

**TRPA  
APC  
PACKETS**

**SEPTEMBER  
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, September 13, 1995, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

September 1, 1995

By:   
Jerry Wells  
Deputy 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

Horizon Casino Resort  
U.S. Highway 50, Stateline, Nevada

September 13, 1995  
9:30 a.m.

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

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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 Plan Area Statement Boundaries Between Plan Area 128, Baldwin (Recreation) and Plan Area 175, Cascade Properties (Residential) to Add Portions of El Dorado County APNs 18-320-01, -02, -03, -04, and -05 to Plan Area 175 1-21
- B. 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 22-28
- C. Amendment of the 1995-1999 List of Additional Public Service Facilities to Add the Mountain View Estates No. 7 Firehouse 29-32
- D. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Residential Delegation MOU with Washoe County 33-39
- E. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Residential Delegation MOU with Douglas County 40-46
- F. Amendment of Chapter 64, Grading Standards, to Add an Exception to Subsection 64.7.B, Excavations, Related to Redevelopment Projects 47-58

VI. PLANNING MATTERS

- A. Notice of Circulation, Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft EIS
- B. Notice of Preparation, Forest Service North Shore Eco-System Management Project EIS
- C. Notice of Circulation, Draft Supplement to the South Lake Tahoe Redevelopment Project No. 1 EIS/EIR (Embassy Vacation Resorts)

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VII. REPORTS

- A. Executive Director
  - 1. Core Statement
  - 2. Other
- B. Legal Counsel
- C. APC Members

VIII. ADJOURNMENT

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

August 29, 1995

To: TRPA APC

From: TRPA Staff

Subject: Amendment of Plan Area Statement Boundaries Between Plan Area 128, Baldwin (Recreation) and Plan Area 175, Cascade Properties (Residential) to Add Portions of El Dorado County APNs 18-320-01, -02, -03, -04, and 05 to Plan Area 175

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Proposed Action: The USDA Forest Service - Lake Tahoe Basin Management Unit proposes to amend the Plan Area Statement boundary between Plan Area 128, Baldwin (Recreation) and Plan Area 175, Cascade Properties (Residential) to add 7.48 acres of land presently in Plan Area 128, to Plan Area 175. Refer to Exhibit A, Existing Plan Area Boundaries, Exhibit B, Subject Properties, and Exhibit C, Proposed Plan Area Boundaries. The amendment will facilitate a land trade between the forest service and a private owner involving a sixteen-acre parcel adjacent to Baldwin Beach, a Forest Service recreation site on Lake Tahoe. The land to be added to Plan Area 175 is proposed to be developed as a single family residence.

The amended plan area boundary will be described by a property survey to be provided by the applicant prior to the Governing Board meeting.

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend approval of the proposed amendment, as conditioned, to the TRPA Governing Board. The conditions are set forth in the Summary section located at the end of the staff report.

Background: The subject vacant land is shown in Exhibit A, Existing Plan Area Boundaries. It is part of a set of five contiguous parcels, which total approximately 16 acres in area. The applicant proposes to add only 7.48 of the 16 acres to the residential plan area. The balance of the lands would remain in Forest Service ownership in Plan Area 128. A new parcel map would be developed which would reconfigure the existing five parcels into two: one which would be added to Plan Area 175, approximately 7.48 acres in area, and one which would remain in Plan Area 128, approximately 8.52 acres in area.

The ultimate development potential for the 7.48-acre parcel would include one new single family dwelling and one secondary residence (because the parcel is greater than one acre in size).

AS/rd

*Planning for the Protection of our Lake and Land*

AGENDA ITEM V.A.

TRPA mapped land capability for all five parcels is a combination of class 1b and class 6. Only class 6 land would be added to Plan Area 175. This is a recommended condition so as not to add additional sensitive class 1b lands to the Plan Area. If developed for a new residential use, the subject land would be subject to IPES. A land capability verification (Bailey system) would be required if the subject land is developed for any other type of use.

Both parcels involved in the land trade, including the subject land, are within TRPA mapped bald eagle winter habitat. The mapped habitat is a special interest species wildlife threshold site. As of 1994, the parcel to be acquired by the Forest Service contained Rorippa population sites which are TRPA special interest species sensitive plant threshold sites.

The existing Plan Area designation for the subject parcel is Plan Area 128, Baldwin (Recreation). Refer to Exhibit D, Plan Area Statement 128 Baldwin. Permissible uses in Plan Area 128 include several recreation uses such as beach recreation and day use areas, public service uses, and resource management uses. Plan Area Statement 175 is shown in Exhibit E. Plan Area 175 includes single family dwellings as a permissible use, certain public service uses, recreation and resource management uses. The surrounding land use pattern is shown in Exhibit F. To the east of the subject land, surrounding land uses are open space and low intensity public recreation, most of which is owned by the Forest Service. To the west, the Cascade Properties subdivision and riding stables are the predominant land uses. Cascade Properties contains 50 parcels, 38 of which are developed with residential uses. The remaining parcels are vacant or undeveloped.

Existing El Dorado County zoning for the entire parcel is TR-1, Single Residence Tahoe, which generally permits single family uses.

The land to be added to Plan Area 175 is located outside the TRPA Urban Boundary. By definition, the Urban Boundary includes Plan Area 175 because it is a residential plan area. The Urban Boundary does not include Plan Area 128 which is a recreation plan area. The proposed amendment would expand the TRPA Urban Boundary by 7.48 acres. The process by which Urban Boundary expansions can be considered by TRPA is discussed below.

TRPA Urban Boundary: In 1986, as part of the Regional Plan package, TRPA established an Urban Boundary. By definition, the Urban Boundary includes all residential, commercial/public service and tourist accommodation plan areas. Recreation and Conservation plan areas are not included within any portion of the Urban Boundary. Plan Area 175 is located within the Urban Boundary even though it is an isolated residential subdivision located well outside what is considered the urbanized area of the Region. The only manner in which the Urban Boundary may be expanded is by adding lands from existing Recreation or Conservation plan areas. The subject land is part of five existing parcels which are in a Recreation Plan Area. Adding the 7.48 acre portion of them to the Residential Plan Area would expand the Urban Boundary.

TRPA established Urban Area Boundaries to clearly direct the location of all future residential, commercial/public service and tourist accommodation development. The Urban Boundary represents TRPA policy (shown below) that additional development occur within already developed areas. These areas contain the necessary public utilities, road system, and other supporting infrastructure to accommodate the additional development permitted under the Regional Plan.

The following sections of the Regional Plan Goals and Policies, Land Use Element, Land Use Subelement contains the Urban Boundaries policies.

**"GOAL #2 DIRECT THE AMOUNT AND LOCATION OF NEW LAND USES IN CONFORMANCE WITH THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES AND THE OTHER GOALS OF THE TAHOE REGIONAL PLANNING COMPACT.**

Based on the findings of the Compact, evidence included in the environmental impact statement prepared for this Plan, and public testimony, the Tahoe Region is experiencing resource use problems and deficient environmental controls.

POLICIES

1. THE TOTAL POPULATION PERMITTED IN THE REGION AT ONE TIME SHALL BE A FUNCTION OF THE CONSTRAINTS OF THE REGIONAL PLAN AND THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES.

Population growth in the Region will be guided by the limitations on land use set forth in the Plan. This Plan identifies land use, densities, traffic volumes, urban boundaries, and other factors that indirectly determine the population at any given time. All of these factors have been set to ensure compliance with the environmental thresholds.

2. SPECIFIC LAND USE POLICIES SHALL BE IMPLEMENTED THROUGH THE USE OF PLANNING AREA STATEMENTS FOR EACH OF THE PLANNING AREAS IDENTIFIED IN THE MAP INCLUDED IN THIS PLAN (LOCATED INSIDE BACK COVER). AREAS OF SIMILAR USE AND CHARACTER HAVE BEEN MAPPED AND CATEGORIZED WITHIN ONE OR MORE OF THE FOLLOWING FIVE LAND USE CLASSIFICATIONS: CONSERVATION, RECREATION, RESIDENTIAL, COMMERCIAL AND PUBLIC SERVICE, AND TOURIST. THESE LAND USE CLASSIFICATIONS SHALL DICTATE ALLOWABLE LAND USES. MORE DETAILED PLANS, CALLED COMMUNITY PLANS, MAY BE DEVELOPED FOR DESIGNATED COMMERCIAL AREAS. OTHER DETAILED PLANS, SUCH AS THE AIRPORT MASTER PLAN, SKI AREA MASTER PLANS, AND REDEVELOPMENT PLANS, MAY ALSO BE DEVELOPED. THESE DETAILED PLANS MAY COMBINE TWO OR MORE OF THE FIVE LAND USE CLASSIFICATIONS.

Since the development permitted under this Plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward regulating infill and redirection. The intent of this system is to provide flexibility when dealing with existing uses, continuation of acceptable land use patterns, and redirection of unacceptable land use patterns. Implementation ordinances set forth the detailed management

Discussion: From a land use planning standpoint and in terms of attaining and maintaining the adopted environmental threshold carrying capacities, the existing lands within the Urban Boundary should first be built out prior to expanding into those areas outside of it. A fundamental concept of the Regional Plan is to infill additional development into existing developed areas. As of January 1995, there were approximately 2,968 vacant single-family parcels in El Dorado County, 2,237 (75%) of which were above the County's IPES Eligibility Line with a score of 726 or greater. Cumulatively, significant expansions of the Urban Boundary are generally inconsistent with the Regional Plan Goals and Policies stated above.

Findings: Prior to amending the plan area boundary, TRPA must make the following findings.

Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in subsections 13.5.B and 13.5.C of the TRPA Code of Ordinances.

Rationale: The subject land is presently located in Plan Area Statement 128. Plan Area Statement 128 describes the plan area as an area which is a mixture of stream environment zones and low hazard lands. The entire shorezone is classified as barrier beach (high hazard). Essential habitats are managed in the area for bald eagles, waterfowl, and endangered plant species (Rorippa). The subject land is within a large mapped area for bald eagle winter habitat.

The Planning Statement for Plan Area 128 states that the area should continue to provide opportunities for low to moderate resource use when consistent with management objectives for dispersed recreation, wildlife habitat improvement and protection of essential habitats. Planning Consideration #3 identified that the developed recreation facilities on Baldwin Beach (a barrier beach) are inconsistent with uses permitted in the shorezone and the land capability system.

Recreation plan areas are defined by TRPA as follows:

Recreation Areas: Recreation areas are areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands which are identified for recreation areas include:

- (i) areas of existing private and public recreation use;
- (ii) designated local, state, and federal recreation areas;



- (iii) areas without overriding environmental constraints on resource management or recreational purposes; or
- (iv) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

Residential plan areas are defined by TRPA as follows:

Residential Areas: Residential areas are areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and nonresidential uses that complement the residential neighborhood. These lands include:

- (i) areas now developed for residential purposes;
- (ii) areas of moderate-to-good land capability;
- (iii) areas serviced by utilities; or
- (iv) areas of centralized location in close proximity to commercial services and public facilities.

The subject parcel has necessary infrastructure for development in the vicinity of the parcel, and has areas of high land capability adjacent to the existing residential subdivision. The property is adjacent to developed residential uses and is serviced by utilities which are stubbed to the end of the existing access road.

Management Strategy: The management strategy for Plan Area 128, Baldwin is "Redirection of Development". The Redirection strategy is used to improve environmental quality by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural environments, improve transportation efficiency, improve scenic quality and provide high quality facilities. In this case, it is the location of the developed recreation facilities along a sensitive barrier beach which is in need of redirection. It does not apply to the subject land which is undeveloped and has no established use. The proposed amendment could be consistent with this strategy so long as no new or expanded developed facilities (e.g., an expanded parking area at Baldwin Beach) which may serve the acquired area are located in sensitive areas.

The management strategy for Plan Area 175, Cascade Properties is "Development with Mitigation." Areas with this designation can accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. Both onsite and offsite mitigation of environmental impacts from development shall be required. Additional development which may be approved on the site must demonstrate that all impacts are fully mitigated. Plan Area 175 which contains Cascade Properties subdivision is the subject of a comprehensive water quality BMP retrofit project identified in Volume IV, Capital Improvement Program, of TRPA's Water Quality Management Plan. The project is presently being developed. The subdivision lies within both the Tallac Creek and Cascade Creek watersheds. Both are Priority #1 watersheds in terms of water quality retrofitting. By joining the Plan Area, the owner of the subject land will be subject to participation in the BMP project. This will be a condition of the Plan Area amendment.

Special Designations: Neither plan area contains any special designations.

2. Finding: If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

- (a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or
- (b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or
- (c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

Rationale: The proposed amendment would expand the existing Urban Boundary by approximately 7.48 acres. The amendment will make the amended Plan Area Statement consistent with Goal #2, Policy 2 of the Land Use Element, Land Use Subelement shown above and subsection 13.5.B(1)(c) of the Code by

permitting an incremental level of additional development immediately adjacent to an existing residential subdivision which has moderate to high capability lands available for development.

The second part of the Finding can be met by item (b) as shown above regarding progress toward attainment of one or more adopted environmental thresholds without degradation to the others as measured by the Chapter 32 threshold indicators.

The applicant proposes to enhance attainment of the Recreation Threshold known as R-1.

R-1 states, "It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high quality recreational experience including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses."

The applicant proposes to trade 7.48 acres of land to a private owner for a 15-acre site which would be added to the Baldwin Beach recreation area. Based on the site's natural features, location and undeveloped status, it is reasonable to consider the shoreline portion of the site to be a high quality, undeveloped shorezone area which would be preserved and made available for public access by the applicant. Provided the 15 acres is used only for low intensity, dispersed beach recreation called for in the Plan Area Statement and by the threshold, attainment of Recreation Threshold R-1 could be enhanced.

The other thresholds which could potentially be adversely affected by the project include air quality-VMT, sensitive interest plant and wildlife species.

The air quality-VMT threshold (AQ-7) is presently in nonattainment and could be adversely affected by adding an additional residential use (a trip producer) to the Region not contained in the 1987 Regional Plan, in a location which is relatively far from urban centers and services. An additional residential use in this location would have a relatively long average trip length. To offset this impact, the applicant must demonstrate that a residential parcel in the same vicinity (i.e., having a

similar trip length) has been retired. The applicant has provided evidence that a residential parcel in the adjacent Cascade Properties was purchased and retired in February, 1987.

The special interest plant species threshold potentially affected by the project is the *Rorippa subumbellata* population site (threshold V-3) on the 15-acre parcel to be transferred to the applicant. TRPA verified the existence of the population during 1994. The site, known locally as Ski Beach, is today used informally as a place to land boats on the beach, particularly by water skiers. The 15-acre parcel is proposed to be added to the existing Baldwin Beach recreation area. This may increase demand and use of the site as it becomes more known to residents and visitors and can be accessed from the Baldwin Beach facility. This may put the *Rorippa* population at a greater risk for damage or loss than it is today based on additional use of the site.

The special interest wildlife species potentially affected by the project is bald eagle wintering habitat (threshold W-1). The 7.48 acre site is within a mapped threshold disturbance zone. Chapter 78 of the Code establishes the process for projects to be addressed which are located within mapped disturbance zones. Manipulation of the habitat within a bald eagle disturbance zone is generally prohibited unless the manipulation is necessary to enhance the quality of the habitat. TRPA may not approve any project which, directly or indirectly, adversely effects the habitat or causes displacement or extirpation of the population. A biologic survey to identify the habitat, including any critical habitat, is presently being prepared by the applicant. Based on the results of the survey, special conditions of approval may be required to mitigate or avoid significant adverse impacts to special interest species. Because the site is a mixture of open and forested areas, it may be possible to establish a suitable building envelope outside of the actual habitat. If such an envelope can be identified, it will be incorporated into the conditions of approval in order to find that no degradation to threshold W-1 will occur. At the same time, it will be important to not inadvertently cause an adverse effect to the scenic resources thresholds by locating a building envelope in an area which is highly visible from either Lake Tahoe or Baldwin Beach (threshold-related viewsheds).

Because the threshold improvement/non-degradation findings are required for the plan area amendment and not for future development of any residential project, the amendment will not become effective until after the applicant has completed the threshold-related items (land transfer, parcel retirement, Rorippa protection plan and wildlife habitat conservation plan). TRPA will implement the conditions through a new Special Policy and Special Area designation added to Plan Area Statement 175. The conditions are shown below in the Summary section. If the conditions are not satisfied, then the provisions of the original Plan Area 128 will apply.

#### Chapter 6 Findings

1. Finding: 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: Based on the environmental threshold improvements contained in the proposal including the recommended conditions of approval, the project is expected to enhance implementation of the Regional Plan.

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

Rationale: Environmental threshold improvements are included in the project as conditioned, which will assist in threshold attainment.

3. Finding: 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: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed project. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 13 findings shown above and on the following:

1. No additional development would be permitted by the amendment than is otherwise permissible under the Regional Plan; and

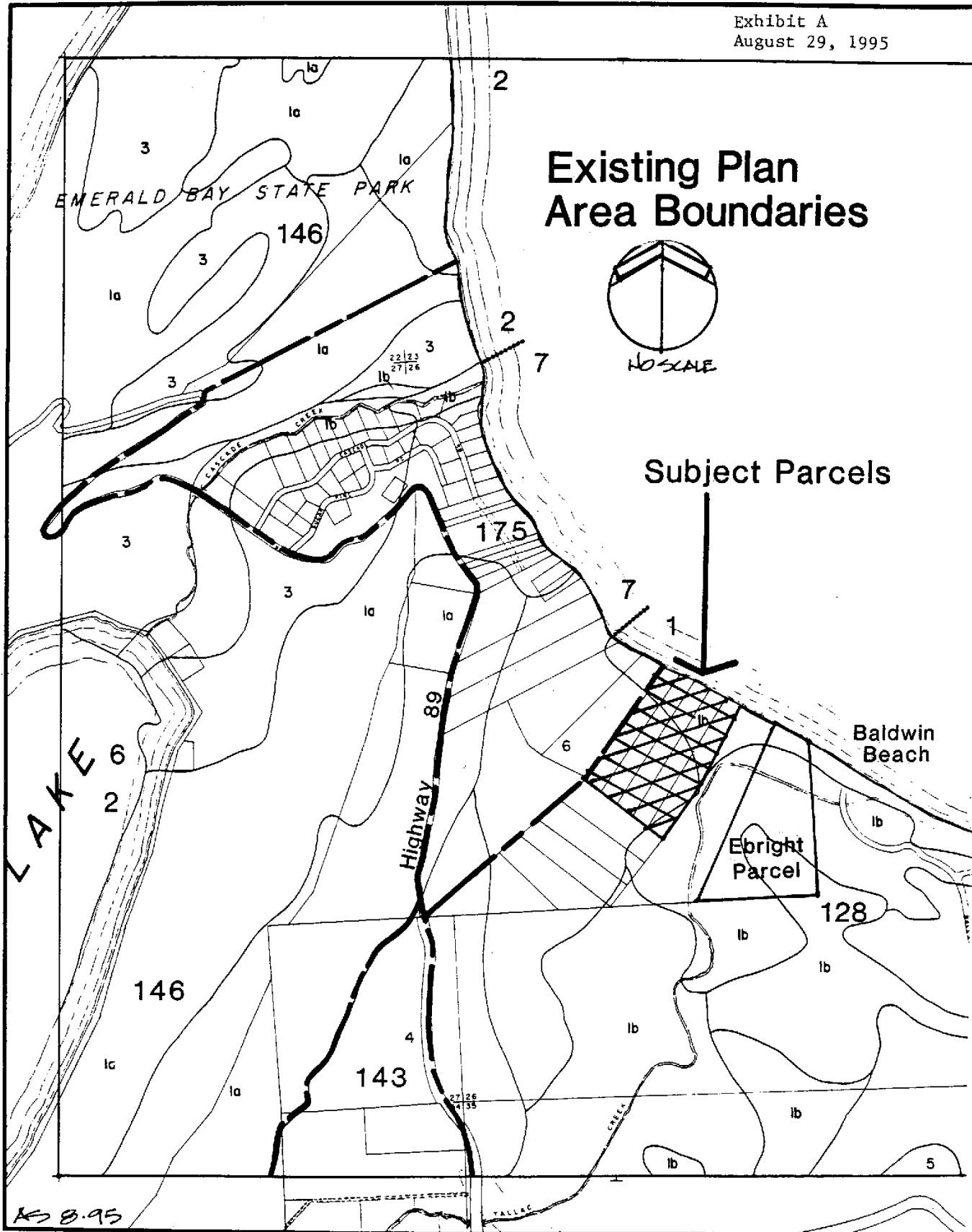
2. The amendment includes threshold-related elements which must be completed prior to the amendment becoming effective which are designed to assist in attainment of the Recreation threshold, while maintaining all other applicable thresholds.
3. As described above, a biologic survey is being prepared by the applicant to determine whether suitable bald eagle wintering habitat exists on the subject land. Based on the provisions of Chapter 78 of the Code, TRPA will not approve any project which, directly or indirectly, adversely effects the habitat or causes displacement or extirpation of the population. The results of the survey will be presented at the APC meeting along with any changes to the recommended action which may result from the survey's findings.

Summary: Staff recommends that the APC recommend approval of the amendment to the Governing Board subject to the following conditions provided that all conditions must be satisfied prior to the PAS amendment becoming effective:

1. The applicant shall provide TRPA with an accurate property survey describing the land to be added to Plan Area 175. The area of land shall be no greater than 7.48 acres in size. TRPA must also approve a boundary line adjustment which reconfigures the existing parcel layout.
2. The land to be added to Plan Area 175 shall only be high capability land (land capability classes 4-7), and shall include no low capability lands (classes 1-3). This shall be verified by a land capability verification submitted by the applicant at the same time the property survey is submitted to TRPA.
3. The applicant shall provide TRPA with a certified copy of the recorded deed(s) which transfers the land between the parties involved in the transfer.
4. The owner(s) of the land to be added to Plan Area 175 shall participate in the Cascade Properties water quality Best Management Practices retrofit program.
5. The applicant shall provide evidence to TRPA that they have permanently retired a parcel within Plan Area 175 on which residential uses are permitted.
6. The applicant shall provide TRPA with a Rorippa protection plan which protects and conserves the identified habitat and population sites on the parcel of land in Plan Area 128 to be acquired by the applicant.

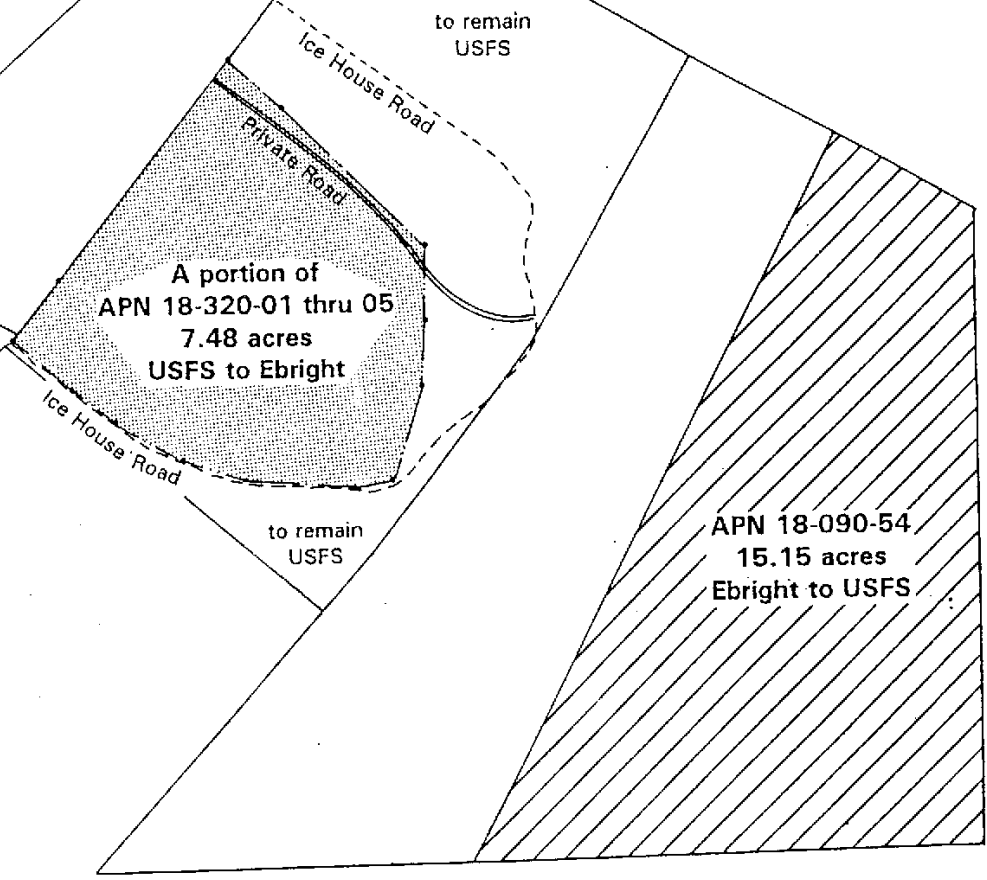
7. The applicant shall provide TRPA with a bald eagle habitat conservation/enhancement plan which ensures no adverse impacts to the bald eagle winter habitat. This may include, but not be limited to, avoidance of habitat and use of an established building and disturbance envelope on the land to be added to Plan Area 175.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this item.





Lake Tahoe



Scale: 1" = 300'

Ebright  
Plan Area Statement  
Amendment  
Subject Properties

# Basin Strategies

Planning and Consulting Services  
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APN 18-320-01 thru 05

Prepared By: VEB  
Date: 2/20/95