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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 May 9, 2001, at The Chateau in Incline, 955 Fairway Boulevard, Incline Village, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

April 30, 2001

Juan Palma

Juan Palma
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

The Chateau in Incline
955 Fairway Boulevard
Incline, Nevada

May 9, 2001
9:30 a.m.

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

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 any 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 HEARINGS

A. Amendment of TRPA Vegetation Threshold, The Vegetation Subelement of the TRPA Goals & Policies, Code Section 71 Vegetation and other Related Amendments to Implement Regulations Regarding Late Seral/Old Growth Regulations — Page 1

VI. PLANNING MATTERS

A. Presentation on the Science Advisory Group and Science Component of the EIP — Page 31

B. Floodplain Regulations Status Report — Page 33

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau at Incline
955 Fairway Boulevard
Incline, Nevada

March 14, 2001

MEETING MINUTES

Chairperson Gary Marchio called the regular March 14, 2001, meeting of the Advisory Planning Commission ("APC") to order at 9:36 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Kehne (arrived at 9:46 a.m.), Mr. Lohman, Mr. Wysocki, Mr. Cole, Ms. Baldrica, Mr. Honcoop, Mr. McDowell, Ms. Kemper, Mr. Lane, Mr. Poppoff, Mr. McIntyre, Mr. Morgan, Mr. Tolhurst, Mr. Whitney, Mr. Combs, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Porta, Mr. Horton

II. APPROVAL OF THE AGENDA

Acting Deputy Director Gabby Barrett stated that Agenda Item V.D. is withdrawn. In addition, due to the long agenda, Mr. Barrett suggested that Items VI.A. and VI.B. be postponed.

III. PUBLIC INTEREST COMMENTS - None

Mr. Tom Manning, resident of Incline Village, here on behalf of Amendment to Chapter 20.5. Mitigation fees, questioned how the APC was going to proceed, if there was going to be public comments after each item on the agenda, or whether we should be making public comments at this particular point in time relative to items on the agenda.

Mr. Marchio stated that Agenda Items A, B, C, E & F are all public hearing items, and what he does for public hearing items is he asks for the staff report, and then the APC members can ask the staff any questions they may have on the staff report. At the conclusion of that discussion, he opens the meeting up for a public hearing – that's when the public comes forward and states his or her name and who they represent, make their presentation and comments – at the conclusion of the public's presentation, staff will ask any questions they may have, and APC members ask any questions they may have, and after all the testimony has been received, he closes the public hearing and comes back to the APC for a recommendation.

IV. DISPOSITION OF MINUTES

MOTION by Ms. Baldrica, with a second by Mr. Wysocki, to approve the February 14,

2001, APC minutes as presented. The motion carried unanimously.

Executive Director Juan Palma introduced Mr. Bill Whitney, who is Washoe County's temporary replacement on the APC. Mr. Whitney stated that they are in the process of hiring and shuffling staff members so he is not sure if he will be here for this meeting only or others.

V. PUBLIC HEARINGS

A. Amendment to Chapter 20.5 Regarding Excess Coverage Mitigation Fees Workshop

Mr. Tim Hagan, Program Manger for the Soil Conservation and Stream Environment Zone, presented the amendment to Chapter 20.5 regarding the excess coverage mitigation fees. Mr. Hagan also showed a slide presentation to explain the modifications to the proposal.

Mr. McDowell questioned how long the previous rule have been in effect, and his real question is, was it supposed to be revised periodically and that was not done, so now we are doing a catch up thing. Mr. Hagan commented that for 14 years, this was not reviewed and updated, and adjusted accordingly. One of the recommendations made at the previous APC meeting was to affirm the Code language regarding the annual review, and include direction to add the services of a certified real estate appraiser in the excess coverage mitigation fee evaluation. So we are should not only be concurring with the acquisition programs from the different states, but also retain the services of a certified appraiser to help us achieve accuracy and a repeatable methodology in achieving those fees.

Mr. Combs suggested that if these fees present a hardship for some projects, violation fees that have been collected or fees collected elsewhere could be used to subsidize worthy projects and help offset the costs.

Mr. Poppoff stated that if we go through with this amendment, someone should go through and simplify the table so people can really understand how to make the calculation. On page 9 in the write up, on Table A, the mitigation fee has been changed to square foot factor, and percentage fee has been changed to percent square foot factor, but when it was written in blue, the old terminology was used. He suggested that some proofreading be in order. Mr. Poppoff questioned how the new figures were calculated. Mr. Hagan solicited the information from a variety of sources, including the acquisition agencies; some developers that were broadly scattered across the Basin, and he did consult with Johnson & Perkins, which only shared data: they did not do any appraisal work for TRPA.

Mr. Poppoff commented that in the staff summary, it states that land in these particular areas is scarce and may not actually be available, so maybe this exercise is moot. Mr. Hagan replied that coverage is becoming hard to find, especially in the three hydrologic zones that have experienced the highest square foot increase, which would be Cave Rock, Kingsbury, and Incline Village. Mr. Poppoff replied that if this is the case, we should be looking at another way to handle this problem. Mr. Hagan commented that Mr. Barrett has mentioned previously that we would be willing to consider the adjustment

of hydrological zones, but that would require a 208 Amendment, and would be a big task to accomplish.

Ms. Baldrica questioned if the Governing Board had considered adjusting the rate in incremental stages over a short period of time because it is a big jump after 14 years of looking at it one way, and then all of a sudden, it is changed. Mr. Hagan stated that TRPA has considered that, and would be willing to consider it again. However, if we only allow it in incremental stages, we are still not achieving what we intend to do, which is be able to hand money over to Nevada State Lands so that they can compete for the coverage that is available. Mr. Barrett stated that we could look at our fines and forfeitures monies and come up with another $30,000. We are only talking about 20% of the Basin here; almost every place else is okay. But in those three zones, we could bring that in with some sort of subsidy for a year or two. Mr. Barrett stated that this was a concept he had not pursued.

Ms. Baldrica commented that considering there is less and less to purchase in the Basin, what does creating a larger amount of fees do to the existing market out there; has this issue been addressed? Mr. Barrett stated that by TRPA saying $21 in Incline Village, we are acknowledging that that is the price, and the people who are wheeling and dealing, will work off that price.

But if people are wheeling and dealing and bump up figures, Ms. Baldrica comment, then it makes it likely then that there is always going to be a goal that State Lands is never going to be able to purchase the land, because as the fees go up to $29, there will be an immediate increase because the availability of land being priceless because there isn't a lot of it left. So the price gets bumped up immediately with that $29, and then there is a goal that is not attainable. Mr. Hagan agreed that he said that could be a possible scenario, but we have a commitment to the annual adjustment and review of this, and we should try to stay abreast with that. Keeping Nevada State Lands competitive for the coverage that may be available in those hydrological zones is part of the program as it has been reaffirmed here.

Mr. Barrett replied that that is why it is very important to do like the Conservancy and get seed money to buy the land and provide a stabilizing influence. But by coming from behind and trying to keep up with the market, Ms. Baldrica's scenario is likely to happen.

Chairperson Marchio opened the meeting up for a public hearing.

Mr. Gary Midkiff, from Zephyr Cove, thanked the APC for a good, quality discussion on the subject because Mr. Barrett's comment about it being complex is about the biggest under statement heard today. This is a very complex issue, and based on the testimony today, it is not something that the APC should act quickly on. He gave the APC some examples of what the impact of this amendment would be on some projects that have been permitted and have paid fees in the last couple of years, and a couple of projects that he is working on now that would be subject to the fees. Some of the construction costs and fees are estimates, but they give a comparison of what the fee would be today versus what it would be with the proposed schedule. The reason the price of coverage has gotten so high is because there is only so much out there, and coverage is being used for several things. He reviewed the different scenarios proposed, along with some options.

In closing, Mr. Midkiff pointed out that this a very complex issue that will have dramatic economic affects on smaller projects, rehabilitation and redevelopment of existing relatively same projects. If we are willing to say we will accept not having those projects happen, and look for other ways to get BMPs accomplished and other improvements and give away the scenic and other improvements that we get from those projects, then maybe the staff recommendation is good. But he doesn't think it is. There is too much invested since 1986 in making improvements in the community, and we need to continue that investment and continue making projects possible. If we role these fees up, he believed that we would stop seeing a lot of those projects, and as a result, we are going to stop making those improvements that are so important.

Mr. Dan St. John, representing Incline Village General Improvement District ("IVGID"), he thanked staff for looking at "unintended consequences", and at times, IVGID has encountered these in the past, as well, and have suffered unintended consequences of adopted ordinances. In other words, we do it for the right reason but it causes the wrong things to happen. He believed that the Agency was doing a good job in trying to foresee those things that might occur if we are trying to do a good thing with this Ordinance amendment. IVGID has four noteworthy project areas that are significantly over covered. The price of excess coverage will go up and consequently become a disincentive for IVGID to want to do something good at these facilities.

In conclusion, Mr. St. John stated that these kinds of fees are going to hurt IVGID. They will keep them from doing some projects that would ultimately be beneficial to the public. He hoped that TRPA could look at broadening some of the potential mitigation measures. He thanked the TRPA on behalf of his Board and staff for looking at not jumping ahead and going down a path that actually keeps good things from happening.

Mr. Jim Lawrence, Tahoe Program Coordinator for Nevada State Lands, commended the TRPA for dealing with a very complex issue. On the Nevada side, there wasn't really a California Tahoe Conservancy set up on California, and he commends the efforts that they have done. State Lands stepped in regarding excess coverage mitigation fees in 1993 at the request of TRPA to help carry out this program, and they set up the program, got the staffing in place, and they never sat on any funds. As soon as they started collecting the fees, they started making their acquisitions. The unexpected consequences were the $5 per square foot was set in 1987, and it was Mr. Lawrence's understanding that it was the best shot at the time. The Code put in a system that said we would reevaluate it on an annual basis to make sure it is accurate. Nevada State Lands found themselves in a situation in the mid 1990's, when they started collecting fees from TRPA, it was at this level and the expectation was still to do it at $5 per square foot. Had we done our homework and actually evaluated the market, Mr. Lawrence wasn't sure if they would have stepped in because the reality was, once they stepped into the program, the prices had already escalated. Nevada State Lands continues to do their best; we get the fees; we purchase land coverage; make the best deals they can, but the reality is if the expectation level is here, the fees that are collected are not going to meet that expectation. Their situation is they really don't have a position on what you do with the fees; that is really a TRPA threshold issue, and something that the TRPA has to deal with the Governing Board. Nevada State Lands will continue to do their best, but, again, Mr. Lawrence stated, it gets down to an expectation level. The reality is that the $5 level is just not there. Mr. Lawrence encourages some of the recommendations

that he has heard today as far as doing annual or at least fairly regular appraisals because they don't know what the market is going to be. The fee could increase, and for all they know, the demand for land coverage might start decreasing, depending on market conditions. In addition, the prices could actually go down. He believed that it was a very good program, because it gives a lot of projects the ability to move forward and do very important work. It provides a very important function for the small property owner. When he was writing permits for TRPA, from at least of them, the fees collected were for grandfathered in coverage for a small home that was built in the 1950's or 1960's that was built on low capability land. Now, the homeowner finds himself in excess coverage. They don't really have the ability to reduce onsite coverage. Mr. Lawrence was of the opinion that to scratch the program would be doing a disservice to those people.

Mr. Phil Herback, representing Harvey's Resort Casino, South Shore, stated that he came to talk about the technicalities but he got confused and changed his mind. His understanding of what we are trying to do with the excess coverage mitigation fee is to encourage rehabilitation and redevelopment. He sees us chasing an escalating market by raising fees to purchase land that may or may not be available. He believes that we have become a competitor and have become self-defeating. We are out in the market trying to buy property that a private citizen may be trying to purchase, so you become a bidder on the property, and naturally the price goes up, so do our costs. Also, as a result, we have to come back here for more money. As Ms. Baldrica addressed, where does it end. Mr. Herback believed that we should look back at the process, and the Commission has done a great job today in taking a look at the process; is what we are doing here the correct thing to do; does it make sense; is this the right way to go? We need go back and look at what the original intent was of the excess coverage mitigation fee. With excess coverage mitigation fees being increased by 4 times, we really have to take a look at projects and whether we are justified in doing the project with that increase in cost.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that we need to be clear that the goal here is to reduce excess coverage and reach threshold attainment. That is the purpose of the Regional Plan, and in fact, that is the purpose of the APC and the presence of the TRPA. It should be made perfectly clear that this is mitigation, and in Lake Tahoe we are not to approve projects that cannot mitigate their impacts; whether they be redevelopment or a single family home or commercial business, or otherwise. Under the current system, this is not occurring. We are not mitigating the impact of the excess coverage mitigation fee. TPRA should not be subsidizing excess coverage at the cost of environmental degradation. As Mr. Barrett so clearly outlined, this is one option of four. In fact, this was a relatively new option, comparatively, to the other three options that are available. It was provided to give great flexibility to developers in order to mitigate excess coverage. Due to the fact that this option has not been updated, as it should have been on a yearly basis, excess coverage is not being mitigated through this option. Updating this fee is critically important and required if this option is going to continue to operate as a mitigation, despite the fact that it has not been updated in 15 years. That is the real issue here. As it is currently functioning, it is not acting as mitigation; whether it be for redevelopment or for a single family home or other. It needs to be increased to perform parity for acquisition costs in order for there to be mitigation. If it doesn't, then there isn't mitigation. In fact, we are providing project approval where they haven't fully mitigated their impact. The other option that has been brought, and

Mr. Roberts believed it should be explored, and whether or not this is a functional equivalent to reduce excess coverage and mitigation. Unless you charge a fee that allows you to purchase coverage, it doesn't. It has to be increased in order for this to operate. If it is not increased, then this is not mitigation any longer, and it shouldn't be viewed as such. In fact, it should be stricken as an option if it can't perform the original function that it was intended to perform.

Ms. Elizabeth Hale, from Tahoe City, stated that as the price of coverage goes up, it makes it harder for people who live here to get affordable housing. She questioned if this raises the cost of land and the price of homes, and does it impact affordable housing. Mr. Barrett stated that it varies from project to project. Ms. Hale questioned if we are considering that, and Mr. Barrett replied that the goal is to strike the balance between meeting those needs of all those things Ms. Hale brought up, and meeting the needs of the environment and trying to figure out some reasonable program that both can go along together without sacrificing either one.

Ms. Hale stated that she saw a lot for sale in a neighborhood, and in order to purchase the lot, one had to buy the permit to build. If somebody just wants a lot near their house, to have it open with trees on it, why should this permit to build be included in the price. Mr. Marchio commented that one could purchase an empty lot without an allocation on it; that is not an issue. It could be that the property owner that has the vacant lot went out to make some money and put an allocation on the property so he is selling the combination of the vacant lot plus the allocation together as a unit. There is nothing prohibiting you from buying the vacant property. Mr. Barrett commented that, in general, TRPA has no rules on somebody wanting to purchase a vacant lot. She is describing a situation where an owner who wants to increase the value, has gone out and got plans and a permit, which does increase the value of a lot, and is trying to market that. But if the owner just wants to sell you the lot as a non-permitted lot, TRPA has no rules against that. TRPA does not get into those land transactions. Ms. Hale stated that it makes it harder to preserve the open land if all these extra fees are attached onto. She questioned if TRPA had a position on this. Mr. Barrett replied that generally, that owner doesn't pay his fees if he is not going to build on the land. If he has already started construction, then the fees are actually in it. In the situation described, the owner gets the plans and permits, and the plans say that you have to pay these fees upon starting construction or getting your plans stamped, and then lets the new owner pay for all those fees. Mr. Barrett stated that doing business in Lake Tahoe costs extra money because of the unique environment we are in and the commitment. There are over 9 million dollars committed to try and achieve what we call the thresholds, and that's a fact. If you think it is going to be the same to build here as it is in the valley, it's not. Mitigation and construction go along hand-in-hand in Lake Tahoe because we care about the environment. Mr. Marchio that if she required more information, they would be happy to discuss it with Ms. Hale after the meeting or during the break.

Since no one else wanted to comment, Chairperson Marchio closed the public hearing.

Mr. Poppoff believed that the program would be less effective, because as the prices go up to purchase land, it would act as a disincentive for people to do their remodeling. If they don't do the remodeling, TRPA will not get the money to retire other land. It looks like it is heading into oblivion in some parts of the Basin. He believed that we should step back and look at what it is we are trying to accomplish, and what we are trying to

accomplish is to improve the environment. Mr. Poppoff believed that we could establish some reasonable fee for this excess coverage fee, and then use money either to buy land, if that is available at a reasonable price, or contribute to our various BMPs that have been planned in that particular hydrologic area that need local match. He sees the proposal as drying up the funds available for retired land, and he didn't believe that was a consequence we wanted to see.

Mr. Wysocki is concerned about what the amendment would do to the affordable housing issues; the increase in fee would be a big disincentive for redevelopment and rehabilitation of existing urban areas, and the other issue is the no cap; how far and how high would the fees go up. He believed that there was room for more alternatives or different ideas to be explored with the Ordinance.

Mr. Cole didn't believe that just adjusting the fees was going to solve the problem. He was more concerned about the private projects because it will cause disincentive to do more projects. Mr. Cole was also concerned about the affect on affordable housing on the Nevada side. This would just be another excuse for affordable housing not happening in those jurisdictions. We need to find a way to eliminate the hydrologic and jurisdictional boundaries that are getting in the way of us solving a lot of these problems and basically have the same fees across the board. We need to address the 208 problems so we can address the hydrologic boundaries. Mr. Cole commented that we need to find other ways to mitigation this stuff.

Mr. Morgan also believed that the hydrologic areas should be eliminated, and to try a system that looks at the land class, and each land class would be on a sliding scale as to what the fee would be to make up for the coverage issue on that class of land. Then, the fund would go into the two states and you could only retire with that money, land of the same land class capability, and have a sliding scale as to what each land class capability would be as far as dollars for retirement.

Mr. Barrett commented that there are localized problems that don't get addressed just by averaging the fees across the Basin.

Mr. Combs suggested that staff look to sources of revenue for subsidies for worthwhile projects, and affordable housing should be on the top of this list. He stated that maybe staff could tell the APC how much money is available in their violation revenues, and see if that is a viable option.

Ms. Baldrica sees a need for an interim ordinance, and other issues and alternatives need to be examined while the interim ordinance is in place. In addition, she suggested incremental increases in the fee structure so it is not such a shock to the system immediately. She didn't believe that this problem would be solved overnight, but we can have something in the interim in place until a lot of these other alternatives and issues are looked at and then come back with changes.

Mr. Poppoff stated that it is his experience that short-term solutions turn out to be long-term solutions.

Ms. Kemper did support staff's recommendation, and liked the notion of having an interim ordinance.

Mr. Barrett asked Mr. Marshall what would happen if the APC picks the no project alternative; just walk away from it because we can't agree; what are the repercussions on TRPA for that. Mr. Marshall didn't think that doing nothing was a viable option. We are in a situation where the mitigation value that was anticipated is not being put on the ground, and not only is that bad for the Lake, but it also puts projects at risk. You may, as a project proponent, want lower fees, but you also want certainty. A measure of certainty is gained when we are acting in a way that is consistent with our overall Compact and thresholds and Code in such that we can make an argument that yes, you are paying these fees, and we are getting the mitigation that was anticipated. If you are not, then you are opening up avenues to people who may want to oppose your project. That has to be taken into account when you are looking at yes, this is going to be an impact to projects, but there is also a benefit, because right now we are in a situation that if we don't do something, the further we move away, the more danger the risk the individual project is going to have because we can't demonstrate the connection that the program was premised upon.

Mr. Barrett stated that he is running on the assumption that we have been dealing with this for several months, and if we put this off, we are going to have to stop using that provision until we come to an agreement. So under the assumption that we don't do anything, we will stop using this section that we know doesn't work in certain areas. He agreed that the interim ordinance was a good idea. He recommended that the interim ordinance be for one year; we are just doing a patchwork here. The threshold evaluation is due out this summer; the allocations; the soils recommendations; the hydro areas; all things that we can look at. But for the time being, he suggested that we go with this as an interim one-year ordinance until next March; we are supposed to review it in a year anyway; and TRPA also look into some kind of phase in provisions in those fees for Incline and Cave Rock, particularly, and maybe the two areas across the lines. We will look at somehow in doing this phase in, work in a subsidy by going to our fines and forfeitures pool and see if that can cover this, and we will think in terms of affordable housing. In addition, we will also look at, and the APC can suggest this to the Governing Board, that we look at for this year possibly making it $7 in those other areas, and bring it down to a number that would balance out. When we are calculating the actual coverages for hydro area that is what we have to do. But people on the West shore may be paying a little bit more to come. Two possible scenarios; One, get it from a government fund source, which we identified, or we adjust these tables. We can ask the Governing Board whichever one is better. The other choice for the APC is a motion be made, requesting that the item be brought back next month, or we could go ahead and say that the APC and Governing Board recommends this set up with these changes; an interim ordinance; the phasing, and that we will continue working on the bigger picture. So we will put the new working in for one year, and unless we come back and amend the Ordinance, we go back to the old language.

Chairperson Marchio questioned if there were consensuses with Mr. Barrett's ideas, and all the members agreed.

Mr. Tolhurst believed that an interim ordinance would be appropriate.

(Break taken at 1:00 p.m.)

(Mr. Lane left at 1:00)

(Reconvened at 2:05 p.m.)

B. Extension of Existing Old Growth Interim Ordinance Section 71.2 for 60 Days

Vegetation Program Manager Gerald Dion presented the staff summary, extension of Existing Old Growth Interim Ordinance Section 71.2, as well as a slide show.

Mr. Poppoff questioned if this could really be completed in 60 days, and Mr. Dion believed that we will have something in place in 60 days, but we may not have complete consensus.

A discussion ensued.

Chairperson Marchio opened the meeting up to a public hearing.

Ms. Shirley Taylor, a private landowner in the Basin on the South Upper Truckee Road, stated she is hear to state that the private landowners are alive and well, even though there are only two of us that have consistently been attending these meetings; for me, over two years; and for J.B. Lukenberry, for over a year, and we have some grave concerns. We have been trying to beat out some provisions for our part as far as landowners' capability of doing some harvesting, if we can, and simply just cutting some firewood to help support the property. We hope that can be accomplished. If there is to be a workshop in April, she suggested that the APC plan a lot of time for that because there will be quite a few more people here in defense of the private landowner, and there are still a lot questions that the Forest Heath Consensus Group needs to address before this can come before the final Board.

Mr. Poppoff questioned Ms. Taylor if they could solve the problems if they had more time, and Ms. Taylor believed that personally, the Forest Health Consensus Group needs more time. In fact, she believed that they should go on overtime with the Forest Health Consensus Group meeting between now and the first part of May to really cover this thoroughly. There are a lot of questions that have not been answered. She thinks perhaps someone other than herself should make a definite decision as to whether more of an extension is made. We are going to have to do something to cover all of the territory that needs to be covered.

Mr. Honcoop asked Ms. Taylor if the unanswered questions are questions that have not been dealt with or there has not be consensus on. Ms. Taylor replied that as far as consensus is concerned, she wondered if there would ever be consensus with the group because members of the group have indicated that as long as the Ordinance contains flexibility for private landowners, there would not be consensus. The private landowners turn around and say if there isn't some flexibility for them, they will not consensus. On that alone, there is this dilemma. As far as other questions that she brought up to Mr. Dion, was the situation of prescribed fire, and a possibility of the Air Resources Board saying no more slash burning, no more prescribed fires, especially here in the Basin; that is still something that needs to be addressed. Mr. Dion said that he would do that apparently after this is taken care of. Down wooding material is another great concern of

hers. There is so much out there at the present time, and they want to add more. She is sure that the State and local fire agencies are going to have concern about that. These are some of the things Ms. Taylor believes need to be addressed.

Mr. Dave Roberts, representing the League to Save Lake Tahoe, stated that as the Commission has heard, there are still some issues that need to be addressed. That is certainly what their intent is, and has been with the Forest Health Consensus Group all along. We are exploring new territory here, and as such, it is a very difficult process. There are details, which need to be addressed that we have not been able to get to yet, because the process just takes so long. He shares Ms. Taylor's concerns. Mr. Roberts believed that we might need some more time. He is not up here to ask for that at this point. He believed that over the next two months, we are going to work very diligently to try to address these concerns. The group has been very willing to spend a great deal of its time; in fact, over 70% of the time spent in the last year has been dealt with trying to deal with private property issues in this regard, and how do you meet a threshold for old growth while simultaneously cutting down large trees. It is a very difficult concept. It is something that needs to be analyzed in detail. In addition, it is something that when you codify it, it's something that needs to be looked in its entirety before hand so that Ms. Taylor and the private property owners have their level of comfort and as does the Sierra Club, and as does the other stakeholders in the group. So over the next two months, we are going to try to do that. We have been using the framework as a guide, and at this point, that is probably the preeminent scientific research on how to address concerns that we have in the Tahoe Basin that go the entire length of the Sierra Nevada. That's an analysis which has been built upon from Sierra Ecosystem project, and then directly into the framework. It is probably the best science that we have on this subject right now. We have been trying very heavily to move forward with this process. But, again, there are some roadblocks that he can see. There are some bumps in the road that need to be addressed. We are going to do our best to do so. As Shirley mentioned, there are concerns with standards set. Mr. Roberts appreciated the APC's and Governing Board's patience on this, and he didn't think that there was any lack of effort to try to deal with these issues, and there certainly won't be over the next two months. But he does anticipate there will probably be some controversy.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. Cole, with a second by Mr. Wysocki, to recommend to the Governing Board extension of Existing Old Growth Interim Ordinance Section 71.2 for 60 days. The motion carried unanimously.

C. Amendment to Chapter 22 for the City of South Lake Tahoe Ice Rink

Recreation Program Manager Peter Eichar presented the staff summary amending Chapter 22 for the City of South Lake Tahoe Ice Rink. Ms. Baldrica commented that she has been on the APC for many years and has heard many of these amendments come before the APC, and it seemed to her that every time there is a need out there, we kind of do patch work amendments, which bothers her. But she also knows that she was a part of a group that looked at this, and there were a lot of consensuses building in coming up with particular kinds of rooflines and how they should look. This has been amended a number of times. As we start putting in amendments for more and different

kinds of structures, she is feeling uneasy, coming from the Historic Preservation standpoint, and questioned what kinds of provisions were there for designing some of these buildings that will not diminish the character of the historic buildings or neighborhoods in which they might be set in. Ms. Baldrica questioned what kinds of considerations are being given in terms of historic preservation. Ms. Eichar responded that the considerations of this specific code have to do with view blocking, and things like that. He commented that there are other community design standards. There could potentially be some specific location features in the plan area statements that might state to stay consistent with the Tahoe, Alpine character of architect. There are also design review guidelines that look at the roof pitches; the materials; the colors; the size of the buildings. Mr. Eichar continued that there are other documents in place but you won't see them in this Code. Mr. Barrett stated that when we do a project, the environmental checklist is applied to everything, but single-family dwellings, as an historic impact. We have a chapter written on historicals, but it basically all relates to one particular structure, and not the structure next door. We don't have Code language that says make a finding in order to approve a project that it doesn't impact an adjacent historical property. Ms. Baldrica replied that her concern is that we are branching out in terms of some of these exceptions with all of these amendments. She would like to see some provision in the Ordinance in keeping within current design standards or giving some sort of consideration to design standards or community plans and ensuring that when these buildings are constructed, some consideration be given as to whether or not they are built around historic structures.

Chairperson Marchio opened the meeting up for a public hearing.

Ms. Elizabeth Hale, from Tahoe City, was wondering what the difference in cost would be for the skating arena in South Lake Tahoe if they had to lower the building or if they were able to built it at surface level and build it higher. Mr. McDowell believed that what we are talking about is a Code amendment; we are not talking about a project. What is pushing this is a project, but what is under consideration is whether or not to change the Code. He stated that if it is a question about a project that is not what is before the APC to decide today. Ms. Hale is curious why we are making these changes. Mr. Marchio replied that this gets back to what we were discussing previously, and that is we believed that there was an inequity in the Code in the way it was drafted. We are not trying to deal specifically with the City, but more of it appears to be an inequity in the Code. If the City could have had TRPA agree that their ice-staking rink is a public service use, we wouldn't be here presenting this amendment. But, unfortunately, TRPA classifies that as a recreational use. Those two things didn't make sense to a planner, in Mr. Marchio's position, or the TRPA's position, and that terminology didn't make sense. So this was a solution to fix that problem of inequity; it is not site specific to the City of South Lake Tahoe.

Ms. Lisa O'Daly, representing the City of South Lake Tahoe, stated that she was here to answer any questions or concerns that were raised.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. Jepsen, with a second by Mr. Morgan, to recommend approval to the Governing Board to approve amendment to Chapter 22 for the City of South Lake Tahoe Ice Rink. The motion carried unanimously.

E. Amendment of PAS 170, Tahoe Park/Pineland, to Create a Special Area Where "Schools-Kindergartens to Secondary", Would Be a Special Use and Add Special Policy Language to Address The Above Use

Recreation Program Manager Peter Eichar presented the staff summary amending Plan Area Statement 170, Tahoe Park/Pineland, to create a Special Area where "Schools-Kindergartens to Secondary" would be a Special Use and add Special Policy Language to address the above use.

A discussion ensued.

Chairperson Marchio opened the meeting up for a public hearing.

Ms. Leah Kaufman, representing Kings Retreat, passed around a site plan, which she believed would help the APC make a decision. As part of the temporary use for the school permit, the Fire Department did come out, when through the classrooms, and issued a Will Service and issued a correction notice, and all of those things have been taken care, and upgraded. In terms of the appropriate land use off street parking, Ms. Kaufman stated that when she started planning this was an actual camp. It went through a series of owners, and didn't do very well. The conditional use permit was issued by Placer County for a 100 person weekly or daily camp. They are proposing to do a secondary school, which is a charter school under the Tahoe Truckee Unified School District. As such, there is an exemption from some of the traditional planning; they are not exempt from the Building Department but they are exempt from some of the zoning due to the fact that they are a charter school under the Tahoe Truckee Unified School District. A charter school could be held anywhere. This facility is perfect. There is a highway; there are no neighboring concerns; they keep the noise down; they are doing BMPs. In terms of the acknowledgement of the permit, she worked with three different TRPA staff planners, and she believed that she got lost in the shuffle. Every single item was submitted to TRPA for acknowledgment of the permit. Ms. Kaufman is not sure what happened, but everything that TRPA asked for, which was very little, was submitted; that was a landscape plan; three sets of site plans; no filing fees, and she asked for an extension of time. That extension of time would get them through this entire school year. She doesn't know what happened, but Ms. Kaufman feels like they did everything they could, and they just got shuffled through too many TRPA staff people.

Ms. Hale, who lives in Tahoe Park, is wondering how the use of the property across from Kilner Park is going to affect Kilner Park's use. It does affect the neighborhood, and it does affect the people on the other side of Kilner Park. Ms. Hale questioned why TRPA was only notifying the people who are direct neighbors, and there are very few of them. She believed that the community should know what is going on. Mr. Eichar replied that any public hearing item is required to have properties located within 300 feet of the property boundary noticed, so everybody within a 300-foot circumference of this property were noticed. Kilner Park is a big park, and a lot of people would not be noticed. Mr. Eichar believed that only about 10 or 12 properties were actually noticed. In addition, it was noticed in the newspaper as an agenda item.

Mr. Barrett replied that it only had to be noticed in the paper. But as a practice, when we are talking about a specific area or parcel, we use the 300-foot notice requirement and put a notice in the newspaper stating that the item would be heard at the APC meeting.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. McIntyre, with a second by Mr. Honcoop, to recommend approval to the Governing Board to approve Amendment to PAS 170, Tahoe Park/Pineland, to create a special area where "Schools-Kindergartens to Secondary", would be a Special Use and add Special Policy Language to address the above use. The motion carried unanimously.

F. Amendment to the Boundary Line for Stateline/Ski Run Community Plan for a Deed Restricted Affordable Housing Project

Senior Planner Coleen Shade presented the staff summary amending the boundary line for Stateline/Ski Run Community Plan for a Deed Restricted Affordable Housing Project.

Mr. Lohman questioned if a lot of the housing in the area was affordable-type housing and not necessarily designed as affordable housing, and Ms. Shade stated that there are a number of multi-family types of development in that area, as well as hotels down Ski Run Boulevard. It would not be inconsistent with the housing currently in the area, Mr. Lohman questioned, and Ms. Shade replied that it is staff's opinion that this would not be inconsistent with the existing surrounding land uses.

Chairperson Marchio opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Marchio closed the public hearing.

MOTION by Mr. Wysocki, with a second by Ms. Baldrica, to recommend approval to the Governing Board to amend the Boundary Line for the Stateline/Ski Run Community Plan for a Deed Restricted Affordable Housing project. The motion carried unanimously.

Mr. Wysocki was pleased to see something coming forward from all these consensus groups we have been having on affordable housing and the CP amendments.

VI. PLANNING MATTERS

A. Discussion of Transit Oriented Development Findings Required To Amend Plan Areas Wherein Multi-Family Development is not Currently a Permissible Use

Recreation Program Manager Peter Eichar presented the staff summary discussion of TOD.

Mr. Cole believed that this is a lot close to something he feels comfortable with, and he almost believes that this operational transit item ought to be left the way it is. It needs to be the kind of thing that does provide for some discretion so that when a project comes along you consider that under project review and make those transit determinations at that time. His concern is how long the deed restriction is for; otherwise, he is comfortable recommending that this go to the Governing Board. Mr. Barrett commented

that if the APC approves it, it will come back to the APC next month as a Code Amendment and public hearing, and then it will go to the Governing Board.

Chairperson Marchio opened the meeting up for a public hearing.

Mr. Mike McLaughlin, representing Feldman, Shaw & DeVore, was generally supportive of staff's proposed amendment, but had concerns over the definition of what's operational transit. He doesn't believe that it necessarily needs to be public transportation. He suggested that the developer could bring some sort of shuttle service to provide transportation to the people who are living in the affordable housing projects, or some sort of quasi shuttle service that the other people in the area could use, as well. Mr. McLaughlin would be more comfortable with a condition of approval so if there is no public transit or quasi public transit available to a specific project site currently or at the time that an application comes forward, the opportunities made available for the developer to provide that or get a will serve letter or something to that affect to rap up the process.

Mr. Marchio suggested using language such as "functional equivalent". Mr. Eichar replied that the way it is structured now, "functional equivalent" would only be available under 13.7(d)(3), and it doesn't come into play on the affordable housing scenario.

Since no one else wished to comment, Chairperson Marchio closed the public hearing.

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Executive Director Juan Palma introduced Ms. Susan Morandi, Governing Board Chairperson Dean Heller's assistant, who was in the audience, representing Mr. Heller, who had since left the meeting. Mr. Carl Hasty has been selected as TRPA's Deputy Director, and is a welcome addition to staff. Mr. Palma thanked Gabby Barrett for all of his time and effort to being the Acting Deputy Director for the last 12 months. He could not have done it without Gabby and sincerely appreciated all of his help and dedication not only to TRPA, but to Lake Tahoe, as well. He commended Gabby for his dedication and efforts. In addition, there are some changes that are beginning to take place at the TRPA offices. We are having new signs put up, as well as pictures on the walls. Our telephone system is also being changed in the months to come. TRPA has a new office manager, Carol Watkins, who addresses all of the issues related to the office, and one of the things she is doing is putting together a program where TRPA selects a student from the local schools to paint a mural at the TRPA offices about Lake Tahoe. The student who is chosen will be rewarded monetarily, and Juan is asking for a volunteer from the APC to participate in the selection process.

B. Legal Counsel

Agency Counsel John Marshall stated that when we are dealing with situations such coverage, we can't shy away from addressing a threshold issue. Those threshold issues can come back to bite us if we don't find someway to make the findings. We need to take action, otherwise we will find ourselves in a problem, but he doesn't want to come out and say that we can't approve any more projects. We have to realize that when we get close to those threshold issues, we have to take serious the need to do something to maintain whatever mitigation benefit is there.

C. APC Members

Mr. Marchio commented that Gabby Barrett is really an institution here, and he has a lot of background and history that he downplays. But as an APC member, hearing his rationale and the reasons he has done something a certain way, it is valuable. He hopes that somehow we don't lose that in this transition to Carl. It is so important for the APC to understand why we did some of these things 10 years ago, and Gabby has that memory and knowledge. Gabby has provided fantastic service to this APC board, and we shouldn't lose that.

Mr. Morgan agreed with Mr. Marchio's comments.

Mr. McDowell he would like to bring to the APC's attention that there is a 30-page document of what's on the TRPA staff's agenda for the year. He found it very valuable, and he asked the APC if they were interested in receiving a copy of this document to see the hundreds of tasks that staff is committed to do. He believed that if the APC had an understanding of what they are about, it would help everyone as APC members. The Forest Service and TRPA had a joint meeting that Mr. McDowell believed accomplished a lot, and he was looking forward to building on teamwork. Also, he would not be at the APC meeting in April, and Mr. Joe Oden will be taking his place.

Mr. Kehne asked the APC if they would be interested in a 10-15 minute presentation in April that would pertain to the BMP requirements. Mr. Barrett stated that this would be put on the agenda for April.

Mr. Poppoff agreed with Mr. Marchio's comments about Gabby. He hoped that the EIP continues and receives greater emphasis. He will not be at the meeting in April either.

Mr. Wysocki thanked Gabby for his help, also. Douglas County has adopted policies and procedures for their land bank, and they have been working with TRPA for the last couple of years. They received their first application to bank close to 300,000 square feet of coverage from the Glenbrook Golf Course. They take in the coverage and then notifying the public that coverage is available, and the negotiations are between the two private parties.

Ms. Baldrcia also thanked Gabby for his hard work, and appreciates his memory when there have been so many changes. Mr. Combs thanked Gabby, as well.

VIII. ADJOURNMENT - The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Sue Mikanovich

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

May 1, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of TRPA Vegetation Threshold, The Vegetation Subelement of the TRPA Goals & Policies, Code Section 71 Vegetation and other Related Amendments to Implement Regulations Regarding Late Seral/Old Growth Regulations

Proposed Action: Staff requests the Advisory Planning Commission review the proposed changes to the vegetation threshold, Goals and Policies, and Code of Ordinances regarding late seral/old growth forests and recommend adoption to the Governing Board.

Staff Recommendation: Staff recommends the Advisory Planning Commission recommend adoption to the Governing Board of the new threshold, goals and policies and amendments to the code of ordinances.

April APC and GB Meetings: The Advisory Planning Commission and the Governing Board conducted workshops at their April meetings. The proposed regulations were reviewed and the issues were discussed. Two primary concerns discussed were how to manage for late seral/old growth forests and the alternative planning process for private landowners.

Background: At the April 2000 meeting, the Governing Board extended the interim old growth regulation on condition that staff returns in May 2001 with changes which provide flexibility for private landowners to achieve the Thresholds, Goals and Policies. The Forest Health Consensus Group has been working to develop the regulation, and has been critical in the development of this regulation. The values of late seral/old growth forests were acknowledged in the 1991 and 1996 Threshold Evaluations. Scientific understanding of the importance of late seral/old growth forests has steadily increased over the last few decades. These ecosystems are critical habitat for a number of wildlife species, and more than 50% of the wildlife species within the basin utilize late seral/old growth forests during some part of their lifecycle. Because of past logging practices, late seral/old growth forests are a rare component of the Region's forests. Approximately 5% of the Region's forest are in a late seral/old growth condition. The proposed Threshold, Goals and Policies, and Code of Ordinances will provide for the protection and steady increase in this valuable forest ecosystem.

Discussion: This proposed regulation is the culmination of ten years of effort of planning for late seral/old growth forests. The Forest Health Consensus Group has been working on this issue for five years in a consensus process. An amendment to the common vegetation threshold, focused on late seral/old growth forests, was adopted in 1997, and in 1998 an addition to Chapter 71 of the Code of Ordinances restricted the cutting of trees over the 30 inches diameter at breast height. This ordinance is set to expire May 31st.

GD/dmc

AGENDA ITEM V.A.

The Forest Health Consensus Group has developed a new vegetation threshold, two new goals, eight new policies, and changes to the Code of Ordinances in Chapters 2, Definitions; Chapter 4, Project Review; Chapter 12, TRPA Regional Plan Maps; Chapter 16, Specific and Master Plans, Chapter 71, Tree Removal; Chapter 78, Wildlife Resources (see Attachments A and B).

Currently it is estimated that 5% of the forest with the Basin is in late seral or old growth condition (USDA, *Watershed Assessment*). The method for assessing attainment will be the same method used by the USDA and will focus on the number of large trees per acre. Progress towards attainment of this threshold will generally be increasing as the Region's forests age, and it is projected that attainment could be reached within 50-60 years. This estimate is based an assumption that a stand age of 150 years is when stands begin exhibiting late seral characteristics, and that a majority of forest stands with the Region are between 100 and 120 years old.

There are five primary differences between the existing ordinance and the proposed ordinance:

1) The restriction on the eastside forest is 24 inches diameter breast height and for westside forest the restriction is 30 inches diameter breast height (see attached map for eastside vs. westside forest types);
2) There are 10 exemptions allowing for safety and fuel reduction;
3) There are two alternative planning processes to achieve the threshold, and goals and policies for private lands;
4) In urban plan areas large trees are favored for retention, and areas greater than 5 acres are encouraged for old growth management;
5) Snags and down woody debris standards are addressed with flexibility for fire safety;

Findings: Prior to amending the Threshold, Goals and Policies, and Chapters 2, 4, 12, 16, 71 and 78, TRPA must make the following Findings.

A. 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: The new Threshold, Goals and Policies will help protect and increase a valuable vegetation components of the Region. This code amendment expands the areas that the interim ordinance covered and reduces the size limit of protected trees in the eastside forest types.

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

Rationale: The proposed Goals and Policies, and Code of Ordinances are to be amended to assist in attaining the proposed late seral/old growth threshold.

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: The proposed regulation is the strictest standard in the Region.

4. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: The proposed Goals, Policies, and Code of Ordinances are helping attain the vegetation thresholds.

5. Finding: 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: The proposed regulation will help attain the vegetation thresholds by expanding the area the regulation applies and reduces the size limit of protected trees in the eastside forest type. The new Goals and Policies helps articulate how the vegetation thresholds should be attained.

B. 82-11 Findings

Finding: After such review, the pertinent environmental threshold standards shall be amended where scientific evidence and technical information indicates:

a. two or more threshold standards are mutually exclusive; or

b. substantial evidence to provide a basis for a threshold standard does not exist; or

c. a threshold standard cannot be achieved; or

d. a threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value.

Rationale: d, The existing threshold standard is not sufficient to maintain late seral/old growth values. The proposed standard articulates a numerical standard for these valuable resources within the Region. The standard in the proposed threshold also describes the appropriate distribution of late seral/old growth forests over three elevation ranges. The existing standard for late seral/old growth forests is a management standard focused on retention of large trees. In combination, with the proposed Goals and

Policies, and Code of Ordinances, the proposed standard will provide clear protection of late seral/old growth forest values.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

If you have any questions regarding this agenda item, please contact Gerald Dion at (775) 588–4547 or, jdion@trpa.org.

Attachments:
A. Resolution Adopting LSOG Threshold, with Exhibit 1
B. Adopting Ordinance, with Exhibit 1 - Goals and Policies; Exhibit 2, Code of Ordinances and Map
C. Letter from J. Lekumberry
D. Letter from Foothill Resource Management
E. Table and Map of Land Uses

GD/dmc

AGENDA ITEM V.A.

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 2001-_____

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY ADOPTING A NEW VEGETATION THRESHOLD

WHEREAS, the Governing board of the Tahoe Regional Planning Agency (TRPA) finds that:

1. On August 26th, 1982, pursuant to Article V(c) of the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980), the Governing Board adopted Resolution 82-11 which set forth the environmental threshold carrying capacities for Region; and
2. In Resolution 82-11 the Governing Board found that in adopting the threshold it was establishing a long-term program for the protection and enhancement of the significant values of the Region, and that the "program will be reviewed from time to time to ensure its consistency with the currently available scientific evidence and technical and other information"; and
3. In Resolution 82-11 the Governing Board further found that "attainment of the Environmental Threshold Carrying Capacities prior to the dates scheduled in the Regional Plan, while beneficial, in not required."; and
4. In Resolution 82-11 the Governing Board recognized the need for and importance of the cooperation of the local governments, the two states and the federal government; and
5. In Resolution 82-11 the Governing Board called for a periodic review of the thresholds at least every five years and for a monitoring program to assess progress toward threshold attainment and maintenance; and
6. After such review, the pertinent environmental threshold standards shall be amended where scientific evidence and technical information indicates:
    a. two or more threshold standards are mutually exclusive; or
    b. substantial evidence to provide a basis for a threshold standard does not exist; or
    c. a threshold standard cannot be achieved; or
    d. a threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value.
7. A TRPA environmental checklist was prepared in accordance with the substantive and procedural requirements of Article VII of the Compact, Chapter 5 of the TRPA Code, and Article VI of the Rules of Procedure; and
8. Both the Advisory Planning Commission and the Governing Board conducted noticed public hearing on the proposed threshold amendment.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby amends Exhibit A of the Resolution as shown on Exhibit 1 attached hereto and incorporated herein with added language underlined and deleted language stricken.

Passed and adopted by the Governing Board of the Tahoe Regional Planning Agency at its regular meeting held on this 23rd day of May by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____

Dean Heller, Chairman
Tahoe Regional Planning Agency

Language to be deleted is struck through in red; new language is in blue.

EXHIBIT A
TO RESOLUTION NO. 82-11

RESOLUTION OF THE GOVERNING BODY OF THE TAHOE REGIONAL PLANNING AGENCY ADOPTING ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES FOR THE LAKE TAHOE REGION

VEGETATION PRESERVATION

Common Vegetation

MANAGEMENT STANDARD
Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance, and pattern.

~~Provide for promotion and perpetuation of late successional/old growth forests. The goal is to increase late successional/old growth conditions across elevational ranges of the Lake Tahoe Basin forest cover types.~~

~~Individual trees greater than 30" dbh shall also be favored for retention because of their late seral attributes.~~

Late Seral and Old Growth Forest Ecosystems

NUMERICAL STANDARD
Attain and maintain a minimum percentage of 55% by area of forested lands within the Tahoe Region in a late seral or old growth condition, and distributed across elevation zones. To achieve the 55%, the elevation zones shall contribute as follows:

- The Subalpine zone (greater than 8,500 feet elevation) will contribute 5% (7,600 acres) of the forested lands;
- The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30% (45,900 acres) of forested lands;
- The Montane zone (lower than 7,000 feet elevation) will contribute 20% (30,600 acres) of forested lands.

Forested lands within TRPA designated urban areas are excluded in the calculation for threshold attainment. Areas of the montane zone within 1,250 feet of urban areas may be included in the calculation for threshold attainment if the area is actively being managed for late seral and old growth conditions and has been mapped by TRPA. A maximum value of 40% of the lands within 1,250 feet of urban areas may be included in the calculation.

Because of these restrictions the following percentage of each elevation zone must be attained to achieve this threshold:

- 61% of the Subalpine zone must be in a late seral or old growth condition;
- 60% of the Upper Montane zone must be in a late seral or old growth condition;
- 48% of the Montane zone must be in a late seral or old growth condition;

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 01 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING TRPA GOALS AND POLICIES; TO AMEND THE CODE OF ORDINANCES CHAPTERS 2, 4, 12, 16, 71, 78; FOR THE PROTECTION OF LATE SUCCESSIONAL/OLD GROWTH (LSOG) FORESTS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the TRPA Code of Ordinances and the TRPA Goals and Policies to provide for the protection of late seral/old growth forests and large trees, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of the TRPA Goals and Policies, Chapter 4, Conservation Element

Subsection 6.10(1), subparagrah (___), of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated May 2, 2001, which Exhibit 1 is appended hereto and incorporated herein.

Section 3.00 Amendment of the TRPA Code of Ordinances, Chapters 2, 4, 12, 16, 71, and 78, as related to ordinance for the protection of late successional/ old growth (LSOG) trees.

Subsection 6.60, of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 2, dated May 2, 2001, which Exhibit 2 is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code of Ordinances adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Code of Ordinances shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Code of Ordinances are hereby declared respectively severable.

Section 5.00 Effective Date

The provisions of this ordinance amending the Goals and Policies shall be effective immediately; and those amending the Code of Ordinances shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held May 23, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency

New language is in blue.

CHAPTER IV
CONSERVATION ELEMENT

The purpose of this Element is to plan for the preservation, development, utilization, and management of the scenic and other natural resources within the Basin. To achieve this end and to minimize the threat that increasing urbanization has on the ecological values of the Region and the public opportunities for use of public lands, ten Subelements were selected to cover the full range of Lake Tahoe's natural and historical resources. For each Subelement, specific policies are outlined to help guide decision-making as it affects that particular resource.

VEGETATION

Vegetation is integral to the many scenic, wildlife, and recreational amenities in the Lake Tahoe Basin. Vegetation also fulfills many functional roles related to water cleansing, soil stabilization, nutrient catchment and release, air purification, and noise control. The focus of vegetation preservation in the Basin is to protect and maintain these and other attributes...

GOAL #4

PROVIDE FOR AND INCREASE THE AMOUNT OF LATE SERAL/OLD GROWTH STANDS WITHIN THE LAKE TAHOE BASIN.

Late seral/old growth forest stands are rare in the basin, but provide high quality habitat for many wildlife and plant species. In the year 2000, it was estimated that less than 5% of the forest stands could be conservatively classified as late seral/old growth. The desired future condition for forested lands within the basin is that the forests should reflect the pre-settlement conditions to the degree possible. The best available estimate of the amount of late seral/old growth forest in pre-settlement times is 55% of the total forest. With the existing state of the basin's forest dominated by mature, even aged stands, active management is necessary to increase the amount of late seral/old growth forest.

POLICIES

1. **STANDS EXHIBITING LATE SERAL/OLD GROWTH CHARACTERISTICS SHALL BE MANAGED TO ALLOW THESE STANDS TO SUSTAIN THESE CONDITIONS.**

   The existing forest stands that exhibit late seral/old growth characteristics are rare in the basin and should be protected. These stands act as a refuge for late seral/old growth species and will be critical for future restoration of additional late seral/old growth stands.

2. **STANDS NOT EXHIBITING LATE SERAL/OLD GROWTH CHARACTERISTICS SHALL BE MANAGED TO PROGRESS TOWARDS LATE SERAL/OLD GROWTH.**

   Forest stands that do not currently exhibit late seral/old growth characteristics, and that can reasonably be expected to produce late seral/old growth characteristics, should be managed to move the stand towards increasing late seral/old growth characteristics. Active management is the primary vehicle for producing the desired future conditions. Management may entail thinning of smaller trees, alteration of the species composition, and other ecosystem manipulations.

3. **PRESCRIPTIONS FOR TREATING THESE STANDS WILL BE PREPARED ON A STAND-BY-STAND BASIS. EACH PRESCRIPTION WILL DEMONSTRATE/EXPLAIN HOW IT WILL PROMOTE LATE SERAL OR OLD GROWTH CHARACTERISTICS PRIOR TO APPLYING ANY MECHANICAL TREATMENT OR PRESCRIBED FIRE. STAND-SPECIFIC PRESCRIPTIONS WILL BE DEVELOPED USING THE BEST AVAILABLE FOREST AND ECOSYSTEM MANAGEMENT SCIENCE, STRATEGIES, STANDARDS AND GUIDELINES.**

   Late seral/old growth forest management applies best available scientific information to identify valued characteristics of late seral/old growth forests, and to manage for these characteristics. Site capabilities, habitat requirements of old growth-associated wildlife species, forest science including silviculture, and available information on general and site-specific pre-settlement forest structures and patterns provide guidance to site-specific management. The *Sierra Nevada Ecosystem Project Report* (2000), the *Lake Tahoe Watershed Assessment* (December 2000), and the Sierra Nevada Forest Plan Amendment (January 2001), apply scientific and forest management literature to identify important late seral/old growth forest characteristics. These documents also provide examples of management strategies, standards and guidelines for promoting these characteristics.

4. **RETAIN LARGE TREES AS A PRINCIPAL COMPONENT OF LATE SERAL/OLD GROWTH ECOSYSTEMS.**

   Large trees are one of the defining components of late seral/old growth ecosystems. Without large trees present a forest stand cannot be classified as late seral/old growth. Many of the other components of late seral/old growth ecosystems are derived from large trees, including snags, down woody material, and soil conditions. The retention of large trees is a critical management strategy to achieve the late seral/old growth threshold.

5. **RETAIN TREES OF MEDIUM AND SMALL SIZE SUFFICIENT TO PROVIDE FOR LARGE TREE RECRUITMENT OVER TIME, AND TO PROVIDE STRUCTUAL DIVERSITY. PREFERABLY, THESE TREES WILL BE THE MOST VIGOROUS IN THE STAND USING ONE OF THE STANDARD TREE CLASSIFICATIONS. IN ADDITION, SPECIES COMPOSITION SHOULD BE KEY CONSIDERATION IN TREE RETENTION.**

   The forests of the Lake Tahoe Region are largely even-aged as a result of forest regeneration after logging followed discovery of the Comstock Lode. The large trees of today have finite life spans, and must eventually be replaced. Additionally, appropriate diversity of small, medium and large trees provides vertical structural diversity for wildlife.

   Tree species composition is an important characteristic of forests, affecting wildlife uses and forest health. Promoting and perpetuating late seral/old growth forest conditions requires the future provision for a desired species composition, now and the future. Prior to settlement, natural events provided a well-adapted species mix. Today, forest planning for future conditions is needed because humans have changed the balance of forces operating in the forest that would produce the desired future condition for the forest.

6. **USE OF PRESCRIBED FIRE IS PREFERRED TO REDUCE FIRE HAZARD AND PERPETUATE DESIRED NATURAL ECOLOGICAL PROCESSES. MANUAL AND MECHANICAL TREATMENT MAY BE USED TO REDUCE FOREST FUEL LEVELS AND TO IMPROVE LATE SERAL FOREST CONDITIONS IN ADDITION TO, OR IN LIEU OF, PRESCRIBED FIRE.**

   Fire is an effective and efficient tool to reduce forest fuels and thus fire risk. Additionally, fire is a natural ecological process that historically shaped the distribution and structure of vegetation and wildlife communities in the Sierra Nevada and Lake Tahoe basin. Use of prescribed fire or mechanical treatment to control and reduce forest fuel buildup will benefit forested communities by reducing the potential for catastrophic stand replacing fire events.

GOAL #5

THE APPROPRIATE STOCKING LEVEL AND DISTRIBUTION OF SNAGS AND COARSE WOODY DEBRIS SHALL BE RETAINED IN THE REGIONS FORESTS TO PROVIDE HABITAT FOR ORGANISMS THAT DEPEND ON SUCH FEATURES AND TO PERPETUATE NATURAL ECOLOGICAL PROCESSES.

Relatively large snags (standing dead trees) and large downed woody debris (decaying logs on the forest floor) provide essential habitat features for a wide diversity of forest dwelling organisms. Decaying snags and course woody debris provide soil amendments and recycle nutrients necessary to perpetuate improved forest health. Upland sources of dead wood contribute to slope stability and soil surface stability, which prevent soil erosion and controls storm surface runoff. In stream environment zones, dead wood plays a major role in the development of streambed morphology and thus the creation and maintenance of required aquatic and riparian habitat.

POLICIES

1. **ALLOW FOR A SUFFICIENT NUMBER AND AN APPROPRIATE DISTRIBUTION OF SNAGS THROUGHOUT THE REGION'S FORESTS TO PROVIDE AND MAINTAIN HABITAT FOR SPECIES DEPENDENT ON SUCH FEATURES.**

   Tree mortality is a natural process in properly functioning forest ecosystems. This process is stochastic, can take several decades to occur in nature, and is not easily mimicked by humans. Retaining necessary habitat features that benefit a wide diversity of species is economically appropriate because it will circumvent the need for costly and intrusive habitat management programs, and will aid in achieving wildlife threshold goals.

2. **ALLOW FOR AN APPROPRIATE AMOUNT, LEVEL AND DISTRIBUTION OF COARSE WOODY DEBRIS (DOWNED WOODY MATERIAL) THROUGHOUT THE REGION'S FORESTS TO MAINTAIN BIOLOGICAL INTEGRITY, TO STABILIZE SOIL, AND TO AFFORD A REASONABLE LEVEL OF FIRE SAFETY.**

   Large downed woody debris (fallen logs) in various stages of decay contribute to structural diversity of forest ecosystems, which is required by a wide variety of terrestrial, semi-terrestrial and aquatic species. Additionally, as logs decompose, organic matter is slowly incorporated into the soil, which replenishes the productive capability of the soil and perpetuates a functioning forest ecosystem.

Language to be deleted is struck through in red; new language is in blue.

Chapter 71
TREE REMOVAL

~~71.2 Interim Ordinance for the Protection of Late Successional/Old Growth (LSOG) Trees: In order to begin implementation of TRPA's LSPG threshold, the following interim regulation will govern forest management activities and projects. The threshold requires that planning and implementation activities promote and perpetuate LSOG forests. Where Section 71.2 conflicts with other Code provisions this interim ordinance supercedes those provisions. This interim ordinance expires on May 31, 2001.~~[§]

71.2 Late Seral/Old Growth Enhancement and Protection: In addition to other code sections the following standards will govern forest management activities and projects.

71.2.A Standards for Conservation and Recreation Lands: Within lands classified by TRPA as conservation ~~and~~ or recreation land use or Stream Environment Zones ~~and riparian areas~~, any live, dead or dying tree greater than or equal to 30" ~~(~~inches~~)~~ diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree greater than or equal to 24 inches diameter at breast height in eastside forest types shall not be cut. Except as follows:

(1) ~~This provision does not apply to TRPA designated residential, commercial and public services, tourist accommodation areas. Lands. recreation residence tracts, developed recreation facilities, including ski areas, campgrounds, and urban interface areas.~~ Trees and snags larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees 30 inches dbh or larger in the westside forest types and 24 inches dbh or larger in eastside forest types trees shall be fully considered. Urban interface areas are defined as: all undeveloped lands within a ~~0.5 km~~ 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service ~~tourist accommodation lands, and recreation residence tracts~~ plan area boundaries.

(2) ~~Where 71.2.A provision does apply, hazard~~ A tree ~~greater~~ larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated or removed if TRPA and the land manager determine the tree pose an unacceptable risk to ~~humans, improvements or personal property~~ occupied or substantial structures or areas of high

[§]Amended 5/27/98 and 4/26/00

human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. . Where a land manager determines that a ~~hazard~~ tree constitutes a physical emergency (e.g. imminent threat of falling on ~~people or property~~ occupied or substantial structures, or people), ~~he may document that condition with photography and remove the hazard tree immediately. Documentation shall be submitted to TRPA within two working days.~~ the land manager may remove the tree but must provide photographic documentation to TRPA within two working days.

(3) Where immediate treatment and removal is warranted to help control an outbreak, severely insect-infested or diseased trees may be removed. Trees to be felled, treated or removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.

(4) Trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated or removed. This determination must be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.

(5) In limited cases, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates, that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by a qualified interdisciplinary team, be part of a public review process, and cut only the large trees necessary to achieve ecosystem objectives at a specific site. Each tree greater than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved by TRPA. The marking of these trees shall be done by TRPA.

(6) In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA-approved master plan, trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

(7) In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut if the removal is consistent with 78.2.D.

(8) Large trees may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

(9) Tree Removal During Emergency Fire Suppression Activities: Trees may be removed when an emergency fire suppression need exists as determined by the local, state or federal fire suppression agency involved in a fire suppression activity.

(10) Private landowners may cut trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes articulated in 71.2.C.

71.2.B Standards for Non-SEZ Urban Lands: Within non-SEZ urban areas:

(1) Vacant forested land, larger than 5 acres should be considered and planned for late seral or old growth characteristics provided this management does not present an unacceptable fire threat.

(2) Individual trees larger than 30 inches dbh that are healthy and sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless 1) all reasonable alternatives are not feasible to retain the tree, including reduction of parking areas or modification of the original design, or 2) paragraphs 71.2.A (1), 71.2.A (2), 71.2.A (3), 71.2.A (7), 71.2.A (8), or 71.2.A (9) can be applied.

71.2.C Alternative Private Landowner Process: A private landowner may follow the regulations within Subsections 71.2.A or a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

(1) A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 16 of TRPA Code of Ordinances except as follows:

a. In relation to Subsection 16.7.A.(1) only the private landowner may initiate the private forest management planning process.

b. In relation to Subsection 16.7.A.(2) the steering committee shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and US Forest Service if the private land is adjacent to US Forest Service land.

c. In relation to Section 16.8, the content of a forest master plan is described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Subsection 16.9; shall provide guidelines for salvage harvest, insect control and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial

timber management plan that contains enough information to make the required findings of Subsection 16.9 can be submitted provided it is developed with approval of the steering committee.

d. The harvest practices shall comply with local and state regulations.

e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.

f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

(2) Private landowners may prepare a limited forest plan when the total volume of harvested trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types is less than 10% of the volume of the trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types over a ten year period. Individual trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved by TRPA on a tree-by-tree basis consistent with the forest plan. The following must be included a forest plan:

a. Description of harvest activities;

b. Description of management activities;

c. Explanation of how thresholds, goals and policies will be attained under the forest plan;

d. The expiration date of the plan. A minimum lifespan of 10 years and a maximum lifespan of 50 years will be accepted.

71.4.A (11) The promotion of late seral or old growth characteristics.

71.5 **Reasons For Tree Removal**: Except for trees identified for retention section 71.2, trees may be removed for the following reasons:

Chapter 78
WILDLIFE RESOURCES

78.2.D Snags and Coarse Woody Debris: **Snags and Coarse Woody Debris shall be protected and ~~preserved~~ retained as follows:** (Snag and Coarse Woody Debris decay classes referred to in Section 78.2.D are based on: Maser, C. and J. M. Trappe. 1984. The seen and unseen world of the fallen tree. USDA, Forest Service. Gen. Tech. Rep. PNW–164).

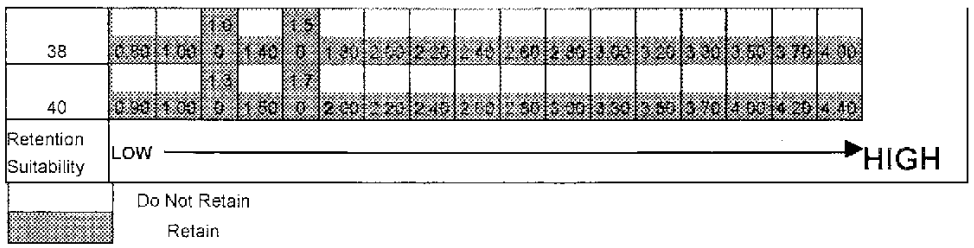
(1) ~~Standing dead trees with diameters eleven inches (d.b.h.) or greater, and more than 20 feet tall, shall not be removed except as provided in section 71.4 or when densities of snags in the immediate area exceed two per acre.~~ Snags shall be retained according to (a), (b) and (c), or (d):
   a. At a minimum, retain 4 of the largest hard snags per acre in westside forest types, 6 of the largest hard snags per acre in subalpine forest types, and 3 of the largest hard snags per acre in eastside forest types that are 15" dbh and greater, in decay class 2 through 5, averaged over a 10 acre area.
   b. Retain all soft snags in decay class 6 through 9 that are 24" dbh and greater in all forest types.
   c. Snags shall be retained randomly across the landscape such that a naturally occurring distribution is mimicked, after treatment.
   d. Exceptions to retention standards may be approved by TRPA as long as an evidentiary rationale for the exception is provided:
      i. to reduce fire risk,
      ii. to accomplish wildlife and fisheries habitat conservation objectives,
      iii. to mimic forest ecosystem function, such as prescribed fire, or
      iv. if the stand is not capable of supporting such levels.

(2) **Provision for the protection of snags suitable for wildlife habitat shall be incorporated into all tree harvest plans and projects as conditions of approval.**

(3) ~~Where appropriate, cull logs may be left for wildlife~~. Coarse woody debris shall be retained according to (a) and (b), or (c):
   a. Within westside and subalpine forest types, beginning with the largest downed logs identified within the range of suitable retention size classes in Table 78.2.D(3)-1, sequentially retain pieces of coarse woody debris in decay class 1 through 3, until an average of 15 ± 5 tons (approximately 5 – 10 logs) are retained over a treatment area.
   b. Within eastside forests types, retain at least 3 of the largest downed logs per acre within the treatment area.
   c. Exceptions to retention standards may be approved by TRPA as long as an evidentiary rationale for the exception is provided:
      i. to reduce fire risk,
      ii. to accomplish wildlife and fisheries habitat conservation objectives,
      iii. to mimic forest ecosystem function, such as prescribed fire, or
      iv. if the stand is not capable of supporting such levels.

Table 78.2.D(3)-1: Coarse Woody Debris log weights (tons) by size. Retention suitability increases with increasing log diameter and length. If available within a stand, sequentially retain coarse woody debris in decay class 1 trough 3 until 15 ± 5 tons remains after treatment. The shaded area in the table identifies desired size classes for retention.

	Length of Log (feet)																	
Diameter of Log at Large End (inches)	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	Retention Suitability
4	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.02	0.03	0.03	0.03	0.03	0.03	0.04	0.04	0.04	0.04	LOW
6	0.02	0.02	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.06	0.07	0.07	0.08	0.08	0.08	0.09	0.10	
8	0.04	0.04	0.05	0.06	0.07	0.08	0.09	0.10	0.10	0.10	0.10	0.10	0.10	0.20	0.20	0.20	0.20	
10	0.06	0.07	0.08	0.10	0.10	0.10	0.10	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.30	
12	0.08	0.10	0.10	0.10	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.30	0.30	0.30	0.40	0.40	0.40	
14	0.10	0.10	0.20	0.20	0.20	0.20	0.30	0.30	0.30	0.40	0.40	0.40	0.40	0.50	0.50	0.50	0.50	
16	0.10	0.20	0.20	0.20	0.30	0.30	0.30	0.40	0.40	0.50	0.50	0.50	0.60	0.60	0.60	0.70	0.70	
18	0.20	0.20	0.30	0.30	0.40	0.40	0.40	0.50	0.50	0.60	0.60	0.60	0.70	0.80	0.80	0.80	0.90	
20	0.20	0.30	0.30	0.40	0.40	0.50	0.50	0.60	0.70	0.70	0.80	0.80	0.90	0.90	1.00	1.00	1.00	
22	0.30	0.30	0.40	0.50	0.50	0.60	0.70	0.70	0.80	0.90	0.90	1.00	1.00	1.00	1.20	1.30	1.30	
24	0.30	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.00	1.00	1.20	1.30	1.30	1.40	1.50	1.50	
26	0.40	0.50	0.60	0.60	0.70	0.80	1.00	1.00	1.00	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.80	
28	0.40	0.50	0.60	0.70	0.90	1.00	1.00	1.20	1.30	1.40	1.50	1.60	1.70	1.80	2.00	2.00	2.00	
30	0.50	0.60	0.70	0.90	1.00	1.00	1.20	1.30	1.50	1.60	1.70	1.80	2.00	2.00	2.20	2.30	2.40	
32	0.60	0.70	0.80	1.00	1.00	1.30	1.40	1.50	1.70	1.80	2.00	2.00	2.20	2.40	2.60	2.70	2.80	
34	0.60	0.80	0.90	1.00	1.20	1.40	1.60	1.70	2.00	2.00	2.20	2.40	2.50	2.70	2.90	3.00	3.20	
36	0.75	0.90	1.00	1.30	1.40	1.60	1.80	2.00	2.00	2.30	2.50	2.70	2.90	3.00	3.20	3.40	3.50	


38
40
Retention Suitability
LOW
HIGH
Do Not Retain
Retain

Chapter 2
DEFINITIONS

Snag – a standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. **Hard snags** are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. **Soft snags** are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C. and J. M. Trappe. 1984. The seen and unseen world of the fallen tree. USDA, Forest Service. Gen. Tech. Rep. PNW–164).

Coarse Woody Debris – sound and rotting logs that provide habitat for plants, animals and insects, stabilize soils, and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

Eastside Forest Type – Eastside forest type are those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps 12.C.6).

Westside Forest Type – Westside forest type are those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps 12.C.6).

Sub-alpine Zone: The sub-alpine zone is all lands above 8,500 feet elevation.

Upper Montane Zone: The upper montane zone is lands between 8,500 feet and 7,000 feet elevation.

Montane Zone: The montane zone is all lands below 7,000 feet elevation.

Late Seral (successional)/Old Growth: Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-Growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

12.2.C Other Maps: The following maps are official maps of the TRPA but shall not be included in the TRPA Regional Plan Overlay Maps:

(1) IPES Maps: The IPES working maps include the Need for Water Quality Improvements (2" = 1 mile), Proximity to Lake Tahoe (2,000 scale) and Rainfall Factor (R) Map (2" = 1 mile).

(2) Geomorphic Unit Map: The geomorphic unit map (1971) indicates the type and location of geomorphic units (Scale: 2" = 1 mile).

(3) Natural Hazard Maps: The natural hazard maps indicate locations of avalanche zones, earthquake zones and flooding zones (2,000 scale).

(4) Pierhead Line Aerial Photographs: Approximate scale 1" = 400'.

(5) Source Water Assessment Maps: The Source Water Assessment Maps indicate the location of drinking water sources serving five (5) or more user service connections in the Region, protection zones around each source, and uses with a higher propensity to contaminate source water. Approximate scale 1" = 2,000'.[§]

(6) Westside and Eastside Forest Type Maps: The Westside and Eastside Forest Types Maps delineating the eastside forest types and westside forest types in the Region.

[§] Amended 12/15/99

Chapter 16
SPECIFIC AND MASTER PLANS

16.1 Applicability: Prior to adoption of a specific or master plan, all projects and activities shall be reviewed pursuant to the Code, applicable plan area statement or community plan, and the Goals and Policies. Expansion of facilities or commercial air service at the South Lake Tahoe Airport, other than temporary expansions for testing purposes or projects for which exemptions from the federal court injunction of August 9, 1984 have been obtained, is prohibited until the adoption of an airport master plan. Expansion of use of ski areas, or the establishment of new ski areas, is prohibited until the adoption of a specific or master plan for the ski area. Expansion of marinas shall be limited to ten new boat slips and ten new buoys until the adoption of a specific or master plan for the marina. Expansion of existing commercial facilities in areas subject to a requirement to prepare a specific or master plan, may be approved pursuant to Chapter 33. On private lands a forest management plan developed pursuant to this chapter and Chapter 71 can allow for the cutting of trees larger than 30 inches in westside forest types or trees larger than 24 inches in eastside forest types on private land.

4.2 List Of Exempt Activities: The following activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage, and comply with all restrictions set forth below.

4.2.A General Activities: The following general activities are exempt:

(1) Interior remodeling provided there is no change or intensification of use and no increase in density; and for commercial or tourist accommodation structures no structural remodeling in excess of $20,000.

(2) Ordinary maintenance and repair, which is the upkeep, or preservation of the condition of property and includes: painting; reroofing; replacement of windows, siding, doors, construction of overlays upon existing paved surfaces, air conditioning, sewer, water and electrical equipment, and other fixtures.

(3) Repair or replacement of existing fences not located in SEZs or bodies of water.

(4) Excavation, filling or backfilling for a volume not in excess of three cubic yards provided the activity is completed within a 48 hour period and the excavation site is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavations, which, when viewed as a whole, would constitute a project.

(5) Removal of dead trees, up to but not including snags larger than 30 inches in westside forest types and snags larger than 24 inches in eastside forest types, on parcels of any size, and removal of dead limbs, and removal of live limbs not resulting in material damage to a tree. Protection of snags suitable for wildlife habitat shall be in accordance with the standards in Subsection 78.2.D.

4.3 List of Qualified Exempt Activities: The following activities are not subject to review and approval by TRPA provided the applicant certifies on a TRPA qualified exempt form that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and com plies with all restrictions set forth below. The statement shall be filed with TRPA at least one working day before the activity commences, except as required for demolition activities in Subparagraph 4.3.A(7) below, and shall be made under penalty of perjury.

4.3.A General Activities: The following activities are qualified exempt:

(1) Structural repair of existing structures, less than $10,000 per year provided there is no excavation, filling or backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure, no intensification or change in use, no increase in commercial floor area, and no increase in density.

(2) Structural modifications to existing structures required to comply with local building department and/or Uniform Building Code (UBC) standards, provided documentation by the local building department is submitted to TRPA, the modification is the minimum necessary, there is no excavation, filling or backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure visible from any TRPA designated scenic threshold travel route, no height created greater than that allowed by Table A of Chapter 22 of the TRPA Code, no intensification or change in use, no increase in commercial floor(3) Structural remodeling or additions to existing structures provided there is, no excavation and backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure visible from any TRPA designated scenic threshold travel route, no height created greater than that allowed by Table A of Chapter 22 of the TRPA Code, no intensification or change in use, no increase in commercial floor area, no increase in density, no increase in existing hard coverage, a BMP retrofit plan and compliance schedule as set forth in Chapter 25 is submitted to TRPA, all excess coverage mitigation requirements, if any, are satisfied in accordance with Chapter 20, and there is existing paved access and parking.

(4) Replacement of an existing mobile home in a legally-established mobile home space, which does not result in a change in use or additional land coverage.

(5) Excavation, filling or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations which, when viewed as a whole, would constitute a project.

Foothill Resource Management
P.O. Box 818, Pine Grove, CA 95665
Tel & FAX: (209)296-1569, Email quayle@volcano.net

Governing Board of the
Tahoe Regional Planning Agency
C/o Mr. Juan Palma, Executive Director
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

30 April, 2001

Honorable Members,

I was just informed by my client, Mr. J.B. Lekumberry (of the Giovacchini family), that at the Governing Board Meeting of April 25th, 2001 you heard discussion regarding the application of forestry ordinances on private land within the Tahoe Basin. Unfortunately, due to other pressing issues, neither Mr. Lekumberry nor I were able to attend that meeting and we do not want you to construe our inability to attend as being indicative that we are not concerned with the issues associated with timber harvest on private land.

I want to make sure that you all understand some basic facts about forestry, about the High Meadows Ranch and about the commitment to good land stewardship of the Giovacchini family. I also want to make sure that you understand that some "so-called facts" as represented by the Sierra Club and the League to Save Lake Tahoe are, in fact, not true in any way, shape or form.

First of all, the Giovacchini Family is committed to sustainable forest management for the long term. The family has practiced good land stewardship of their High Meadows Ranch for almost 100 years and plans to continue their resource-sensitive practices for the next 100 years. For anyone to suggest that this family is only motivated by pure economic interest is insulting and patently untrue. Yet, unlike the situation on public lands, the family does have to meet their financial obligations and has historically used the productivity of their land to pay taxes, insurance and to supplement the costs associated with life in these modern times. It is unrealistic for anyone to suggest that it is inappropriate for the land to produce income for the family. Other lands within the Tahoe Basin are managed for purely economic objectives and have no visual, wildlife or water quality constraints placed upon them. The Giovacchini Family wants to keep their land unpaved, forested and as a haven for wildlife while reaping a modest periodic income from it. They should be lauded and rewarded for it. I do not see the Sierra Club or the League to Save Lake Tahoe buying 2500 acres of land and doing the same.

Secondly, the forest management activities of the Giovacchini Family are stringently regulated by the Forest Practice Rules of the State of California. No other industry in the Tahoe Basin is so completely regulated by the state. TRPA has its own set of regulations on many other businesses and private residences, but if TRPA were to disappear tomorrow, those other businesses and private residences would be largely unregulated compared to today's situation. This would not be the case for forest landowners like the Giovacchinis. The Board of Forestry would still be overseeing activities such as logging, road building and vegetation management through the California Department of Forestry. If you were to take the time to understand the Forest Practice Rules, you would see that many of TRPA's ordinances are either duplication of the Forest Practice Rules or, in some cases, are counterproductive to the accomplishment of TRPA-stated goals and thresholds. Anyone that suggests that forest landowners are unregulated without the imposition of TRPA regulations is not telling you the truth.

I have heard the representative of the League to Save Lake Tahoe state that the U.S. Forest Service has designated the High Meadows Ranch as being within a Roadless Area. This is patently ridiculous. Either the Forest Service never visited the Giovacchini's land or there is a falsehood being promoted in the interest of ulterior motives. The lion's share of the High Meadows Ranch is well roaded and I have personally driven my pickup truck on most of the roads.

Another issue that is being unfairly applied to the Giovacchini Family's property is associated with aesthetics. Aesthetic quality is a highly subjective value judgment that some people have no problem in foisting upon others. I have always subscribed to the opinion that it is impossible to legislate good taste, but I recognize that if other members of society readily view my property, I should accept certain minimum standards for aesthetic objectives. My objection to the opinions of others regarding the Giovacchini's property is that unless a person is trespassing, there is very little of the High Meadows Ranch which is readily viewed by the public. I rather doubt that TRPA would encourage trespassing on private land. And since the Giovacchini Family intends to selectively harvest timber, it seems pointless for TRPA to use aesthetics as management criteria for any but a small portion of the High Meadows Ranch.

My recommendation to the Giovacchini Family has been that the productive portion of the High Meadows Ranch should be managed on a sustained yield basis for the multiple resources of timber, wildlife, grazing, water quality and the recreational use of the family and friends. When I have explained to them that large diameter trees can be grown and cut on a sustainable basis while protecting and enhancing the values of the other resources, they are in complete accordance with my recommendations. I have cautioned them that due to the vagaries associated with doing business where regulations seem to be arbitrary, they need to work toward obtaining some kind of guarantee which is related to their commitment to good land stewardship. Their involvement in the Forest Health Consensus Group in the development of a Private Landowner Alternative Management Strategy for Late Succession/Old Growth management is a testimony to their desire to compromise. In my opinion, their agreement to manage toward increasing the amount of large diameter trees on their land is a significant compromise, which is unparalleled among private property owners within the Basin. To not recognize this and to further constrain their activities is unjust and selfish. In your decisions regarding the institution of regulations placed upon the private forest landowner, please remember some critical language in the Public Resources Code of the State of California. PRC 4516 Agency Rules and regulations states: "*Notwithstanding any provision of this chapter, the California Tahoe Regional Planning Agency shall have the right, within reasonable exercise of its powers, to adopt rules and regulations by ordinance or resolution which are stricter than those provided under this chapter and regulations adopted pursuant to this chapter.*" The portion of that clause that you must consider carefully is **".....within reasonable exercise of its powers,...."** One reason that I emphasize that is that the Sierra Club and the League will suggest to you that more regulations and ordinances are necessary for assuring the accomplishment of thresholds. What they are ignoring is that the Forest Practice Rules require the involvement of TRPA in the planning phases of the timber harvest process. In the unlikely event that CDF were to approve a harvest plan wherein harvest practices were proposed that were not agreed upon by TRPA staff, the harvest still could not take place without a tree harvest permit by TRPA. Therefore, in the final analysis, TRPA **must** be involved in the development of any plan proposing to cut **any** trees. If TRPA can accept the concept that all professional foresters and forestry professors adhere to, that stands of trees **can** be managed to grow big trees while still sustaining harvest, then we can all work together to meet common objectives. I say "we" and mean TRPA and the private landowners.

Sincerely,

Steve Q. Cannon
Registered Professional Forester #2316

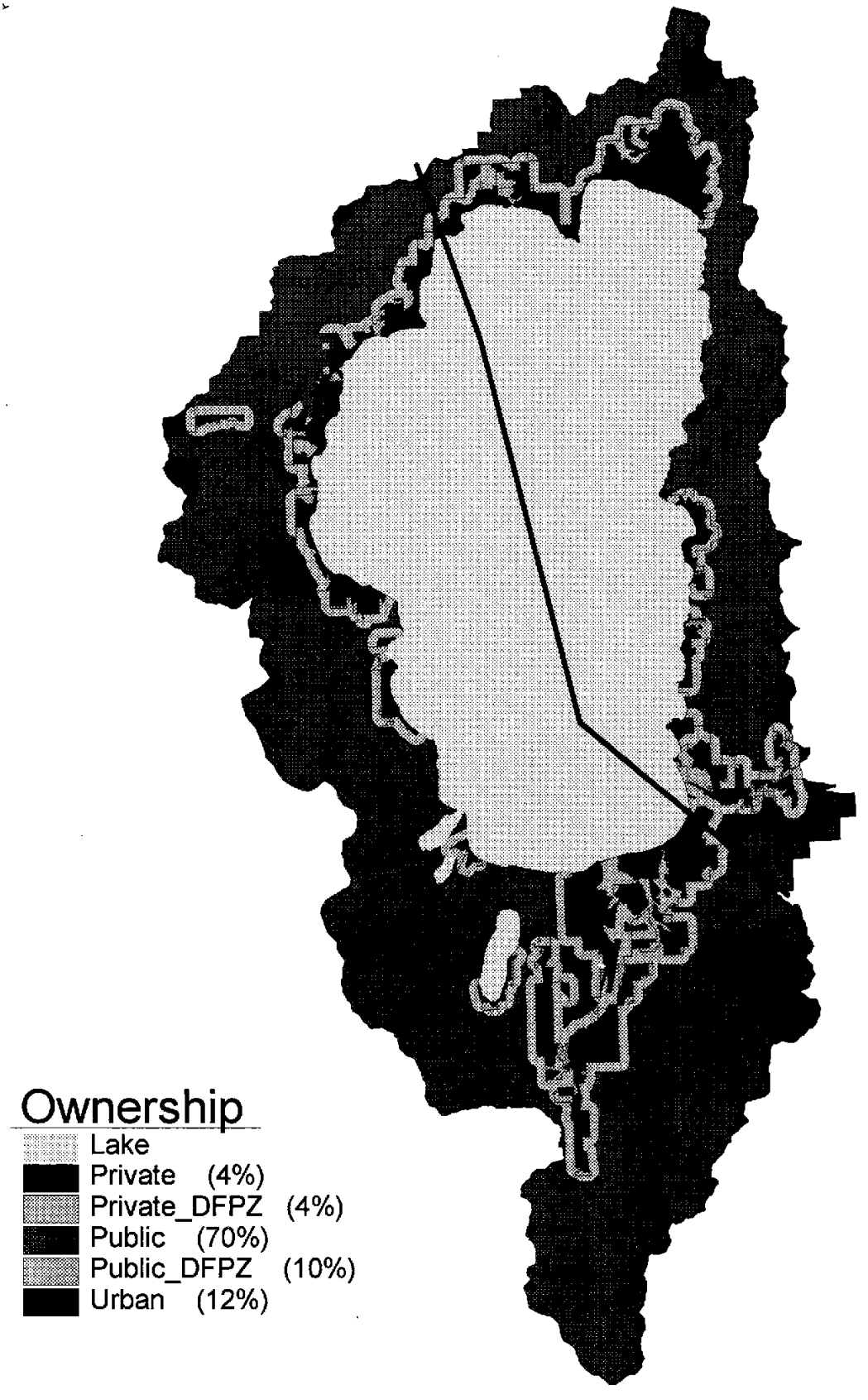
Ownership of
Basin Lands and Forested Lands

LANDUSE	Non-forested Land (Acres)	Forested Land (Acres)	Total of Land (Acres)	% of Land Base	% Forested	% of Land Base that is Forested	% of Forested Land
Lake*	124,633	3	124,636				
Private	2,336	5,667	8,003	4%	71%	3%	4%
Private_DFPZ	2,597	5,622	8,220	4%	68%	3%	4%
Public	36,723	108,321	145,045	70%	75%	52%	69%
Public_DFPZ	3,482	18,440	21,922	11%	84%	9%	12%
Urban	6,358	18,365	24,723	12%	74%	9%	12%
Total	***51,497***	***156,415***	***207,912***	***100%***		***75%***	***100%***

** Lakes are not included in any calculation*

Source: USFS Vegetation and Administration GIS Layers

Estimated Error: ± 0.2%


Ownership
Lake
Private (4%)
Private_DFPZ (4%)
Public (70%)
Public_DFPZ (10%)
Urban (12%)

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

May 1, 2001

To: APC Members

From: TRPA Staff

Subject: Presentation on the Science Advisory Group and Science Component of the EIP

Staff will be making a presentation on the Science Advisory Group and Science Component of the EIP

If you have any questions, please contact Kevin Hill at (775) 588-4547, Extension 254.

KH/sm

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MEMORANDUM

May 1, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Floodplain Regulations Status Report

A status report on the development of a TRPA Floodplain Challenge Procedure will be presented at the APC Meeting.

If you have any questions, please call Tim Hagan at: (775) 588 4547, ext. 275.