

**TRPA  
APC  
PACKETS**

**OCTOBER  
1995**

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, October 11, 1995, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

October 2, 1995

By:



James W. Baetge  
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center  
8318 North Lake Boulevard  
Kings Beach, California

October 11, 1995  
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

Page #

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD
  - A. Amendment of Subsection 4.3.A of Chapter 4, Project Review and Exempt Activities, to Add Salvage Tree Removal on Project Areas of 20 Acres or Less 1-7
  - B. Amendment of Plan Area Statement 013, Watson Creek (Conservation) to Add Local Public Health and Safety Facilities as a Permissible Use 8-14
  - C. Amendment of Plan Area Statement Boundaries Between Plan Area 045, Incline Village Commercial (Commercial/Public Service), and Plan Area 046, Incline Village Residential (Residential), to Include Washoe County APN 124-041-87 in Plan Area 046 15-32
  - D. Update of the Trip Table as Required in Subsection 93.2.H of Chapter 93, Traffic and Air Quality Mitigation Program 33-39
  - E. Draft Supplement to the South Lake Tahoe Redevelopment Project No. 1 EIS/EIR (Embassy Vacation Resorts) 40
  - F. Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft EIS 41

G. Amendment of Chapter 78, Wildlife Resources, Relative to Goshawk Habitat 42-45

VI. REPORTS

A. Executive Director

- 1. Notice of Circulation, Bijou/Al Tahoe Community Plan EIR/EIS 46
- 2. Other

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT

# TAHOE REGIONAL PLANNING AGENCY

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Elks Point, Nevada

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## MEMORANDUM

October 2, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Qualified Exempt Activities, to Add Salvage Tree Removal on Project Areas of 20 Acres or Less

PROPOSED ACTION: Recommend approval to the Governing Board of the proposed amendment of Chapter 4, Qualified Exempt Activities, to add salvage tree removal on project areas of 20 acres or less provided that certain conditions are complied with.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment of Chapter 4 to add salvage tree removal on project areas of 20 acres or less to the list of Qualified Exempt Activities.

BACKGROUND: The Lake Tahoe Basin forest ecosystem has experienced many problems which continue to plague our forests today. Much of Lake Tahoe's forests of mature Sugar, Jeffrey, and Ponderosa Pine were removed for Comstock Lode mining and replaced by even aged stands of Pine and White Fir. In addition, fire exclusion, lack of selective thinning, and above average rainfall, averaged over the past 100 years, produced a forest with a dominance of fir over pine in some areas, and an increased density of trees. This unhealthy combination of circumstances set the stage for our present situation, accentuated by our prolonged drought. Currently, trees in the Lake Tahoe Basin are dying at an alarming rate, primarily from insect attack. Similar to a forest ecosystem, the insects do not respect property lines and have created large areas of tree mortality on public, as well as private lands.

Recently a group representing state and federal forestry agencies, environmental groups, local fire districts, legislators, regulatory agencies and TRPA met to help facilitate the ongoing efforts to enhance fire hazard reduction and forest health issues in the Lake Tahoe Basin. An initial agreement of the partnership was that all actions taken would be consistent with the overall environmental protection that exists for Lake Tahoe.

Early in it's discussions, the group, now called the TAHOE RE-GREEN PROJECT, identified a need to facilitate the removal of dead, dying and diseased trees on small parcels of 20 acres or less to lessen the fuel load to reduce the risk of catastrophic wildfire. A large wildfire could have serious adverse impacts on most environmental thresholds, the most prominent being impacts upon the water quality of Lake Tahoe and its tributaries. The proposed addition of timber harvesting on project areas of 20 acres or less for salvage cuts would facilitate the removal of dead, dying, and diseased trees and promote forest health.

SC:jsd

AGENDA ITEM V.A.

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**DISCUSSION:** Presently, within the existing language for qualified exempt activities, a property owner may receive a permit from the California Department of Forestry or the Nevada Division of Forestry, through a memorandum of understanding with TRPA, for the cutting of up to 100 live trees on a project area of 20 acres or less. Dead trees do not require a permit for removal. The problem arises when the definition of a dead tree is applied. A dead tree is defined as a tree totally lacking green needles throughout the crown. Dying trees do not fit this definition and are therefore counted against the 100 tree limitation. On a ten acre parcel, with an average insect attack outbreak, the number of dying trees can easily exceed the 100 tree limitation, triggering the requirement of a TRPA permit. This requirement serves as a disincentive to obtaining complete and proper forest health on these affected properties. Present practice is to remove 100 dying trees under the existing exemption, and leave the remaining dying trees standing across the property. This practice leaves large broods of insects in the remaining dying trees and does not address the forest health problem. The proposed Code amendment would provide for proper forest health work within the confines of strict compliance with environmental protections.

A revision to the definition of a dead tree was explored as an alternative to the proposed Code amendment but is not being recommended. The present definition provides a clear and defensible characterization of a dead tree and has not been an obstacle to routine tree removal permitting on single family dwelling parcels.

The proposed Code amendment language (Exhibit A) provides substantial environmental protections and the proposed Tahoe Basin Tree Removal Permit for salvage on 20 acres or less (Exhibit B) provides additional protection. A pre-operations field inspection must be completed by TRPA to insure that operations will proceed in accordance with all applicable provisions of the Code of Ordinances. The operation would still be bound by those Ordinance provisions. The proposed permit would also require substantial improvements in the treatment of slash created by the operation. The Forest Health Consensus Group has reviewed the proposed language and found no substantial problems with it.

**FINDINGS:** The required findings and brief rationales for making each finding are set forth below:

Chapter 6 Findings:

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

**Rationale:** The proposed Code amendment exempts the activities from TRPA review and approval. Exemption of those activities does not exempt them from applicable provisions of the Code. The proposed language provides for substantial monitoring of the activities by TRPA staff to insure conformance with those applicable provisions of the Code.

2. The project will not cause the environmental thresholds to be exceeded.

Rationale: The activities utilizing the proposed exemption are required to be in conformance with the Code and will be monitored by TRPA staff.

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

Rationale: See Rationales 1 and 2 above.

4. The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See Rationales 1, 2, and 3, above.

Ordinance 87-8 Findings:

1. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: The amendment will provide for more complete forest health management on small project areas, consistent with attainment of the Vegetation Threshold. The activities utilizing the qualified exemption will be in compliance with the Code of Ordinances.

2. One or more of the following:
- a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
  - b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
  - c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
  - d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
  - e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:
    - (1) The cost of implementation outweighs the environmental gain to be achieved.

- (2) Implementation will result in unacceptable impacts on public health and safety; or
  - (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
- f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Package and complying with the Compact.

Rationale: Finding (f) is the most appropriate in that the amendment will provide for more complete forest health management on the affected project areas, thereby correcting the counter productive aspects of the present situation.

ENVIRONMENTAL DOCUMENTATION: Based on completion of an Initial Environmental Checklist and the procedural nature of the proposed amendment, staff recommends a finding of no significant environmental effect.



ATTACHMENT A

4.3.A Qualified Exempt Activities

(10) Timber harvesting for the removal of dead, dying, and diseased trees (salvage cuts) on parcels of 20 acres or less in size, that are not part of a larger parcel of land in the same ownership:

- (a) A Tahoe Basin Tree Removal Permit, that expires twelve months after issuance, has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;
- (b) Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry and the California Department of Forestry and Fire Protection.
- (c) A pre-operations field inspection is completed by TRPA which is attended by a representative from the appropriate state forestry agency, RWQCB staff, property owner or authorized representative, and the licensed timber operator;
- (d) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, 7;
- (e) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;
- (f) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and
- (g) There are no watercourse or stream environment zone crossings except for existing bridges and culverts.

ATTACHMENT B

TAHOE BASIN TREE REMOVAL PERMIT  
FOR SALVAGE ON 20 ACRES OR LESS  
Nevada Division of Forestry  
California Department of Forestry

PROPERTY OWNER(S) OF RECORD:

Name(s) \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Type of logging operation: \_\_\_\_\_

Only trees marked in paint and approved by a CDF or NDF forester may be cut, and the following STANDARD CONDITIONS shall be met during tree removal operations:

- 1) A pre-operations field inspection must be completed by TRPA which is attended by a representative from CDF or NDF, the appropriate state water quality agency, the property owner or authorized representative, and the licensed timber operator.
- 2) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, and/or 7.
- 3) Green pine slash must be chipped or piled and covered with clear, 6 mill plastic immediately. All other slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting. Burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year.
- 4) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of skidding.
- 5) There are no stream crossings except for existing bridges or culvert crossings.
- 6) This Tahoe Basin Tree Removal Permit expires 12 months after issuance.
- 7) Stump height shall be 6" or less.
- 8) Tops of live stumps shall be covered with borax immediately after felling to retard the spread of root disease.
- 9) Vehicles will not be permitted to operate when soil moisture conditions are conducive to unacceptable soil compaction or rutting.
- 10) A map shall be attached to this form, showing the location of the operation and all streams, floodplains and other surface waters.

APC Agenda Item V.A

PERMIT CONTINUED ON NEXT PAGE

001

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- 11) The operation covered by this permit shall be bound by all applicable provisions of the TRPA Code of Ordinances.
- 12) This form must be provided to TRPA at least five days prior to a scheduled pre-operations meeting.

**SPECIAL CONDITIONS:**

The Permittee, for himself, his contractors, and employees, agrees to save, indemnify, and hold harmless the authorizing entity or its representative from all liabilities and claims for damages by reason of injury or death to any person or persons, or damage to property from any cause whatsoever while in, upon, or in any way connected with the work covered by this tree cutting permit, and does further agree to defend the entity in any claim arising out of or as a result of the work done under this permit.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all ordinances and state laws, the TRPA Code of Ordinances and the regulations of the Department of Industrial Relations and Industrial Accident Commission, relating to the character of work, equipment, and labor personnel involved in the project. I also certify that trees being removed are on the property as described above.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Forester's Authorization: \_\_\_\_\_

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

October 2, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 013,  
Watson Creek (Conservation) To Add Local  
Public Health and Safety Facilities As a  
Permissible Use

Proposed Action: To amend Plan Area Statement (PAS) 013, Watson Creek by adding Local Public Health and Safety Facilities to the list of Permissible Uses as a Special Use. (See Exhibits A and B).

Staff Recommendation: Staff recommends that the Advisory Planning Commission review and recommend approval of the proposed amendment to the Governing Board.

Background: The applicant proposes to amend PAS 013, Watson Creek, by adding Local Public Health and Safety Facilities as a permissible use. In September 1993 TRPA issued a temporary permit to construct a pump house, required in order to upgrade the existing water system, on Placer County APN 116-040-01. Water tanks, pumps, wells, and related facilities are considered Local Public Health and Safety Facilities as defined in chapter 18 of the TRPA Code of Ordinances.

As a condition of the temporary permit, the permittee was required to obtain a permanent approval for the pump house, which included obtaining a Plan Area Statement amendment.

The land use classification for Plan Area Statement 013 is Conservation and the management strategy is Mitigation. The existing uses on the parcels adjoining APN 116-040-01 are forest conservation to the south, west, and north, with residential uses to the east. Currently the Agate Bay Homeowner's Association maintains tennis courts for its members on the subject parcel.

/cs  
10/02/95

AGENDA ITEM V.B

*Planning for the Protection of our Lake and Land*

Discussion: In evaluating proposed plan area amendments, staff uses a three-step procedure. The first step is to determine whether a mistake was made in mapping the original plan area boundaries and assigning permissible uses to the area. The second step is to determine whether something has changed in terms of character at this location or pattern of land use to warrant amending the list of permissible uses. The third step is to determine whether the amendment to the plan area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced.

Of the 15 plan areas whose land use classification is Conservation, only 6 (including Watson Creek) do not allow Local Public Health and Safety Facilities as a Permissible Use. Staff has concluded that within this particular plan area, not including Local Public Health and Safety Facilities as a Special Use was an oversight. Currently the only local public health and safety facilities permissible in the plan area are transmission receiving facilities and pipelines, and power transmission, both of which are Special Uses.

Chapter 18 of the TRPA Code of Ordinances defines Local Public Health and Safety Facilities as follows: "Facilities operated by public or quasi-public entities for the local protection of the public, such as fire stations and other fire prevention facilities; police and sheriff substations; satellite highway maintenance and snow removal facilities; water tanks, pumps, wells and related facilities; monitoring facilities; sewage pumps and related facilities; and emergency services."

TRPA staff is recommending that Local Public Health and Safety Facilities be added to the list of Permissible Uses in PAS 013 as a Special Use rather than an Allowed Use. This way the required special use findings will assure that no project is approved that is not compatible with the surrounding uses and character of the neighborhood.

Findings: Prior to amending the Plan Area Statement, TRPA must make certain findings.

#### Chapter 6 Findings

1. The project will not cause the environmental thresholds to be exceeded.

Rationale: The proposed addition of local public health and safety facilities to the list of permissible uses will not cause the Environmental Threshold Carrying Capacities to be exceeded because at the time of any project submittal, the applicant will have to provide supporting evidence that all environmental thresholds will be attained and maintained.

2. Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: The proposed amendment will have no negative effects on air or water quality. Any project that is proposed as a consequence of this plan area amendment will be required to analyze traffic and trip increases based on the type and extent of project. Any project proposed based on this amendment would also be required to comply with all Code standards as they pertain to water quality, including impact mitigation. Therefore, amending Plan Area Statement 013 will have no negative impact on federal, state, and local air or water quality standards.

3. That the Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See Findings 1 and 2 above.

Environmental Documentation: Based on the above analysis and the completion of the initial environmental checklist (IEC), staff proposes a finding of no significant effect.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact Coleen Shade at (702) 588-4547.

# 013 -- WATSON CREEK

## PLAN DESIGNATION:

Land Use Classification	CONSERVATION
Management Strategy	MITIGATION
Special Designation	NONE

## DESCRIPTION:

**Location:** This is a large Plan Area that covers the backdrop country between Dollar Point and Flick Point and is located on Agency maps D-4, D-5, D-6, E-3, E-4 and the Martis Peak Quadrangle.

**Existing Uses:** The Plan Area is mostly undeveloped and in public ownership. Existing uses are mostly limited to dispersed-types of recreation and to timber management

**Existing Environment:** This area has a good mixture and distribution of plant communities, but mature fir trees still dominate the overall plant composition. Much of the area has good land capability.

**PLANNING STATEMENT:** This planning area should be managed with an emphasis on providing improved opportunities for dispersed recreation and timber harvest.

## PLANNING CONSIDERATIONS:

1. There is an over abundance of unimproved roads.
2. There is good capability land for long range relocation of recreational development. However, the potential for developed recreational sites is constrained due to lack of the necessary infrastructure such as sewer, water, and improved roads.
3. The lack of significant natural features such as large streams or lakes limit the attractiveness of the area for campsite development.
4. The legal status of the North Rim Subdivision is uncertain.

## SPECIAL POLICIES:

1. The development or relocation of recreational facilities should be limited to good capability lands within close proximity to urban services.
2. Some bank stabilization and fish passage barrier removal work should be performed on Watson Creek.

**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area.

<b>Residential</b>	Summer homes (S).
<b>Public Service</b>	Transmission and receiving facilities (S) and pipelines and power transmission (S), <u>and public health and safety facilities (S).</u>
<b>Recreation</b>	Day use areas (S), developed campgrounds (S), off-road vehicle courses (S), outdoor recreation concessions (S), riding and hiking trails (A), rural sports (S), group facilities (S), undeveloped campgrounds (S), and snowmobile courses (S).
<b>Resource Management</b>	Reforestation (A), regeneration harvest (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (S), early successional stage vegetation management (A), nonstructural fish habitat management (A), non-structural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), farm/ranch accessory structures (S), grazing (S), range pasture management (A), range improvement (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

**ADDED**

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<b>USE</b>	<b>MAXIMUM DENSITY</b>
<b>Residential</b>	
Summer Homes	1 unit per parcel
<b>Recreation</b>	
Developed Campgrounds	8 sites per acre
Group Facilities	25 persons per acre

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT    WINTER DAY USE 0 PAOT    OVERNIGHT USES 400 PAOT



OTHER: Seven miles of trail.

**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)

# PROJECT LOCATION MAP

## SUBJECT PARCEL

