East; lying immediately South of the land heretofore sold to John Evans and immediately West of the Reno-Carson City Highway and containing seven acres, more or less.

Also to take from Ophir Creek of the water belonging to the parties of the first part three miners inches under six inches pressure.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

EXHIBIT C

CRYSTAL BAY SUBDIVISION

TO

MARGIA FAIRBELL KERRICK

[U. S. Internal Revenue Stamps \$4.00 Attached & Cancelled]

THIS INSTRUMENT, made the 16th Day of August, 1955, by and between CRYSTAL

BAY CORPORATION, a Nevada corporation, FIRST PARTY, and MARGIA FAIRBELL KERRICK, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, fees, by these presents grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Beginning at the southeasterly corner (identical with a point on the U. S. Government Meander Line from which the Southwest corner of Lot III Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears South 19° 00' West, 1766.38 feet; thence South 5° 06' West 455.87 feet and South 89° 05' 50" West 401.57 feet; thence South 85° 14' West 150.40 feet; thence North 9° 00' East 5.71 feet; thence North 48° 00' East 147.40 feet; thence North 49° 59' East, 17.34 feet; thence East 74.51 feet to the said Meander line; thence South 10° 06' West 125.68 feet along the said Meander line to the place of beginning; containing 0.515 acres more or less.

Also beginning at a point on Meander line from which the Southwest corner of Lot III, Section 19 Township 16 North, Range 18 East bears South 19° 06' West 1766.38 feet and South 5° 06' West 455.87 feet and South 89° 05' 50" West 401.57 feet; thence East 74.51 feet; thence North 49° 59' East 17.34 feet; thence East 38.48 feet to Meander line/South 10° 06' West 125.68 feet to the place of beginning; containing 0.515 acres more or less.

The above described premises being all of Lot 6 and the southerly portion of Lot 7--in Block 18 of "Crystal Bay Park, a subdivision of portions of Lots 8, 11, 9, 10, 12, 13 of Section 19, T. 16 N., R. 18 E., Washoe County, Nevada", the map of which has never been filed for record in Washoe County, Nevada.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling houses built thereon.
5. No sheds or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least

CRYSTAL BAY CORPORATION TO MARCIA FARNELL KERRY, ET

[U. S. Internal Revenue Stamp \$1.00 Attached & Cancelled]

THIS INSTRUMENT, made the 16th day of August, 1966, by and between CRYSTAL BAY CORPORATION, a Nevada corporation, FIRST PARTY, and MARCIA FARNELL KERRY, ET AL, SECOND PARTY.

WITNESSETH: That first party, for and in consideration of the sum of Ten (\$10.00) Dollars, lawful money of the United States of America, to it in hand paid by second party, receipt whereof hereby is acknowledged, and other good and valuable considerations, does, by these presents, grant, bargain, sell and convey unto second party, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in Washoe County, State of Nevada, and bounded and particularly described as follows:

Beginning at the southeasterly corner (identical with a point on the U. S. Government Meander Line from which the Southwest corner of Lot III Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears South 19° 00' West, 1766.33 feet) and South 5° 06' West 422.87 feet and South 89° 05' 50" West 401.57 feet; thence by an arc of 64° West 180.40 feet; thence North 9° 00' East 6.71 feet; thence North 48° 00' East 147.44 feet; thence North 47° 59' East, 17.34 feet; thence East 74.81 feet to the said Meander line; thence South 19° 05' West 115.68 feet along the said Meander Line to the place of beginning; containing 0.315 acres more or less.

Also beginning at a point on Meander line from which the Southwest corner of Lot III, Section 19 Township 16 North, Range 18 East bears South 19° 06' West 1766.33 feet and South 5° 06' West 422.87 feet and South 89° 05' 50" West 401.57 feet; thence East 74.81 feet; thence North 47° 59' East 17.34 feet; thence East 33.42 feet to Meander line/South 19° 05' West 80 feet to the place of beginning; containing 0.315 acres more or less.

The above described premises being all of Lot 4 and the southerly portion of Lot 5 in Block 18 of "Crystal Bay Park, a subdivision of portions of Lots 2, 11, 5, 11, of Section 19, T. 16 N., R. 18 E., Washoe County, Nevada", the map of which has never been filed for record in Washoe County, Nevada.

Subject to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.

2. No part of said premises ever, at any time, shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.

3. All said property is restricted to be used for private residential purposes only.

4. All said property is subject to a building restriction of Four Hundred (\$400.00) Dollars for any dwelling house built thereon.

5. No sheds or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.

6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cess pool or a septic tank in accordance with law.

7. Any dwelling or other building upon said property shall be at least

EXHIBIT D

STATE OF NEVADA, }
County of Washoe } ss.

On this 22nd day of October, A.D. one thousand nine hundred and forty-six personally appeared before me Jeanne I. Green, a Notary Public in and for said County of Washoe, John V. Kralter known to me to be the President of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; - - - and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) Jeanne I. Green

My commission expires February 26, 1950.

STATE OF NEVADA, }
County of Washoe } ss.

On this 22nd day of October A. D. one thousand nine hundred and forty-six personally appeared before me Jeanne I. Green, a Notary Public in and for said County of Washoe, Albert J. Judge known to me to be the Secretary of the corporation that executed the foregoing instrument, and upon oath, did depose that he is the officer of said corporation as above designated; that he is acquainted with the seal of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation; that the signatures to said instrument were made by officers of said corporation as indicated after said signatures; and that the said corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Washoe, the day and year in this certificate first above written.

(SEAL) Jeanne I. Green

My commission expires February 26, 1950

FILED NO. 147233

Filed for Record at the Request of WASHOE COUNTY TITLE CMTY. CO. NOV 16 1946
at 16 Minutes past 10 o'clock A M

Fee \$3.05

M: MFB
HD: AOB
JL: [unclear]

Lilla B. Boyd

COUNTY RECORDER

18

Beginning at the southeasterly corner from which the southwest corner of Lot III, Section 19, T. 16 N., R. 18 E., Washoe County, Nevada, bears S. 30° 00' W. 119.88 feet and S. 42° 00' W. 133.58 feet and S. 9° 00' W. 164.16 feet and S. 16° 00' E. 149.39 feet and S. 0° 14' 06" W. 104.93 feet and East 13.76 feet and S. 19° 06' W. 1330.27 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' 50" W. 601.37 feet; thence N. 64° 01' W. 136.96 feet; thence East 126.94 feet; thence S. 17° 00' E. 36.51 feet; thence S. 30° 00' W. 28.97 feet to the place of beginning.

Said premises being the northeasterly half of Lot 14 in Block 14 of Crystal Bay Park according to the unofficial map thereof which has never become of record in the office of the County Recorder of Washoe County, State of Nevada.

Subject, however, to the following reservations and restrictions:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time, shall be sold, conveyed, leased, or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from the front property line and at least three (3) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water, also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

TOGETHER WITH the tenements, hereditaments, and appurtenances therunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set its hand the day and year first above written.

(CORPORATE SEAL)

CRYSTAL BAY CORPORATION

John V Mueller
President

Albert J Judge
Secretary

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said parties of the second part, with right of survivorship and to the survivor of them, as joint tenants and not as tenants in common, their assigns and to the heirs and assigns of the survivor thereof forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

Elijah W Hardesty
Mayme I. Hardesty

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

On this 15th day of November, 1946, personally appeared before me, the undersigned, a Notary Public in and for the County of Washoe, State of Nevada, ELIJAH W. HARDESTY and MAYME I. HARDESTY, his wife, known to me to be the persons described in and who executed the annexed instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Washoe, State of Nevada, the day and year in this certificate first above written.

(SEAL)

Lino DelGrande
Notary Public in and for the
County of Washoe, State of
Nevada.

MY COMMISSION EXPIRES FEBRUARY 13, 1950

FILING NO. 147231

Filed for Record at the Request of WASHOE COUNTY TITLE CNTY. CO. NOV 16 1946
at 16 Minutes past 10 o'clock A. M

Fee \$2.25

HR:MYB
HD:AGB
JL Verified

Hella B. Boyd

COUNTY RECORDER

CRYSTAL BAY CORPORATION

TO

CARL B. ERNEST & WF.

(U. S. Internal Revenue Stamps 55¢ Attached and Canceled)

D E E D

THIS INSTRUMENT made the twenty-second day of October, one thousand nine hundred and forty-six between CRYSTAL BAY CORPORATION, a Nevada corporation, the party of the first part, and CARL B. ERNEST and HELLA MAE ERNEST, his wife, the parties of the second part,

W I T N E S S E T H:

THAT the said party of the first part, in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all that certain lot, piece, or parcel of land situate in the County of Washoe, State of Nevada, and bounded and described as follows, to-wit:

AP-131

EXHIBIT E



459 GONOWABIE RD

APN: 123-133-07	Tax Information
Owner: CRYSTAL BAY TRUST	
Corporate Area: CRYSTAL BAY	
Zip Code: 89402	
Voter Precinct: 8110	
Land use: 200	
Land Zoning: HDS	
Utility: Water: Municipal, Sewer: Municipal	
Square Ft.: 2239	
Acreage: 0.098003	
Tax District: 5200	
Total Assessment: 251629	
Bedrooms: 4	
Baths: 3.5	
Year Built: 1998	
Subdivision: CRYSTAL BAY PARK 1 UNOFFICIAL	
Neighborhood: TAAC	
Related Parcel Information	
FEMA Information	
Google Street View	
Related Documents	

459 Gonowable improvements on adjacent property.

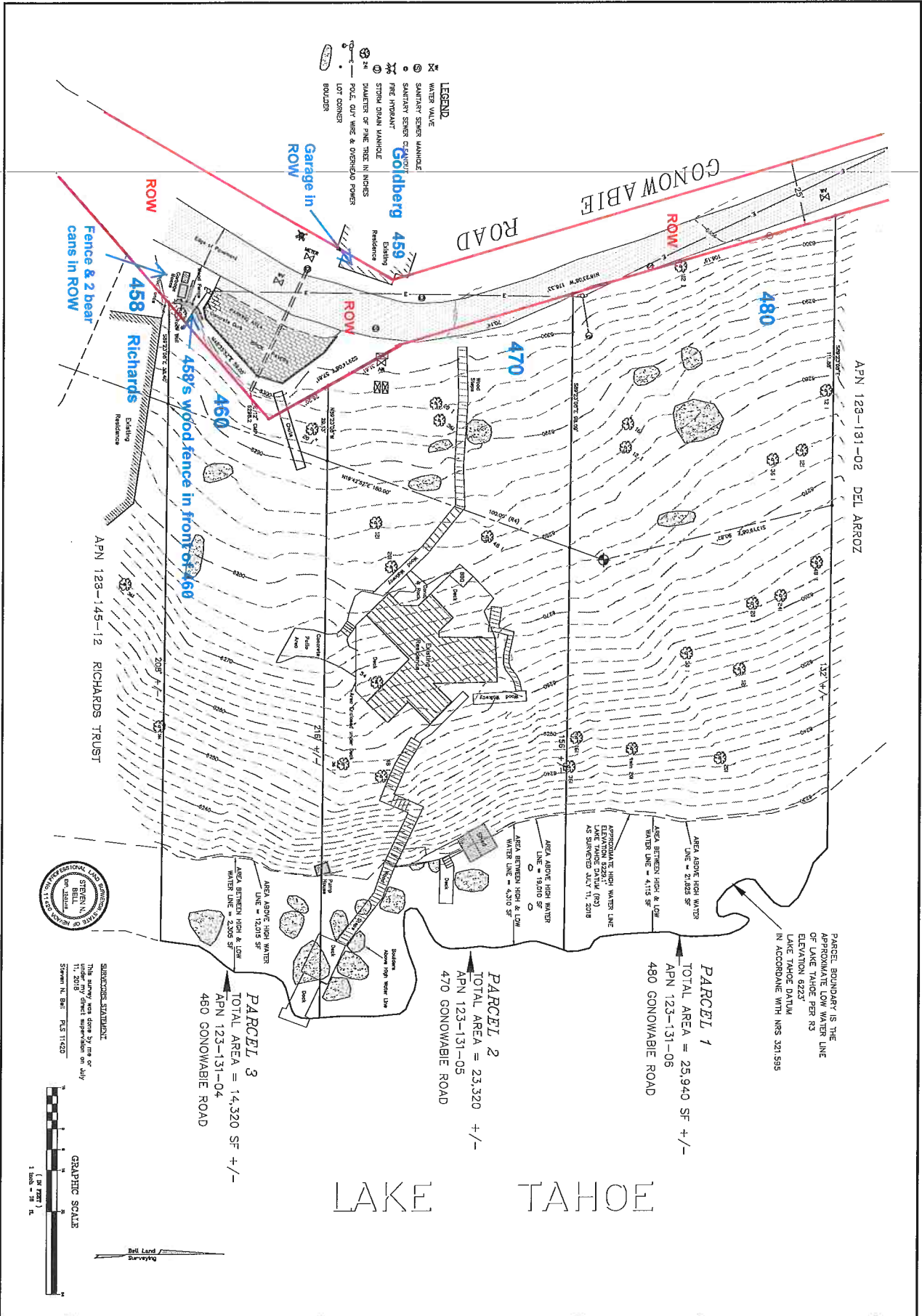
459 Gonowable garage extending into Gonowable ROW.

Area of 458 Gonowable improvements in Row and encroaching on 460 Gonowable property (hidden by tree, see photos for detail.)

459 Gonowable improvements on adjacent property



EXHIBIT F



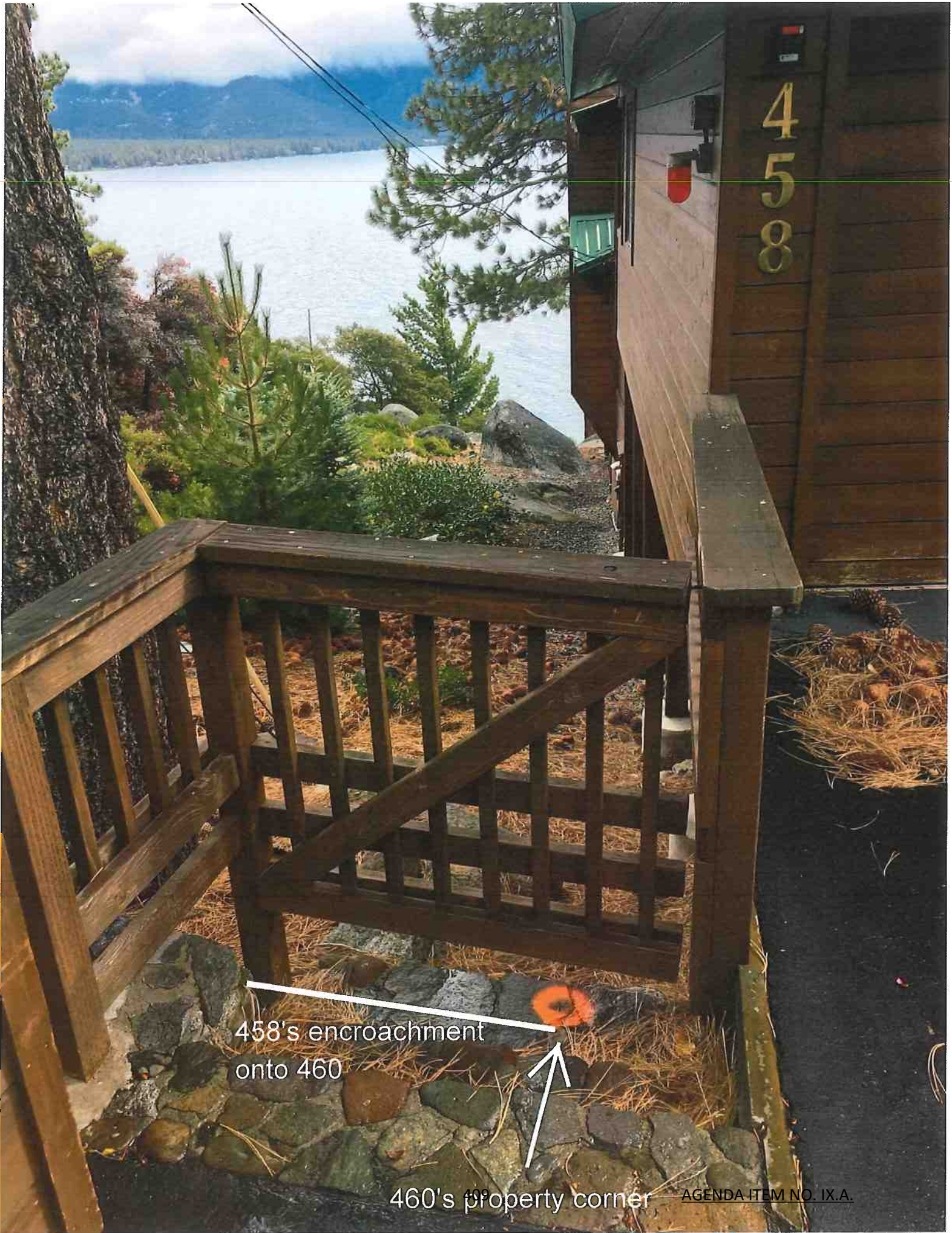
Bell Land Surveying
 100 Filmore Way
 Reno, Nevada 89519
 775-740-3070
 Fallon: 775-423-8701
 email: stevenbell@yahoo.com

TOPOGRAPHIC & BOUNDARY SURVEY
 ADDRESS: 460, 470 & 480 GONOWABIE ROAD
 APN'S: 123 - 131 - 04, 05, & 06
 A Portion of Lot II, Section 19, T16N, R18E, MDB&M
 CRYSTAL BAY WASHO COUNTY NEVADA

DATE	BY	REVISIONS
2017.06.2018	STN	AUG 29, 2018
2017.10.2018	STN	SEP 13, 2018

1 of 1

EXHIBIT G



458

458's encroachment onto 460

460's property corner

EXHIBIT H



460's property line

Attachment D

Reply in Support of Statement of Appeal, dated May 15, 2020



GREG GATTO
PO Box 85
Calpine, CA 96124
D. 530.205.6503
greg@sierralanduselaw.com
www.sierralanduselaw.com

May 15, 2020

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

**Re: Reply in Support of Statement of Appeal - Appeal File Number ADMIN2020-0002;
TRPA Project File Number LLAD2019-0821**

Dear Honorable Members of the Board and Mr. Marshall:

On behalf of Robert Goldberg and Reuben Richards (“Appellants”), we respectfully submit the following reply (“Reply”) to the April 22, 2020 Appellee/Applicant Response to Statement of Appeal (“Applicant’s Response”).

Applicant’s Response claims that the Appeal has no merit, yet Applicant admits that it incorrectly double counted total allowable coverage for the Project Area and deliberately omitted information required to be submitted as part of its application, even though it declared under penalty of perjury all required information was provided to TRPA. On this basis alone, the Appeal should be granted, the permit rescinded, and the matter remanded to staff with appropriate direction to require a complete and accurate application prior to processing.

In addition to Applicant’s express admissions compelling the grant of this Appeal, Applicant failed to address one of Appellants’ primary contentions - - that the impacts of an almost 20,000 sf residential Project were not analyzed as part of the Project approval. Instead, Applicant assures us that all impacts will be appropriately addressed and mitigated on a piecemeal building-by-building basis. Applicant’s approach, to segment its Project into bite-sized pieces to obscure the significant cumulative impacts resulting from its aggregate development, is contrary to TRPA’s Code and applicable case law prohibiting piecemeal environmental review of a proposed project.

Because the application erred in its coverage calculations, deliberately excluded mandatory information, and utterly failed to assess the cumulative impacts of development of the Project, Appellant’s Appeal should be granted, and the approval of Applicant’s lot line adjustment rescinded by the Board.



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A. Applicant Admits it Improperly Overstated the Total Allowed Coverage for the Project Area.

The Applicant confesses that its lot line adjustment application erroneously overcounted total allowed coverage for the Project area. By itself, this error requires that the Appeal be granted, the Project approval be overturned, and the permit application be remanded back to staff to process in accordance with correct coverage figures and appropriate conditions of approval ensuring that total allowable coverage thresholds are not exceeded. Any new permit and associated conditions should be made available for public review and appeal of any additional errors contained therein.¹

B. Applicant Deliberately Omitted Mandatory and Vital Information From Its Application.

Applicant claims that it did not disclose the Judgment and deed restrictions creating no build zones within the Properties because they “were not relevant to the BLA.” *See Applicant’s Response*, p. 5. It is not up to the Applicant to determine what property restrictions are relevant to a boundary line adjustment. Rather, TRPA’s lot line adjustment application form requires an applicant to “List any deed restrictions, easements, or other restrictions,” and to “declare under penalty of perjury that all property restrictions and easements have been fully disclosed.” *See Statement of Appeal*, Exh. G. (emphasis added).

Applicant’s argument that it alone should be the arbiter of what property restrictions and easements must be disclosed as part of an application creates a slippery slope for TRPA. Indeed, such a position may result in TRPA being unwittingly dragged into a myriad of lawsuits where a project is wrongfully approved after an applicant refuses to properly disclose property restrictions, easements, and encumbrances. Affirming the Project approval and condoning the omission of vital and required information establishes poor precedent for future projects.

In recognition of situations like this, where an applicant conceals necessary information from its applications, TRPA directed, as a special condition of Applicant’s permit, that “[s]hould any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.” *See Gonowabie Lot Line Adjustment Permit Special Condition No. 5.*

This is not a case where the Applicant was unaware of property restrictions affecting the

¹ As noted in the Statement of Appeal, the application also omits calculations of existing coverage by Land Capability District on the Bailey parcel (470 Gonowabie). *See Applicant’s Lot Line Adjustment Application*, p. 9 of 18. These calculations must be included as part of any reassessment of the application.



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Properties. The Applicant had received a preliminary title report listing the eight separate deed restrictions only two weeks before it submitted its application to TRPA. *See* Statement of Appeal, Exh. B. And the very deed by which the Applicant took title to the Properties proclaimed that the Properties are subject to “Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record.” *See* Statement of Appeal, Exh. I. Despite this contemporaneous knowledge of the restrictions affecting the Properties, the Applicant deceitfully declared, under penalty of perjury, that all property restrictions have been fully disclosed.

While Appellants recognize that TRPA’s role is not to adjudicate the scope of an easement or interpret vague covenants, TRPA should not authorize activities that run afoul of express, unambiguous, and recorded court judgments and deed restrictions, such as those encumbering the Properties, especially when the existence of such restrictions was deliberately suppressed by an applicant. Under these circumstances it would be appropriate and consistent with TRPA’s authority, to require, as a condition of any Project approval and prior to any construction on the Properties, that the Applicant either (1) obtain a court judgment determining that the Judgment and deed restrictions are inapplicable, or (2) demonstrate, by substantial evidence, that the Project will not include any buildings within the no build zones described in the Judgment and deed restrictions.²

a. The Judgment Prohibiting Buildings Within 15-Feet of the Property Side Lines Directly Applies to Applicant’s Properties.

The Applicant’s Response erroneously contends that the 15-foot side line no build restriction contained within the 1947 Judgment and Decree does not apply to the Properties because the Applicant’s immediate predecessor in interest in the Properties was a plaintiff in the action and the restriction applies only to properties owned by defendants in the suit. In fact, the Judgment provides it applies to all of the “real property and lots” described therein, including the property owned by Applicant’s predecessor, Hildegard William Mirc, designated as Parcel 4 in the

² Whether the residences on Appellants’ properties violate any deed restrictions is irrelevant to the current appeal. Appellants are not seeking any approvals from TRPA that would trigger these restrictions. Even if violations existed, two violations in the general area are not sufficient to excuse Applicant’s non-compliance. Applicant has the burden to establish an abandonment of deed restrictions “by clear and unequivocal evidence of acts of a decisive nature” demonstrating “substantial and general violations of the covenant within the restricted area.” *Tompkins v. Buttrum Const. Co. of Nevada*, 659 P.2d 865, 867, 99 Nev. 142, 145 (Nev. 1983). Further, “[a]s long as the original purpose of the covenants can still be accomplished and substantial benefit will inure to the restricted area by their enforcement, the covenants stand ...” *Ibid.* (holding that property owner required to comply with restrictive covenant even though the original creators of the restriction may have failed to comply with it). There were no objections to the construction of Appellants residences as they did not interfere with any other property owner’s privacy or view. *See Gladstone v. Gregory*, 596 P.2d 491, 494, 95 Nev. 474 (Nev. 1979). By contrast, Applicant’s proposed violations directly impact numerous property owners benefitted by the deed restrictions. *Ibid.*



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Judgment. A true and correct copy of the Judgment is attached hereto as **Exhibit 1**. Accordingly, the Judgment applies to the Properties, and “[a]ny dwelling or other building upon said property shall be at least fifteen (15) feet from each side line” of the Properties.

b. The Originally Described No Build Zones in the Judgment and Deed Restrictions Cannot be Relocated Via a Lot Line Adjustment.

Just as a regulatory agency cannot override a private restriction prohibiting commercial uses by rezoning a property, it cannot relocate established no build zones by approving lot line adjustments. *See Western Land Co. v. Truskolaski*, 88 Nev. 200, 495 P.2d 624, 627 (Nev. 1972) (the actions of a regulatory agency “cannot override privately-placed restrictions.”).

Here, the deed restrictions and Judgment created no build zones within side lines of specifically described lots. As was the intent with these restrictions, they created view corridors that were relied on by adjacent property owners when they themselves purchased their lots and sited their residences. Allowing relocation of these no build zones via a lot line adjustment would be akin to allowing a variance to a height standard to override a private height restriction or to authorize relocation of an easement without the easement holder’s consent. Accordingly, TRPA should condition approval of any construction on the Properties to prohibit any buildings within the no build zones from the side lines described in the Judgment and deed restrictions.

C. The Applicant’s Response Fails to Address the Potentially Significant Impacts Associated With Approval of the Project.

The crux of the Applicant’s Response is that subsequent permits are required to fully build out the site, and environmental analysis of impacts associated with site development should therefore be deferred until those permits are issued. *See*, Applicant’s Response, p. 7. Under Applicant’s reasoning, the development of a two-hundred lot subdivision should be disregarded because the subdivision itself does not authorize development, and impacts of the subdivision will be assessed when each lot applies for a building permit.

This argument disregards TRPA’s definition of a “project,” and the mandate that TRPA analyze the cumulative impacts of any activity that may substantially affect the land, water, air, space or any other natural resources of the region. TRPA Compact art. II(h); TRPA Initial Environmental Checklist § 21.c. The Compact’s broad definition of a “project,” which refers to an “activity,” and not the mere “approval,” requires analysis of that which has impact on the environment” -- the development or other activities that will result from the approval. *See Poet, LLC v State Air Resources Bd.*, 12 Cal.App.5th 52, 73 (2017). Notably, with regard to scenic impacts in the shoreland, TRPA’s Code expressly provides “[p]rojects may not be segmented in order to qualify



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for a lower level of mitigation requirements.” TRPA Code of Ordinances § 66.3.4. Yet, that is precisely what the Applicant attempts to do, breaking up nearly 20,000 square feet of development into separate and discrete projects so that the true impacts of the total development are obscured from the public and decisionmaker alike.

Future development of this site is not a mere “gleam in a planner’s eye,” but a reasonably foreseeable result of the lot line adjustment. TRPA has pending applications for relocation and construction of a multi-use pier and for construction of the residences on 470 and 480 Gonowabie. And, the Applicant recently submitted applications for building permits to Washoe County for a four-bedroom, five and a half bath, 6,479 sf residence on 470 Gonowabie, and a five-bedroom, five bath, 6,061 sf residence on 480 Gonowabie.³ True and correct copies of the Washoe County Accela permit records for these residences are attached hereto as **Exhibit 2**.

The environmental impacts resulting from the actual development *activities* associated with the lot line adjustment approval, including construction of the three residential compounds and multi-use pier, must be analyzed and appropriately mitigated as part of this Project approval.

a. Loss of Parking Facilities and Increase in Traffic Hazards.

Applicant’s Response states that the lot line adjustment does not involve any changes to the public right-of-way and is irrelevant to the appeal. This ignores the proposed driveway encroachment to access the residence on 460 Gonowabie. If the driveway encroachment is not properly designed, the on-street parking and turn out directly fronting Gonowabie will be eliminated. Numerous neighbors, proximate residents, and the Incline Village Crystal Bay Citizens Advisory Board have rendered public objections in various forums to the loss of nearly the only on-street public parking spaces on Gonowabie. True and correct copies of minutes from the January 6, 2020 Incline Village Crystal Bay Citizens Advisory Board hearing and draft minutes from the February 6, 2020 Washoe County Board of Adjustment hearing, both relating to parking impacts resulting from development of the Properties, are attached hereto as **Exhibit 4**.

The significant impacts associated with the Project’s concomitant removal of virtually the only on street public parking on Gonowabie must be fully analyzed and mitigated. *See Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal.App.4th 1013, 1053 (2013) (“[t]he personal observations and opinions of local residents on the issue of parking in the area may constitute substantial evidence that a project may have a significant impact on

³ Despite Applicant’s claims to the contrary, Washoe County has not yet issued a final approval of a lot line adjustment for the Properties. A true and correct copy of the Washoe County Accela permit record for the lot line adjustment is attached hereto as **Exhibit 3**.



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parking and thus the environment.”).

b. Scenic Impacts.

The Properties are all located within the “Shoreland,” as defined by the TRPA Code. As referenced above, Section 66.3.4.A. of the Code contains an express prohibition on segmenting shoreland projects in order to qualify for a lower level of mitigation requirements. It follows, therefore, that the scenic impacts of the entire development resulting from approval of the lot line adjustment, including the three estates and multi-use pier, must be evaluated prior to lot-line adjustment approval. Deferring analysis of scenic impacts so that they are only reviewed on a building-by-building basis violates the express prohibition on segmenting scenic review of shoreland projects.

Applicant also incorrectly asserts that TRPA only protects views from Lake Tahoe, and not views of the Lake from Gonowabie Road. *See* Applicant’s Response, pp. 8-9. TRPA’s Initial Environmental Checklist requires analysis and mitigation for any project that will “[b]lock or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area...” *See* TRPA Initial Environmental Check Section 18.c. (emphasis added). Gonowabie Road is a public road, and public views of the Lake will undeniably be significantly impacted by the Project. These impacts were not analyzed nor mitigated as part of the Project approval.

Based on the foregoing and the information presented in the Statement of Appeal, Appellants respectfully request that the Board set aside and rescind the Project approval.

Respectfully,

Greg Gatto

Cc: Lewis S. Feldman, Feldman Thiel LLP

Exhibits (highlighting of pertinent information has been added to exhibits)

EXHIBIT LIST

Reply in Support of Statement of Appeal - Appeal File Number ADMIN2020-0002

- Exhibit 1** Judgment and Decree Affecting the Properties
- Exhibit 2** Washoe County Accela Permit Records for 470 and 480 Gonowabie (accessed May 13, 2020)
- Exhibit 3** Washoe County Accela Permit Records for 460, 470, and 480 Gonowabie Lot Line Adjustment (accessed May 13, 2020)
- Exhibit 4** Minutes from the January 6, 2020 Incline Village Crystal Bay Citizens Advisory Board hearing and draft minutes from the February 6, 2020 Washoe County Board of Adjustment hearing

EXHIBIT 1

Filed for Record at the Request of C. Lester Zahniser JUN 16 1947 at 8 Minutes past 3 o'clock P M

Fee \$2.15

HR:HB
HD:EB
PR

COUNTY RECORDER

Book: 15
Decree Records
Page: 411

J. H. FRANTZ & WF., ET AL

VS.

RAY WHERRIT & WF., ET AL

No. 97608

Dept. No. 2

MORGAN, BROWN & WELLS

Attorneys for Plaintiffs

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE.

J. H. FRANTZ and MYRTLE E. FRANTZ, his wife, :
D. L. ACREA, and LEONA ACREA, his wife, WALTER :
J. TOBIN, HILDEGARD WILLMANN MIRC, HARRY MARCH, :
A. W. STORZ, and CLYDE M. MAST and MURIEL O. :
MAST, his wife, :

Plaintiffs

vs.

RAY WHERRIT and EVA WHERRIT, his wife, JOHN :
J. HEFFERNAN, and CRYSTAL BAY CORPORATION, a :
Nevada Corporation, :

Defendants.

F I L E D

May 14 11 24 AM '47

E. H. BEEMER, CLERK

BY B Buchanan
DEPUTY

JUDGMENT AND DECREE

The above entitled action came on regularly for trial on the 13th and 14th day of MAY, 1947, before the above entitled Court sitting without a jury, a trial by jury having been waived by the parties hereto. The plaintiffs, WALTER J. TOBIN, MURIEL O. MAST, appeared personally and all the plaintiffs appeared by their attorneys, MORGAN, BROWN & WELLS and RALPH MORGALI, and the defendants, CRYSTAL BAY CORPORATION, filed a verified answer in said action; the defendant, JOHN J. HEFFERNAN, having filed a verified answer in said action, and appearing by his attorneys, LLSLIE A. LEGGITT, and JOSEPH P. HALLER, but not in person; the defendants, RAY WHERRIT and EVA WHERRIT, his wife, HAVING ENTERED A GENERAL APPEARANCE by and through their attorney, WILLIAM C. SANFORD, and said cause coming on for trial on all the pleadings herein; thereupon testimony and evidence was introduced in said cause and the matter was submitted to the Court for its decision, and the Court having heretofore filed herein its decision, and the Court having heretofore filed herein its opinion, and Findings of Fact and Conclusions of Law, wherein it finds for the plaintiff and each of them and against the defendants and each of them, imposing building restrictions upon the real property owned by said defendants, and permanently enjoining the defendants, John J. Heffernan, Ray Wherrit, and Eva Wherrit, his wife, from using said property in violation of said restrictions and awarding judgment for costs to plaintiffs and against defendants, and each of them.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that all of the following real property and lots located in Crystal Bay Park, a subdivision, Washoe County, Nevada, to-wit:

PARCEL I.

Beginning at a point on the U. S. Government Meander Line from which the S. W. corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County,

Nevada, bears South 23° 11' W. 351.98 feet and South 13° 56' East 561 feet and South 19° 06' W. 2112.00 feet and South 5° 06' W. 435.57 feet and South 89° 05' 50" W. 601.37 feet; thence West 293.30 feet, more or less, to the Easterly right of way line of the State Highway; thence along a curve to the right having a radius of 560 feet for a length of 103.74 feet, said described curve being the said right of way line; thence East 284.86 feet, more or less, to the U. S. Government Meander line; thence South 23° 00' W. along said Meander Line a distance of 100.00 feet to the point of beginning. Said premises being a portion of Lots 31 and 32 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by J. H. FRANTZ and MYRTLE K. FRANTZ, his wife;

PARCEL 2.

Beginning at a point in the westerly right of way line of the State Highway, from which the southwest corner of Lot III of Section 19 T. 16 N. Range 18 E. bears S. 14° 19' W. 271.55 feet and S. 75° 41' E. 40 feet and S. 14° 19' W. 1235.11 feet and S. 89° 05' 50" W. 246.05 feet; thence west 147.34 feet; thence N. 13° 49' E. 31.49 feet; thence east 147.80 feet to a point in the said westerly right of way line of the said State Highway; thence S. 14° 19' W. 51.60 feet along the said westerly right of way line to the place of beginning, containing 0.169 acres more or less, said premises being Lot Nine (9) in Block 9 of Crystal Bay Park, according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by D. L. ACREA and LEONA ACREA, his wife;

PARCEL 3.

Lots 4 and 5 in Block 12 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by WALTER J. TOBIN;

PARCEL 4.

(Parcel (a))

Beginning at a point on the U. S. Government Meander Line from which the Southwest corner of Lot III, Section 19, T. 16N., R. 18 E., Washoe County, Nevada, bears S. 19° 06' W. 1997.87 feet and S. 5° 06' W. 435.57 feet and S. 89° 05' W. 601.37 feet; thence West 29.13 feet; thence N. 29° 51' W. 31.62 feet; thence N. 17° 00' W. 28.38 feet; thence East to the said Meander Line; thence S. 19° 06' W. 60 feet M/L along the said Meander Line to the place of beginning; being the southerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the unofficial map thereof.

(Parcel (b))

Northerly fifty (50) feet of Lot 5, Block 13, Crystal Bay Park, according to the unofficial map thereof, and a strip of land 15.27 feet, more or less, in width, adjoining said 50 feet on the north, further described:

Beginning at a point on the Meander Line from which the Southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, bears South 19° 06' West, 1932 feet and South 5° 06' West, 435.57 feet and South 89° 05' 50" West, 601.37 feet; thence West 38.42 feet; thence North 47° 59' East, 59.05 feet; thence North 29° 51' West, 26.20 feet; thence East 29.13 feet to Meander Line; thence South 19° 06' East, 65.27 feet along Meander Line to the point of beginning, containing 0.032 acres, more or less.

(Parcel (c))

NORTH POR. LOT SIX, BLOCK 13.

Beginning at a point on the U. S. Meander Line from which the S. W. corner of Lot III Section 19 Township 16 N. R. 18 E. Washoe County, Nevada, bears S. $19^{\circ} 06'$ 2057.87 feet and S. $5^{\circ} 06'$ 435.57 feet and S. $89^{\circ} 05' 50''$ W. 601.37 feet; thence Westerly along the Northerly line of parcel conveyed by party of the First Part by deed recorded in Book 99, Page 288, Washoe County, Nevada records to the N. W. corner thereof; thence North 17° W. 41.75 feet; thence Easterly 98.10 feet to the Meander Line; thence Southerly $19^{\circ} 06'$ W. 40 feet along the Meander Line to the place of beginning, being also the N. E. corner of the parcel of land previously conveyed by said First Party as hereinabove mentioned in said Book 99 of Deeds, page 288, said parcel of land in this conveyance containing .074 acres of land more or less, being the Northerly portion of Lot 6 in Block 13 of Crystal Bay Park, according to the Grantor's unofficial map thereof.

Now owned by HILDEGARD WILLMAN MIRC:

PARCEL 5.

Said premises being approximately the North 61.06 feet of Lot 8 and the South 86.67 feet of Lot 9 in Block 13 of Crystal Bay Park, a Subdivision of Portions of Lot 2, II, 3 and III, of Section 19 Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, State of Nevada.

Now owned by HARRY MARCH:

PARCEL 6.

Part of Lots 9 and 10, in Block 13 of said Subdivision, as shown on the unrecorded map of said subdivision.

Now owned by A. W. STORZ;

PARCEL 7.

Parcel a.

Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears south $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and south $1^{\circ} 54'$ West 288.60 feet and South $10^{\circ} 17'$ East 88.32 feet and South $19^{\circ} 33'$ East 231.62 feet and South $0^{\circ} 07'$ East 75.67 feet and South $13^{\circ} 47'$ West 625.25 feet and South $26^{\circ} 01'$ West 101.31 feet and South $20^{\circ} 29'$ West 335.60 feet and South $0^{\circ} 34' 05''$ East 63.53 feet and South $18^{\circ} 35'$ West 629.87 feet and North $89^{\circ} 18' 50''$ East 176.13 feet; thence North $5^{\circ} 47'$ East 40.00 feet; thence East 159.41 feet; thence South $20^{\circ} 39'$ West 61.06 feet; thence North $79^{\circ} 18'$ West 80.24 feet; thence North $87^{\circ} 47'$ West 63.11 feet to the place of beginning; containing 0.162 acres, more or less; said premises being Lot 1 in Block 5 of Crystal Bay Park, a subdivision of portions of Lots 1, 2, II, 3 and III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Lot 2, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, State of Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe ⁴²³ County, Nevada, bears South $49^{\circ} 00'$ West 18.27 feet and North $87^{\circ} 47'$ West 59.51 feet and South $41^{\circ} 16'$ West 77.96 feet and South $1^{\circ} 54'$ West 288.60 feet

and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 40 feet to the point of beginning; thence North 5° 47' East 48.00 feet; thence East 165.91 feet; thence South 10° 00' West 33.73 feet; thence South 20° 39' West 15.54 feet; thence West 159.41 feet to the place of beginning; containing 0.179 acres, more or less.

Parcel c.

Also Lot 3, Block 5, according to the unofficial map of CRYSTAL BAY PARK, Washoe County, Nevada, more particularly described as follows: Beginning at the southwesterly corner from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 49° 00' West 18.27 feet and North 87° 47' West 59.51 feet and South 41° 16' West 77.96 feet and South 1° 54' West 238.60 feet and South 10° 17' East 88.32 feet and South 19° 33' East 231.62 feet and South 0° 07' East 75.67 feet and South 13° 47' West 625.25 feet and South 26° 01' West 101.31 feet and South 20° 29' West 335.60 feet and South 0° 34' 05" East 68.53 feet and South 18° 35' West 629.87 feet and North 89° 18' 50" East 176.13 feet; thence North 5° 47' East 68 feet to the place of beginning; thence North 5° 47' East 45.00 feet; thence East 169.27 feet; thence South 10° 00' West 45.46 feet; thence West 165.91 feet to the place of beginning; containing 0.172 acres, more or less.

Description, as shown on the unrecorded map of said subdivision.

Now owned by CLYDE M. MAST and MURIEL O. MAST, his wife;

PARCEL 8.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South 13° 56' East 505.91 feet, and South 19° 06' West 2112.00 feet, and South 5° 06' West 435.57 feet, and South 89° 05' 50" West 601.37 feet; thence along said meander line North 13° 56' West 55.09 feet, and North 23° 00' East 159.19 feet; thence West 266.28 feet to a point on the easterly right of way line of the State Highway; thence South 6° 34' West 201.32 feet along said right of way line; thence East 240.37 feet to the point of beginning; said premises being Lots 28 and 29 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof which has never been placed of record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by RAY WHERRIT and EVA WHERRIT, his wife:

PARCEL 9.

Parcel a.

Beginning at a point on the United States Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South 25° 00' West 159.15 feet and South 13° 56' East 561.00 feet and South 19° 06' West 2112.00 feet and South 5° 06' West 435.37 feet and South 89° 05' 50" West 601.37 feet; thence West 266.28 feet to the easterly right of way line of the State Highway; thence North 6° 34' East 13.33 feet along the said right of way line; thence along a curve concave to the right having a radius of 560.00 feet for a length of 86.78 feet through a central

angle of $9^{\circ} 05'$ same being identical with the said right of way line; thence continuing along the curve on the easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed to Crystal Bay Corporation by deed dated February 26, 1942, recorded in Book 146 of Deeds, page 430, records of Washoe County, Nevada; thence East 293.30 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line; thence South $23^{\circ} 00'$ West 192.79 feet to the point of beginning. Being all of Lot 30 and approximately the southerly 84.08 feet of Lot 31 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel b.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line from which the southwest corner of Lot III, Section 19, Township 16 North, Range 18 East, Washoe County, Nevada, bears South $23^{\circ} 00'$ West 551.98 feet and South $13^{\circ} 56'$ East, 561.00 feet and South $19^{\circ} 06'$ West, 2112.00 feet and South $5^{\circ} 06'$ West, 435.57 feet and South $89^{\circ} 05' 50''$ West, 601.37 feet; said point being the northeasterly corner of the parcel conveyed to Arthur M. Brown by Deed recorded in Book 146 of Deeds, page 435, records of Washoe County, Nevada; thence continuing along the U. S. Meander Line North $23^{\circ} 00'$ East 160.55 feet; thence West 175.75 feet to a point on the easterly right of way line of said State Highway; thence along the said easterly right of way line of the State Highway to the northwest corner of the parcel of land conveyed by deed recorded in Book 146 of Deeds, page 434, above mentioned; thence East a distance of 247.5 feet along the northerly line of said parcel to a point on the U. S. Government Meander Line the point of beginning. Being all of Lot 34 and a portion of Lot 33 in Block 14 of CRYSTAL BAY PARK, a subdivision of Lots 1, 2, II, 3, III, Section 19, Township 16 North, Range 18 East, M. D. B. & M., according to the unofficial map thereof, which has never been placed of record in the office of the County Recorder of Washoe County, Nevada.

Parcel c.

Beginning at the southeasterly corner identical with a point on the U. S. Government Meander Line, from which the southwest corner of Lot III of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, bears South $19^{\circ} 06'$ West 1444.97 feet, and South $5^{\circ} 06'$ West 435.57 feet, and South $89^{\circ} 05' 50''$ West 601.37 feet; thence West 25.85 feet; thence North $16^{\circ} 00'$ West 147.41 feet; thence North $9^{\circ} 00'$ East 151.05 feet; thence North $42^{\circ} 00'$ East 147.46 feet; thence North $47^{\circ} 59'$ East, 87.94 feet; thence East to the Meander Line; thence along the said Meander Line South $19^{\circ} 06'$ West 497.03 feet to the place of beginning; being all of lots 1, 2, 3, and 4, and the southerly portion of Lot 5, in Block 13 of CRYSTAL BAY PARK, a subdivision of Portions of Lots 2, II, 3, III, of Section 19, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, Nevada, the map of which has never been filed for record in the office of the County Recorder of Washoe County, Nevada, as shown on the unrecorded map of said subdivision.

Now owned by JOHN J. HEFFERNAN;

PARCEL 11.

All of the lots and parcels now owned in said Crystal Bay Park, a sub-division, Washoe County, Nevada, by defendants, JOHN J. HEFFERNAN and CRYSTAL BAY CORPORATION, a Nevada corporation, save and except those lots which had improvements constructed thereon of a commercial nature prior to the ad~~425~~dition of restrictions and a general plan and building scheme for the development and improvement of said sub-division.

PARCEL 12.

All the remaining lots owned by Crystal Bay Corporation at the time of the filing of this action in the CRYSTAL BAY PARK, a sub-division, Washoe County, Nevada, except those lots and parcels which had constructed thereon improvements of a commercial nature, prior to the adoption of the general plan and scheme and the restrictions and conditions for the improvement and development of said subdivision,

is and each parcel and lot thereof subject to the following restrictions and conditions in respect to the maintenance of a common building plan and scheme for the development and improvement of Crystal Bay Park, a sub-division, Washoe County, Nevada, to wit:

1. No part of said premises ever, at any time, shall be used for the purpose of buying or selling intoxicating liquors, or for maintaining any nuisance.
2. No part of said premises ever, at any time shall be sold, conveyed, leased or rented to any person other than of the Caucasian Race.
3. All said property is restricted to be used for private residential purposes only.
4. All said property is subject to a building restriction of Fifteen Hundred Dollars (\$1500.00) for any dwelling house built thereon.
5. No shacks or unsightly structures of any kind, nature or description whatsoever, shall be constructed or placed upon said premises.
6. Dwellings erected upon said lot shall have installed sanitary, inside plumbing which shall be connected to a cesspool or a septic tank in accordance with law.
7. Any dwelling or other building upon said property shall be at least fifteen (15) feet from each side line.
8. No billboards or advertising signs of any kind whatsoever shall be erected, placed or permitted upon said property.
9. The said property is subject to all easements which now duly are of record.
10. Grantor reserves the right of way for pipe lines now existing or which hereafter necessarily may be installed for the supply of domestic water; also the right of way for other necessary water pipes, gas pipes, sewers, electric light, power or telephone poles and conduits, telephone lines and other public utilities.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the defendants, JOHN J. HEFFERMAN, RAY WHERRIT and EVA WHERRIT, his wife, and each of them, are hereby permanently enjoined and restrained from the erection of any structure or the use of any of said parcels of lands for any purpose other than residential purposes and in accordance with the conditions and restrictions as herein set forth above, and the plaintiffs, and each of them, have JUDGMENT FOR THEIR COSTS.

DATED: This 24th day of MAY, 1947.

RECORDED IN

A. J. Maestretti

JUDGMENT RECORD

DISTRICT JUDGE

Book 990 Pages 567-572

E H Beemer
County Clerk

Lou V Leberski
Deputy Clerk

STATE OF NEVADA,)
) SS.
COUNTY OF WASHOE.)

I, E. H. BEEMER, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for Washoe County, said court being a court of record, having a common law jurisdiction, and a clerk and a seal, do hereby certify that the foregoing is a full, true and correct copy of the original, Judgment and Decree In case No. 97608 J H Frantz, et al, Plaintiffs vs. Ray wherrit, et al Defendants which now remains on file and of record in my office at Reno, in said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Reno, this 17th day of June, A. D. 1947.

(SEAL)

E H Beemer, Clerk.

By _____ Deputy.

FILING NO. 163196

Filed for Record at the Request of J. H. Frantz JUN 17 1947 at 40 Minutes past 10 o'clock A M

Fee \$10.70

Handwritten signature

HR: CG
HD: EB
ES

COUNTY RECORDER

IN RE ESTATE OF MARVIN P. HARGES Also Known as MARVIN PORTER HARGES DEC'D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

-oOo-

IN THE MATTER OF THE ESTATE) NO. 109887. DEPT. NO. 1.
OF) FILED
MARVIN P. HARGES, also known as) Jun 23 10 19 AM '47
MARVIN PORTER HARGES,) E. H. BEEMER, CLERK
Deceased.) BY M. Dowd
DEPUTY

-oOo-

ORDER AND DECREE OF SUMMARY SETTLEMENT OF
ACCOUNT AND FINAL DISTRIBUTION.

LOIS LEOLA ALTIC RAGAN, formerly LOIS LEOLA ALTIC, as Executrix of the Estate of MARVIN P. HARGES, also known as MARVIN PORTER HARGES, deceased, having on the 23 day of June, rendered and filed herein a full and final account and report of her summary administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of the said deceased, and said account and petition came on regularly and was heard on the 23 day of June, 1947, and Executrix proved to the satisfaction of the Court, that the value of the estate of said deceased does not exceed the sum of \$400 (Four Hundred Dollars); it is ordered that the same, after payment of all legal claims against said deceased be set aside to your Petitioner and Executrix of deceased, without administration.

The personal property set aside is a Bank Account situate in the First National Bank of Nevada, First and Virginia Branch, 106 N. Virginia St., Reno, Nevada, to the amount of

EXHIBIT 2



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Search Applications

Record WBLD20-101334:
Residential New, Addition or Remodel Permit
Record Status: In Review
Expiration Date: 04/23/2021

Record Info ▼

Payments ▼

Custom Component

Record Details

Applicant:

Individual
 STEVE WALTON
 Home Phone:(530) 583-3690
 STEVE@WALTONAE.COM

Licensed Professional:

JOE STEWART
 SIERRACON NV INC
 P O BOX 7171
 S LAKE TAHOE, CA, 96150
 Home Phone:5305459570
 Contractor 0083420

Project Description:

SFD - GONOWABIE LLC
 NEW SFD / 4 BED 5&1/2 BATHS / 2 CAR GARAGE /
 ELEVATOR / COVERED OUTDOOR DINING /
 RADIANT FLOOR HEATING / OFFICE TERRACE /
 SPA TERRACE / SPA / LAWN TERRACE / OFFICE /
 MEDIA ROOM / BRIDGE FROM GARAGE TO
 HOUSE / ALL INCLUDED ELECTRICAL, PLUMBING
 AND MECHANICAL

Owner:

GONOWABIE PROPERTIES LLC
 PO BOX 14001-174
 KETCHUM ID 83340

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Search Applications

Record WBLD20-101454:
Residential New, Addition or Remodel Permit
Record Status: Pending
Expiration Date: 05/08/2020

[Record Info ▾](#)

[Payments ▾](#)

[Custom Component](#)

Record Details

Applicant:

Organization
Ro Rockett Design
Work Phone:(415) 289-0830
Mobile Phone:(617) 417-9719
zrockett@rorockettdesign.com

Business
RO ROCKETT DESIGN
Sausalito, CA, 94965
United States

Licensed Professional:

SIERRACON NV INC
P O BOX 7171
S LAKE TAHOE, CA, 96150
Home Phone:(530) 545-9570
Contractor 0083420

Project Description:

480 GONOWABIE ROAD BLDG PERMIT -
ROCKETT
APPROX. 6,061 SF NEW SINGLE-FAMILY
DWELLING / 5 BEDROOMS 5 BATHROOMS / REC
ROOM / 2 CAR GARAGE / ELEVATOR / HOT TUB /
PIER

Owner:

GONOWABIE PROPERTIES LLC
PO BOX 14001-174
KETCHUM ID 83353
United States

▾ More Details

- [+ Related Contacts](#)
- [+ Parcel Information](#)

EXHIBIT 3



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Search Applications

Record WBLA19-0019: Boundary Line Adjustment Record Status: Submitted

Record Info ▼

Payments ▼

Custom Component

Application Location

460 GONOWABIE RD, CRYSTAL BAY, NV 89402

Record Details

Project Description:

Gonowabie 460, 470, 480 BLA

Owner:

GONOWABIE PROPERTIES LLC
PO BOX 14001-174
KETCHUM ID 83340

▶ [More Details](#)

EXHIBIT 4

Mike Lefrancois had the following corrections to the statements he made in the minutes: During his comment, he stated 'he doesn't believe TOT **alone** needs to be used for enforcement.' 'BMPs are regulated by TRPA. '...afterhours. **There needs to be 2 (min) staff members for 7 day coverage.**' Instead of the sentence 'STR is very specific,' it should have read 'STR regulations as proposed are very focused and don't address overlap of non-STR issues (noise, parking enforcement).

Judy Miller:

On page 2, after Jack Dalton's public comment, the minutes need to reflect that it is '**the end of public comment period.**' Judy Miller also added that a sentence after public comment that states **Judy Miller wanted to get answers to the questions raised during public comment.** Name spelling correction for a public member should be Joy **Gumz**. On page 3, it should state '**Judy Miller had prepared a sheet of comments and gave copies to the board and attendees. She wanted to emphasize the definition of residential use types as wholly or primarily non-transient.**' On the last page, last paragraph, Judy said there are a lot of un-permitted second dwelling units.

Kevin Lyon:

During the portion of the minutes where Kevin Lyons asked about break down of compliance – it should read '**Some of these are possible solutions to problems that are actual problems.**' Additionally, during his comment, it should state **public** nuisance issues such as parking and **noise** should be addressed.

Judy Miller moved to approve the minutes of **DECEMBER 12, 2019** as corrected. Kevin Lyons seconded the motion to approve the minutes as corrected. Sara Schmitz abstained. The motion carried unanimously.

6. DEVELOPMENT PROJECTS- The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page:

www.washoecounty.us/comdev

6.A. Variance Case Number WPVAR-0002 (Gonowabi Properties LLC)

– **Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage. (for Possible Action)**

- **Applicant\Property Owner: Gonowabi Properties, LLC**
- **Location: 460 Gonowabi Rd, between the road and shore of Lake Tahoe**
- **Assessor's Parcel Number: 123-131-04**
- **Staff: Roger Pelham, Senior Planner,; 775-328-3622; rpelham@washoecounty.us**
- **Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 6, 2020**

Roger Pelham, Washoe County Planner, said he was available to answer questions. In response to the public comments, he noted delaying hearing of this item is not an option at this time. He said he can answer code, policy, process questions.

Nick Exline, Midkiff and Associates, Representative, 460 Gonowabi, provided a brief overview of the proposed variance request.

He said the proposed variance is to reduce the required front yard setback on the subject site. He said with this variance, he said they were hoping to put the development closest to Gonowabi instead of using a step down process.

He said a step up height segment process would be ideal on first street level. He said they wanted to bring the property up to the street as far as we could to maintain view corridor for the neighbor, but keep it below the view corridor for the neighbor across the street.

Nick said additional concerns were raised when they walked the site with architect and concerned neighbors. He said parking was a concern. Nick said per code, we would not be afforded the parking requirements off street parking. He said they will look to stake the corners and have another conversation with architect and community before BOA meeting on Feb. 6.

Pete Todoroff said he understands it's a fire lane, but if you build there, there won't be off street parking. Nick said we are focusing on the variance request. He said they aren't afforded the opportunity to include a driveway. Pete asked if they could put a driveway or parking on the lot next door. Pete said this is a major problem with taking away the current off-street parking. That is a major concern.

Sara Schmitz asked what the square footage and number of bedrooms proposed. Nick said it's proposed to be a single-family, 5,671 square feet with 5 bedrooms. Sara said with 5,671 sq. ft. with 5 bedrooms, off-street parking is needed. She said it's a fire lane and a snowplow needs to come down that lane. She asked where are these other people going to park; that's the reason for setbacks. Nick said onsite parking has not changed in the garage and on the bridge.

Mike Lefrancois asked if fire department has reviewed this application. Roger said they had no comments. Mike said the resident concerns are valid. He asked about parking code. Roger said two off-street, one of which should be in an enclosed garage. Both are being created within the garage on the subject site. There will be two spaces on the property.

Judy Miller asked who put the pavers in. A public member said the County installed the paver. She said this proposal will take away the public right-a-way parking for a private development. It doesn't seem equitable. Nick said that's not official parking. Kevin said pavers are on public property. Nick stated this property owner is being asked to solve issues in order to develop a single family residence. Nick said this wouldn't be an acceptable fire lane under current code.

Nick spoke about the shape of the property as pie slice. Robert (neighbor) said the property is that shape because the road used to end there. Kevin said it's a one way road. Robert said there are challenges. He said whether it is permitted or not, it's the only place to park. He said he and Rube aren't prepared to support or oppose it. He said he is sympathizes with it, but have ideas to help mitigate issues. This application not ready. He said the applicant has been collaborative to address concerns. We want to come to an agreement but we aren't ready.

Judy asked if there were conversations with the neighbors prior to notice. Nick said no.

Nick said he is not empowered to make changes now. He said we need to focus on the variance. He said he is empathic to the parking issues. Nick said they are going above and beyond. He said if we move the property away from the property, it will impact the view corridor more. Ruben said he disagrees.

Sara said she is new to this and has been a home owner for many years and has remodeled. She said the first thing we did before building was to understand the parameters of the lot which included setbacks. She asked why wasn't this type of approach taken at this location. Nick spoke about the updated area plan and changes to Gonowabi due to challenges. He said garage will be 40-50 set away from property line. This is a unique parcel configuration, steep slopes, and architectural design.

Public Comment:

Wayne Ford said variance request are based on facts. For interior lots in building placement, this has a 15 foot setback, not 20 foot. He asked Roger for his input. Roger Pelham said it does by means of topography, but 20 foot for zoning. Wayne said 15 foot setback due to steepness of property. 5 feet is a big difference. Roger said the description is correct which is required by the zoning. There is a modification based on topography that would apply in this case if not otherwise varied. Wayne said the water quality project with paving was verified. He said he spent time with a Washoe County staff member on the pavers. The pervious pavers are owned by the county. It was legally done. It took a lot of time to stabilize the area. Nick said he would look into it.

Sara Schmitz asked about the easement for utilities. Robert said there is a public access easement between the subject property and Ruben's property that isn't indicated on the map. He said when he brought the property, the public easement access showed up on the lot map. He said the owners have been responsive, but give proper time to get a decent outcome.

Roger Pelham, the notice that went out are courtesy notices, but they are not requirement. He said we began sending courtesy notices this 20 years ago. He said the legal notices are sent 10 days before the public hearing. He said we send the courtesy to engage community early in the process. This gives the citizens a better opportunity. Applications come in on 15th, courtesy notices might have been slow over holidays. This is a public forum to gather input.

Sara Schmitz asked about additional access requirements and setback. Roger said it depends on the type of public access easement. He spoke about different access easement. Robert said easements should be reflected in the plans.

Kathy Julian spoke about public access. She asked if someone does a development like this, is there a check if a development eliminates public access. She asked who checks for that. Nick said the property line is reflected on the site plan. The title report reflect the legal description. We showed legal described boundaries in the plans.

Wayne said Ann Nichols and Mark Alexander spent a lot of time researching those access easements and aren't sure how accessible they are. They don't show up on the maps except for the originals. They weren't recorded. There has been challenges with property lines in court in Crystal Bay. Public access was controversial. But there is no parking for public access. Robert asked about a property line adjustment. Wayne said that happens a lot. Wayne said new TRPA code allows for height codes. Wayne said the design is great, the only issue is parking.

Robert said we will come to reasonable solution. Ruben said issues can be address if given enough time.

Nick said it's unique burden to solve off-street parking issues for other owners who have their own parking issues. Pete said you are taking it away.

Mike asked if the property lines have already adjusted. Nick said not yet, surveyor has been out there and provided comments. Mike said the surveyor may provide comments. He spoke about the ability to have a driveway based on your property lines. There is 50 feet curbside. Mike said this can be worked out without changing much. He suggested involving fire and roads department and work it out with the neighbors.

Robert said there is a way through this, but we aren't there yet. Mike said it's a parking issue, not a setback issue.

Nick said even if we move it back 10 feet to adhere to the setback, there ultimately is no solution for parking. Robert suggested if you move the house to the north against the other lot line that would solve a problem. Robert said we can solve this before Board of Adjustment meeting.

Robert asked if applicant can ask for a delay. Roger said only the applicant can request a delay.

MOTION: Kevin Lyons moved to forward the comments to Washoe County staff. He wished them good luck. Pete Todoroff seconded the motion. Sara Schmitz opposed. The motion carried.

7. *WASHOE COUNTY COMMISSIONER UPDATE – Commissioner Berkbigler was not present.

8. *CHAIRMAN/BOARD MEMBER ITEMS- This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

Pete requested Election of Officers item be placed on the next agenda to determine Vice President. Judy Miller said the Planning Commission is tomorrow. She asked if Phil Horan is still on the board. Roger said he wasn't sure if Phil still lived in Washoe County or Reno. Sara said planning commission is 6pm.

9. * GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –

With no requests for public comment, Pete Todoroff closed the public comment period.

ADJOURNMENT – meeting adjourned at 6:38 p.m.

Number of CAB members present: 5

Number of Public Present: 10

Presence of Elected Officials: 0

Number of staff present: 1

Submitted By: Misty Moga

- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 324, Communication Facilities
- Commission District: 3 – Commissioner Jung
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

This item was moved to March 5, 2020.

F. Variance Case Number WPVAR19-0002 (Gonowabi Properties LLC) – For possible action, hearing, and discussion to approve a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage.

- Applicant/Property Owner: Gonowabi Properties, LLC
- Location: 460 Gonowabi Road, between the road and the shore of Lake Tahoe.
- APN: 123-131-04
- Parcel Size: ± .33 acres (±14,375 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Roger Pelham, Senior Planner, reviewed his staff report dated January 13, 2020.

Member Hill asked if the applicant requested an alternative design with regards to the exceptional characteristics of the site. Mr. Pelham said they don't have that luxury. He said we only look at what is submitted. He said they cannot ask to see other configurations. Member Hill asked if they can build a dwelling while keeping the front yard setback. Mr. Pelham said he isn't a design professional.

Chair Thomas asked if there is sufficient space for off-site parking for guests. He said he understands the garage; that may be full. If friends come over, he asked if there is adequate parking. Mr. Pelham said this has been the crux of the conversation. He said it's not a requirement of code. He said this particular area is utilize for off-street parking and some of that will remain. It's in front of this parcel owners' garage and will become part of the driveway. It is an area that neighbors are using to park off the right-a-way.

Member Toulouse referred to the parcel map. He said when he looks at the map, the only portion that is oddly shaped is the front part that abuts the road. He said there are other parcels that have more odd shapes.

Member Stanley asked if there will be signage to prohibit parking in front. Mr. Pelham said the driveway is two cars in width, so there will be public right-a-way. There are no signs required. Member Stanley asked

about sightlines. Mr. Pelham said that is outside his purview. He said his review is determining special circumstances. He said he cannot consider views. Member Stanley said some may argue detriment to someone personally.

Member Toulouse (no microphone) asked, if the structure was moved down the hill, would they still lose the two off-street parking spots. Mr. Pelham said yes.

Nick Exline, the applicant's representative, provided a presentation. He provided insight to the design and slope challenges.

Member Toulouse asked what is stopping the applicant from pushing the structure down 13 feet. He asked what the obstacle is. Mr. Exline said coverage, sightline, scenic implications, neighbors, and community. He said they want to use existing vegetation as screening. Member Toulouse asked if they moved down the hill there won't be any vegetation and screening. Mr. Exline spoke about TRPA view angle and screening visible facade. Member Toulouse asked about the view angle. Mr. Exline said it's a northern view aspect. He showed a photo. He said they want to reduce disturbance with grading volumes and slope cuts.

Chair Thomas said nobody is guaranteed a view corridor. He said his concern is with fire safety and the difference variances approved in the neighborhood, reducing setbacks, and defensible space. He said there is no house on the property. There is steepness and narrowness on the property. If there is no house on the property now, how is there a hardship when you choose the size of house that encroaches into the setback. Mr. Exline spoke about neighboring variances and challenges. He said they could build without a variance; however, it takes away from the enjoyment of the property.

Clare Walton, project designer, spoke to the hardship component. She said there is a height requirement for the garage that must be 28 feet from grade. In the segmented height approach, the garage would slope down, they would have to create a bridge, and they would be dealing with a steeper grade driveway. The further away from the road, the longer the driveway bridge. It's challenging and visually doesn't fit in with the neighborhood.

Chair Thomas spoke about other properties who experience hardships that require variances. Mr. Exline said it's arduous to build on Lake Tahoe. DDA Large said the hardship is the property, not with the individual owner. Chair Thomas said it becomes a hardship when someone wants to build. Mr. Lloyd said it's the physical constraints of the property – developability, steepness, shape. Mr. Pelham said state law lays it out – narrow, shallow, shape, topography – limits our evaluation of the application. Member Hill asked if they are asking for a side yard setback. Mr. Pelham said no. She said then narrowness shouldn't be considered. He said it goes into their design element.

Member Toulouse referenced the parcel map. He said it says 'exceptional' narrowness. He said the surrounding properties have approximately similar narrowness. He asked what exceptional narrowness means. He asked if there is something more finite to reference. Mr. Pelham said it's an objective standard, minimum requirement within the medium density zone. The minimum lot size is 80 ft. We have those minimum dimensions. It's an objective standard based on regulatory zoning. Slope is an objective standard of 30%. Above 30% is constraint. It's not subject to opinion.

Member Stanley asked about a boundary line adjustment. Mr. Exline said the applicant is contemplating one. There are some unknown factors. He said it would be minor. It would not change any findings. It would be 20 feet +/- . Member Stanley if sightlines were open to discussion with the neighbors. Mr. Exline said the neighbor engagement was challenging. He said at the CAB, recommendation was don't develop on the parcel because they want to park there. He said he reached out to the neighbors for suggestions. He said the neighbors asked him for 5 choices to choose from.

Member Hill (no microphone) asked the status of the boundary line adjustment with TRPA. Mr. Exline said until this piece is done, they haven't applied for the single-family residence.

Mr. Exline said 26 feet is the boundary line adjustment. It would change Mr. Pelham's report.

Member Stanley asked about definitions of what is required with a variance and if it runs with the land. He asked if it's like a deed that runs with the land. Mr. Lloyd said typically you don't list all the constraints

within a deed. If a property owner does their due diligence, it becomes evident through the process. A variance would not be subjected to a property owner. It runs with the land. He asked if it would be mentioned in a deed. Mr. Lloyd said a variance would be identified through a deed and record search.

Public Comment:

Judy Miller said she relied in good faith that a compromise with the neighbors could be reached. She said she sent in her CAB worksheet. She said she disagrees this project meets all requirements for a variance. For instance, special circumstances, it's the applicant's responsibility to show special circumstances create undue hardship. Slope by itself or narrowness by itself doesn't satisfy its requirement. She said she spoke to Julie and there is a lot line adjustment that will increase lot size by more than 4,000 sq. ft. This application shows an 80-foot width; it doesn't show 62 ft. She said she tried to flip the map she showed on the overhead. She showed the contour line. It wouldn't hurt to move the house back 10 feet. It doesn't take a lot to not require a variance. Member Toulouse asked Ms. Miller if the CAB is not supposed to make recommendation. She said Alice McQuone changed the language on the agenda. Ms. Miller said the action would be recommend forwarding citizens and CAB comments to staff. We couldn't forward a voted upon recommendation. Other CABs are still making recommendations. Member Toulouse said he will discuss this with Mr. Lloyd.

Greg Gatto said he is the attorney representing the neighbor and the neighbor across the street from the subject property. He asked for extra time to provide clarification. He said there weren't any answers from the representative. He said it was a misrepresentation. He said a boundary line adjustment has been submitted with the County. There is an application pending concurrent with the variance request. He clarified that a boundary line adjustment has been approved by TRPA and submitted to Washoe County. He addressed the hardship question. The applicant has a burden to prove with evidence there are extraordinary and special circumstances unique to the property; adherence to setback requirements would result in exceptional and undue hardships. The Nevada Supreme Court set a hard standard for variance requirements. They would have to prove the setbacks would deprive them of uses of the property or decrease the value of the property. He said the applicant recently purchased the property with the setbacks. The price reflected the value with the setbacks. Denial of the variance would not decrease the value of the property at all, nor deny beneficial uses of the property. There is no evidence of undue hardship. He addressed one hardship that was brought up with the garage. He said that is common to have a bridge design. The applicant failed to prove the special circumstances to deviant from the setbacks. The property has identical slopes and were able to construct a home. The lot line adjustment was approved by TRPA but pending in Washoe County. Special privilege should be denied. The design will not be approved by TRPA. He said the building plans were rejected due to height standards. The building segment may not exceed 28 feet. The roof pitch is 40 feet and cannot be approved. We respectfully request denial of the request.

Monica Decker said she emailed the Board last night which outlines the opposition to this as a neighbor on Gonowabie. She wanted to be present to show support with the other neighbors who had concerns. Her concerns are around access for emergency and public parking.

Ruben Richards, owner of a house south of the subject property, said he will be most significantly impacted. He said the CAB's impression was for the developer and community to work out a solution that would be acceptable. He said he understands the developer wants to squeeze in homes on a tight road. He said we engaged with developer's representative. He said they asked for feedback. He said we aren't architects. The property has been for sale for a long time. He said we don't know what the developer wants. We aren't designers. He said the representative was disingenuous. He was told this was going to be tabled in order to have a meeting. He said there has been difficulties with the developer. We understand his right to build, but we need to consider the safety of the community. That road hasn't seen development like this. We started this process not knowing if we supported it or not; we didn't know enough. We aren't at that point to find a solution.

Lee Reynolds said she is a neighbor. She spoke about speed limit concerns. She said the road has a sharp curve. People have to back up to allow cars to go by. Safety of the residents is the concern. Moving the front yard setback could create a hazard on the street. The average SUV is 15 feet. They have to

maneuver and backup to get around. Approving this deviation would be a safety hazard. Keep the standard setback enforced.

David Ehrlich, neighbor above the proposed development, said he changed his plans to attend the meeting. He said he reviewed the application and spoke to Roger and reviewed the attorney's letter. He thanked Member Toulouse for his question. They don't want a longer driveway because they want a bigger house. The developer bought the property knowing the setback. This will be a monster house. He said it's not fair. They haven't acted in good faith. He said he wonders what will happen when they start building.

Will Adler, Silver State government relations, said he used to be a contractor. This is a simultaneous development. He said you can move around the lines to build. He said they applied for a lot line adjustment at the same time but lied and said they didn't know about it. It's in the plan. He said he has been a lobbyist. He said he never used a staff member's name in a report before. They filed for this application on Christmas Eve but then say they want community feedback. You don't apply on Christmas Eve and bury it if you want feedback. They aren't acting in good faith. They misrepresented. This cannot be taken as a solo project.

Robert Goldberg thanked the Board for their service. He said he serves on EDAWN and UNR boards. He said he is about thoughtful development. He said he wanted to cover two points. Everything has been covered by the other speakers. He said we are not against development and their ability to make money on the project. He said we reached out to the developer early in the project to understand it but were stiff armed from the beginning when we submitted our ideas and concerns. He said meeting with the architect never happened. The plans were magically produced today. He said the lot line adjustment is made, there is enough room on the far side of the property to not impede the current parking pad at all, but they want to maximize the building envelope of the property. He said you could design this with a single width driveway. He said there were misstatements made during applicant's presentation.

Ardythe McCracken, resident on Gonowabie, apologized for not getting her letter to them earlier. She read from a prepared statement. She said she is opposed to the variance. There is no evidence that the applicant will experience undue hardships by not having this variance. It's evident that the negative impact of this variance affects the parking on Gonowabie. It would remove the only parking space we have on this road which would lead to visitors and guests parking someplace that would impede the use of the road for public safety and emergency vehicles. In case of fire, there would be extreme problems. She said the neighbors have expressed their concerns. This is a neighborhood concerned for each other. We feel this variance should not be approved.

With no further public comment, Chair Thomas closed the public comment period.

Member Toulouse addressed something Mr. Adler said. He said staff is honest and hardworking. There should be no question of Roger's or anyone else's integrity and they do a good job. He said he is struggling to make the findings to approve this request. We do a lot of variances in Lake Tahoe and on Gonowabie. He struggles with special circumstances and how it won't be detrimental to the public. He said if we grant this, it would grant a special privilege.

Member Stanley said he heard Mr. Alder's comment about staff differently than Member Toulouse. He said he has concerns about the boundary line adjustment and other information not available initially. He said he thought he heard the plans in packet are inaccurate in some way. He said he didn't receive the email as mentioned in public comment. Staff noted the email was handed out before the meeting and they have copies.

Member Hill echoed concern about the lot line adjustments. If plans were design for an 80 ft wide lot, that seems to discount the special circumstances because of narrowness. She said as representative of Incline Village, she uses to go down Gonowabie as a kid. She said she doesn't see many 6,000 square foot houses. They are old-timey cabins. She said she has a hard time approving a 6,000 sq. ft. house on a narrow road. It's not a hardship. It could be a modest home to fit within the setback. There are alternatives to meet the setback requirements.

DDA Large said a boundary line adjustment is not before this Board. Decisions for this application, the findings need to be separate from the boundary line adjustment. Member Hill said if the plans show 80-foot-wide lot, but it's only 62 feet, then we don't know. Chair Thomas said for us to make accurate decisions, we need accurate facts. If there are inaccurate facts, we need clarification from the applicant. DDA Large

suggested bringing the applicant or Mr. Pelham to discuss that, as we cannot consider a boundary line adjustment.

Chair Thomas said there is a discrepancy with a lot line adjustment. Mr. Exline said he hasn't had a chance to review. He guessed they wanted to show the project per completion of the lot line adjustment was approved. He said most of these things happened concurrently. If alterations take place that don't conform, we will have to come back. The plans show boundary line adjustment to 84 feet.

Chair Thomas concurred with fellow Board members. The owner of the property has the right to take away parking because they own it and have decided to do something with it. He said he doesn't believe the requirements have been met to move this forward.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR19-0002 for Gonowabi Properties, with conditions of denial included for this matter, having been unable to make the finding of Special Circumstances, No Detriment, and No Special Privileges. Member Hill seconded the motion which carried unanimously.

10. Chair and Board Items

A. *Future Agenda Items

Member Toulouse requested Soule Grading be agenized. He stated he had issues with conditions of approval (1(c), 1(e), 1(f), 2(c), 2(g)(a), 2(g), 2(h)(a)). He said he doesn't believe the conditions have been met. He would like to see it on the agenda so action can be taken. Mr. Lloyd stated staff feels these conditions have been met and requested an email from Member Toulouse outlining his concerns with the conditions. Member Toulouse stated he will clarify his concerns and forward but the condition that required the applicant to come back was not met. Member Hill requested to go by the site and review it. She said from the pictures, not much has changed, but understands it takes a while for things to grow. Chair Thomas concurred and asked the rest of the Board to review and get concerns to staff. Member Stanley asked for a follow-up review from staff and jurisdictions with state and federal. DDA Large advised not to email the entire Board in order to prevent a serial meeting. Mr. Lloyd suggested submitted questions and concerns to staff to gather and they will disseminate to the entire Board.

Chair Thomas spoke about the CAB action on topics. DDA Large stated that will be addressed with staff and the CAB. They are empowered to provide recommendations of approval or denial. Chair Thomas noted he pays attention to the CAB's direction.

B. *Requests for Information from Staff

Chair Thomas said as the county grows, the need for communication grows. We have had several wireless services requesting monopoles. He said we are faced with the term 'significant' gap. He requested a presentation regarding that topic. DDA Large said it's a presentation for legal counsel. He said our code was written 20 years ago. Regulations are not reflected in it. It may be a few months before it can come back because it needs analysis. Chair Thomas said they will rely on his expertise until an update can be provided.

11. Director's and Legal Counsel's Items

***A. Report on Previous Board of Adjustment Items**

None

***B. Legal Information and Updates**

None

12. *General Public Comment and Discussion Thereof

Will Adler thanked Member Toulouse for his comment regarding staff. He said he noted he used to be a developer and has worked with county staff. He said he was trying to say a smaller house could be built. Member Toulouse thanked him for clarifying and will always stick up for staff in those situations.

Attachment E

Initial Environmental Checklist



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HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday
New Applications Until 3:00 pm

Print Form

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

I. Assessor's Parcel Number (APN)/Project Location

Project Name County/City

Brief Description of Project:

The Applicant is proposing a Lot Line Adjustment between three (3) abutting parcels. All parcels are under common ownership. For additional information please see the attached submittal letter and corresponding attachments.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

II. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

No change to previously verified/established existing and allowable coverage.

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes No
 No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes No
 No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes No
 No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes No
 No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

- Yes No
 No, With Mitigation Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes No
 No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

- Yes No
 No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes No
 No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes No
 No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes No
 No, With Mitigation Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes No
 No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes No
 No, With Mitigation Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes No
 No, With Mitigation Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes No
 No, With Mitigation Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes No
 No, With Mitigation Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes No
 No, With Mitigation Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes No
 No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes No
 No, With Mitigation Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes No
 No, With Mitigation Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes No
 No, With Mitigation Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes No
 No, With Mitigation Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes No
 No, With Mitigation Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes
- No
- No, With Mitigation
- Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes
- No
- No, With Mitigation
- Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes
- No
- No, With Mitigation
- Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes No
 No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes No
 No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes No
 No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
 No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
 No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes No
 No, With Mitigation Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes No
 No, With Mitigation Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes No
 No, With Mitigation Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes No
 No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes No
 No, With Mitigation Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

- Yes
- No
- No, With Mitigation
- Data Insufficient

12. Housing

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes No
 No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes No
 No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes No
 No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes No
 No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes No
 No, With Mitigation Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes No
 No, With Mitigation Data Insufficient

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes No
 No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
 No, With Mitigation Data Insufficient

c. Schools?

- Yes No
 No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
 No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
 No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
 No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No
 No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes No
 No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

- Yes No
 No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
 No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
 No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Storm water drainage?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Solid waste and disposal?

- Yes
- No
- No, With Mitigation
- Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Exposure of people to potential health hazards?

- Yes
- No
- No, With Mitigation
- Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

The Subject Parcels are visible from the waters of Lake Tahoe. The proposed LLA will have no impact on existing views and will not add scenic massing.

- Yes No
 No, With Mitigation Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

- Yes No
 No, With Mitigation Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- Yes No
 No, With Mitigation Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes No
 No, With Mitigation Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes No
 No, With Mitigation Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes
- No
- No, With Mitigation
- Data Insufficient

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)



Person Preparing Application

At

Douglas
County

Date:

9/20/19

Applicant Written Comments: (Attach additional sheets if necessary)

For additional information, please see submittal letter.

Print Form

FOR OFFICE USE ONLY

Date Received: 9/25/19 By: [Signature]

Determination:

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

Yes No

[Signature]
Signature of Evaluator

Date: 1/31/2020

Senior Planner
Title of Evaluator



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STAFF REPORT

Date: May 20, 2020
 To: TRPA Governing Board
 From: TRPA Staff
 Subject: Update on the Main Street Management Plan and Other Components of the US 50/South Shore Community Revitalization Project

Summary and Staff Recommendation:

This staff report provides a brief update on the Main Street Management Plan and the South Shore Community Revitalization Project. This item is for informational purposes and no action is required.

Project Description/Background:

Prior to permit acknowledgement of Phase 1 of the South Shore Community Revitalization Project (SSCRP), the Main Street Management Plan (MSMP) must be developed and adopted by the TRPA Governing Board. The MSMP will provide a plan for the transition of the Main Street area after its conversion from a five lane US highway to a space which enhances the business environment, visitor experience and environmental sustainability. TRPA, as a partner agency and in coordination with the Tahoe Transportation District (TTD), is the lead in developing the MSMP. TTD is the lead in developing and completing three components of the MSMP and the remaining project conditions/components of the SSCR, as shown in the table below.

Project Condition/Component	Lead Entity
Main Street Management Plan must be approved by TRPA before proceeding with roadway realignment	TRPA
<ul style="list-style-type: none"> Main Street Design and Wayfinding 	TRPA
<ul style="list-style-type: none"> Main Street Management Plan Transit Circulator 	TTD
<ul style="list-style-type: none"> Main Street Management Plan Property and Improvements Ownership, Management, and Funding 	TTD
<ul style="list-style-type: none"> Parking Management Plan 	TTD
Replacement Housing - 109 Transit Oriented Development (TOD) Residential Units (102 low income, 7 moderate income).	TTD
<ul style="list-style-type: none"> 76 units shall be constructed prior to displacement of any residents for any part of the SSCR. No less than 33 units shall be constructed before or concurrent with the roadway realignment. 	
Rocky Point Neighborhood Amenities Plan	TTD
US 50 Engineering and Construction Plans	TTD
Secure Project Funding	TTD

TRPA Status Report

- TRPA staff and consultants are moving forward on the final design of Main Street and expect a draft in early June. The design is subject to the pursued Highway 50 alignment, detailed below.
- Through the MSMP process, TRPA staff recognized there may be necessary amendments to the TRPA Code or Ordinances. This task was originally set to take place after adoption of the MSMP in Phase 3 of the work plan. However, in response to COVID-19 and the social distancing requirements put in place by the States of Nevada and California, TRPA staff have begun work on updating short and long term guidance regarding the required Commercial Floor Area (CFA) for outdoor dining. Short term guidelines may allow restaurants to expand seating areas to provide additional space between patrons. Long term code amendments will look at options for activating town centers and street level pedestrian areas, a key Regional Plan concept. These code amendments will be brought to the Governing Board for approval in the upcoming months.
- The MSMP is anticipated to be finished by the end of 2020. The remaining tasks and associated timelines are detailed in the timeline below.

TTD Status Report:

US 50 Construction & Engineering Plans

- TTD continues to work with the City of South Lake Tahoe, Caltrans, and the Federal Highway Administration to identify whether to pursue an adjustment to the approved alignment of Highway 50, in order to achieve a reduction of the number of displaced residents and minimize impacts on surrounding properties. The City of South Lake Tahoe City Council is expected to make a decision regarding a preferred highway alignment by June 9th, 2020.

Main Street Parking Management Plan

- The administrative draft of the Parking Management Plan (PMP) is expected from Dixon Consulting in June, with a public draft released in early July. TTD expects to meet with parking stakeholders to discuss the recommendations between June and August, before the draft Main Street Management Plan is presented to the Stakeholder Working Group. The draft PMP will include recommendations for shared parking, paid parking, permitting, parking wayfinding, enforcement, special events, and the event center.

Replacement Housing

- The TRPA Governing Board approved the amendment to the Tourist Core Area Plan that incorporates three parcels adjacent to Ski Run Blvd and Pioneer Trail into the existing area plan and allows for a higher residential density. Next steps include public outreach, conceptual plans, and application submittal, which are expected in the next few months.

The graphic on the next page shows the estimated timeline for the completion of the remaining tasks discussed above.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Associate Planner, at (775) 589-5301 or abettinger@trpa.org.

Attachment:

- A. Tasks Timeline

Attachment A

Tasks Timeline

Remaining Main Street Management Plan (MSMP) Tasks Timeline

MSMP Tasks	Month							
	April	May	June	July	August	September	October	November
MSMP Final Design (Lake Parkway to Park Ave) – End of May/Early June	—●							
City Decision on Highway Alignment – June 9th	—●							
Public Draft Parking Management Plan – July 1	—●							
Operations & Management Agreements & Funding Strategy - July	—●							
TTD meetings with parking stakeholders – June - August			●—●	—●				
Park Ave to Pioneer Trail segment incorporated into final design – Mid July			●—●					
Stakeholder Working Group Meeting - August					●			
Douglas County/CSLT/TTD review & comment – September/October						●	●	
TRPA Approval – November								●

STAFF REPORT

Date: May 20, 2020

To: TRPA Forest Health & Wildfire Committee

From: TRPA Staff

Subject: Update of TRPA Code of Ordinances Chapter 61 (Vegetation Management and Forest Health) Section 61.3. Vegetation Protection and Management

Summary and Staff Recommendation:

Chapter 61 of the TRPA Code of Ordinances addresses vegetation management and forest health. Staff will present an overview of potential amendments to Section 61.3. Vegetation Protection and Management. This presentation is informational only. Staff will seek direction on proposed amendments.

Proposed Revisions to Section 61.3. (Vegetation Protection and Management):

Vegetation protection in terms of old growth management and stream environment zones (SEZs) is important for ecosystem management in the Lake Tahoe Basin. Old growth can provide critical habitat for wildlife. Likewise, old growth protection can help the Tahoe Basin achieve a more heterogeneous forest structure with trees of diverse age classes. Additionally, SEZs provide a variety of highly valued services, including water quality maintenance through nutrient cycling and sediment retention, flood attenuation, infiltration and groundwater recharge, open space, scenic and recreational enjoyment, wildlife habitat, and wildfire abatement.

The proposed amendments to 61.3. Vegetation Protection and Management will streamline the code to facilitate user efficiency while ensuring TRPA requirements are met. The Tahoe Fire and Fuels Team's Regulations Working Group collaboratively identified areas for amendment to facilitate clarification and reorganization within Section 61.3.

Areas for discussion for modification, clarity, and reorganization:

1. Updating and standardizing references throughout Section 61.3.
2. Standardizing old growth Diameter at Breast Height (DBH) to 30 inches for the entire Basin.
3. Allowing vehicles to operate over "frozen ground" as well as snow in SEZs.
4. Adding language that allows all partners to use innovative technologies once one entity proves its technology is environmentally safe.
5. Consolidating all references to SEZ protection in one section.

Contact Information:

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