

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 January 14, 2004, at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

January 5, 2004



John Singlaub  
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

Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449

January 14, 2004  
9:30 a.m.

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All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

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 Page 5
- V. PUBLIC HEARINGS
  - A. Proposed Amendments to Chapter 71 (Tree Removal) 9  
And Related Chapters
  - B. Consideration of Recommendation to the Governing 27  
Board for Distribution of 2004 Residential Allocations
  - C. Notice of Preparation and Scoping for the Tahoe Beach 37  
Club Environmental Impact Statement (EIS), Kahle  
Drive, Stateline, Nevada
  - D. Amendment of Map Showing Need for Water Quality 47  
Improvements Pursuant to Requirements of Chapter  
37, Individual Parcel Evaluation System (IPES), Section  
37.10.A., Installation of Water Quality Improvements in  
Vicinity of Parcels

VI. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

North Tahoe Community Conference Center  
8318 North Lake Blvd.  
Kings Beach, California

December 10, 2003  
9:30 a.m.

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MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to Order: 9:30 a.m.

Present: Vice-Chair Larry Lohman, Bill Combs, Robert Jepsen, Eva Krause, Gary Marchio, Joe Oden, Leo Poppoff, Tom Porta, Mike Riley, Alan Tolhurst.

Absent: Alice Baldrica, Kevin Cole, Richard Harris, Lauri Kemper, Ron McIntyre, Mimi Moss, Lee Plemel

Vacant: Natural Resources Conservation Service, ARB Office of the Ombudsman

Vice-Chair Larry Lohman started the meeting without a quorum, bringing the planning matter, Agenda Item VI.A, forward first. Mike Riley joined the meeting at 9:50 a.m., making a quorum.

II. APPROVAL OF AGENDA

Planning Matter VI.A. was discussed first due to a lack of quorum. Quorum created at 9:50 a.m. with the arrival of Mike Riley.

Leo Poppoff made a motion to approve.  
Tom Porta seconded  
Motion carried.

III. PUBLIC INTEREST COMMENTS (No Action)

No public comments were offered.

IV. DISPOSITION OF MINUTES

Eva Krause made a motion to approve the November 12, 2003 minutes.  
Leo Poppoff seconded.  
Motion carried.

VI. **PLANNING MATTERS (taken out of order)**

A. Recommendation to the Tahoe Metropolitan Planning Organization Regarding the Lake Tahoe Regional Bicycle and Pedestrian Master Plan

Alfred Knotts, Associate Planner in the Transportation Division, presented this staff recommendation. Copies of the plan were distributed to APC members and a Power Point presentation was given. Public comments were received and incorporated as necessary. Growth outside the Basin (i.e., Martis Valley, Truckee) was considered. All routes are conceptual and environmental analysis will be undertaken on a project by project basis. There will be an annual call for projects and review of the plan.

Member Gary Marchio brought up the issue of separation of pedestrian walkways from streets, where feasible. This is a difficult issue along Hwy. 50 in South Lake Tahoe because of land coverage issues. Property owners should not be forced to have land coverage reduced in order to accommodate bike and pedestrian paths, portions of which may fall on their private property. Can this issue be looked at now, rather than as part of 2007 plan?

TRPA is looking at this issue internally and will come back with a report on how this issue can be handled without the onus being on the affected property owners.

Jerry Wells, Acting Executive Director, indicated that the South Lake Tahoe Redevelopment Plan may have tools to address this problem. Member Marchio indicated that a significant number of Hwy. 50 projects are outside of the redevelopment area. Member Marchio would like this issue to stay on TRPA's radar screen.

Member Krause had a concern that clarification is needed on commercial enterprises constructing bike and pedestrian paths. The language in the plan currently says "shall". This could easily become "should" or "must". Ms. Krause felt that clarification was needed on how businesses will achieve design standards.

Bob Jepsen made a motion to accept the staff recommendation (with clarifying language) and recommend that the TMPO adopt this master plan.  
Mike Riley seconded.  
Motion carried.

V. **PUBLIC HEARINGS (taken out of order)**

A. Chapter 20.5 Excess Land Coverage Mitigation Fee and Possible Amendment

John Stanley, Soils Program Manager in the Long Range Planning Division, presented this staff summary recommending that land coverage mitigation fees remain the same (\$6.50 per square foot in California and \$12.00 per square foot in Nevada). These costs represent the cost to public agencies to purchase land to retire coverage. An executive summary of the appraisal of Johnson Perkins was attached to the staff summary and reviewed.

No public comments were presented.

Leo Popoff moved to accept staff's recommendation.  
Bill Combs seconded.  
Motion carried.

B. Chapter 18, Amendments Relating to Secondary Residences  
on Parcels Less than One Acre and Other Related Chapters

Peter Eichar, Recreation Program Manager in the Long Range Planning Division, presented this staff summary recommending amendments to Chapter 18. The purpose of this amendment is to allow more affordable housing projects to come forward. Formerly, Chapter 18 allowed residential secondary units only on parcels one acre or larger. New language will allow secondary units on parcels less than one acre, if they meet certain conditions. The unit must be deed restricted for affordable housing. The local jurisdiction must have a Certified Housing Program. The local jurisdiction must have an adequately funded and staffed compliance, permitting and monitoring program. And, the local jurisdiction must document and enforce these requirements through an MOU with TRPA.

Member Bill Combs noted a new law in California to encourage secondary units being used as affordable housing. TRPA's Code amendments are in keeping with this law. Notice requirements are kept, but the application process is ministerial. Placer County supports this encouragement to affordable housing.

This is a voluntary program for local jurisdictions and property owners.

Member Gary Marchio shares Bill Combs' support, but encourages more options for affordable housing in South Lake Tahoe. Could bonus units be allowed if a property is restricted to affordable?

Jerry Wells indicated that the Governing Board's Local Government Committee is looking at this concept.

No public comments were presented.

Bill Combs made a motion to accept staff's recommendation.  
Bob Jepsen seconded  
Motion carried.

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Jerry Wells, Acting Executive Director, reported that the Governing Board adopted the streamlining amendments recommended by staff and the APC.

An action plan is being put together to deal with forest fuels, focusing on urban interfaces. The Southern Nevada Public Lands Management Act will provide \$300 million to EIP. There are many opportunities for good projects here. Board Member Coe Swobe wants it to be the Agency's number one priority for the next year. Ordinance

amendments may be necessary to allow mechanical equipment onto steep slopes and into SEZs to facilitate fuel removal.

The vacation rental issue will be presented to the Governing Board in December. TRPA will defer all regulation to local jurisdictions and a stakeholder group will work out the details. TRPA will be involved in the stakeholder process. The Regional Plan may require amending.

On December 19, 2003, TRPA will host a holiday party at Embassy Suites. All Advisory Planning Commission members are invited to attend this \$20 sit down dinner.

This is Jerry Wells' last month as Acting Executive Director. John Singlaub will start 1/5/04.

#### B. Legal Counsel

Jordan Kahn reported as Acting Agency Counsel. The Agency moved to dismiss the Committee for Reasonable Regulation of Lake Tahoe's lawsuit regarding scenic ordinances without argument. The court did schedule oral argument for February 19, 2004.

There is the possibility that an enforcement action involving Jack and Rebecca Kendall may go to trial. Trial has been set for March but settlement talks continue.

#### C. APC Members

Mike Riley reported that he witnessed the devastation of the Los Angeles area fires at Big Bear. Good, healthy trees were required to be removed to build a fire wall.

Gary Marchio wondered if the Los Angeles forests were as unhealthy as Lake Tahoe Basin forests at the time of the fires.

The answer to this question was not known at the meeting.

Bob Jepsen wished to thank Jerry Wells for his good work as Acting Executive Director. Bill Combs seconds. Leo Poppoff thirds.

Alan Bruschi, Tahoe City Supervising senior officer, was introduced. He will act as an alternate for Bill Combs.

Eva Krause reported that Richard Harris sends his apologies for missing this meeting.

#### VIII. ADJOURNMENT

Meeting adjourned, 11:30 a.m.



## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

January 6, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendments to Chapter 71 (Tree Removal) and Related Chapters

Proposed Action: At the September 2003 Governing Board meeting staff was directed, through Resolution 2003-22, to “forthwith” draft amendments to TRPA Code Chapter 71 – *Tree Removal*, to “eliminate or modify” restrictions on vehicle use in Stream Environment Zones for the purpose of fuels reduction. TRPA staff committed to bring the proposed changes to the January Governing Board meeting. A copy of the proposed amendment to Code Chapter 71 is included as Attachment A.

Staff Recommendation: Staff recommends the ACP review and comment on the proposed amendments. The Governing Board will hear the amendments in January and will decide either to approve or have further work done by staff and the APC.

Background: Since the days of Tahoe Re-Green, discussions on SEZ fuels management have been taking place. Over the past year the Forest Planning Group and others have continued these discussions. As the threat of catastrophic wildfire grows, it has been identified that something must be done to treat some of the SEZs in Lake Tahoe. While the current TRPA Code permits fuels management in SEZ’s, it prohibits vehicle use in SEZs. Land managers contest that fuels reduction work using new low impact machines and techniques can be done with little or no impact to SEZ function.

TRPA staff have been working with agencies and land managers on amendments to Chapter 71 (subsection 71.4.C) to allow vehicle use for fuels reduction work in a Stream Environment Zone (SEZ). TRPA staff met with the Lahontan Water Quality Control Board staff on 11/17/03, 12/8/03 and 12/12/03 to discuss the proposed changes. This Code amendment will also require a 208 Plan amendment and the TRPA has been trying to coordinate and make this amendment consistent with the Lahontan Water Quality Control Board Basin Plan.

At the 12/16/03 FPG meeting 30 people, representing over 13 agencies/stakeholders, were in attendance. A draft revision of proposed changes was presented to land managing agencies at the 12/16/03 Forest Planning Group (FPG) meeting and feedback was documented. The general opinion of the group was that we were heading in the right direction; however, the language did not go far enough and the group would like more time to develop Code amendments that would work for everyone. In response to

comments from the land managing agencies, TRPA staff made additional changes to the draft Code revisions

Discussion: The intent of the Chapter 71 Code amendments are to allow vehicles in some SEZs for the purpose of fuels reduction, though other ecosystem values are to be integrated into SEZ prescriptions in order to meet multiple ecosystem goals, such as fuels reduction and wildlife habitat enhancement. Provisions in the proposed Code language allow TRPA the discretion to review and permit fuels reduction work with vehicles in SEZs, whereas current Code prohibits vehicles in SEZs. The review process for fuels reduction in SEZs would include a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify areas of concern. A monitoring component will be in place to ensure no long-term environmental damage will result from the operations and to provide information for adaptive management. Proposals from land managers need to demonstrate how the operations will accomplish the goals of the project while protecting the function of the SEZ. Documentation can include relevant scientific research, monitoring studies, and other supporting information.

It is recognized that there are many different types of SEZs in the Tahoe Basin and staff understands that not all are suited for vehicle use. However, drier SEZs types, such as lodgepole pine stands, may be treated with low impact vehicles with minimal or no impact to SEZ function. The proposed regulations focus on vehicle use for conifer management (lodgepole and white fir) within a TRPA-designated SEZ and is not intended for vehicle use in meadows and riparian corridors near perennial streams. Staff feels that the proposed provisions allow this activity while protecting the environment and will not negatively impact other TRPA Thresholds.

In general, the proposed Code amendment focuses on vehicle use in SEZ for fuels reduction. However, while revising the language it was found that many small changes of clarification and clean up were also necessary at this time. There are also changes to Chapter 2 – Definitions, that were not complete at the time of this staff summary and will be presented at the January APC.

Findings: Prior to amending the TRPA Code of Ordinances Chapter 71 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: Provisions in the revised Code will provide protection of SEZs during operations and will not have adverse effects on the Regional Plan. However, the 208 Plan will need to be updated to be consistent with this new Code revision.

2. Finding: The project will not cause the environmental thresholds to be exceeded.  
Rationale: Protections are in place to ensure other thresholds are considered during fuel reduction projects.
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 changes maintain or exceed minimum federal, state and local standards regarding water quality and vegetation management activities.
4. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.  
Rationale: The proposed regulation changes will not significantly impact the Regional Plan and may have long-term benefits, such as protection from catastrophic wildfire and the negative impacts associated with such a disturbance.
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 regulations have provisions that protect and maintain the thresholds.

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.

Contact Mike Vollmer at 775•588•4547 ext. 241, or via email at [mvollmer@tpa.org](mailto:mvollmer@tpa.org), if you have any comments or questions regarding this item.

Attachment: A. Proposed Chapter 71 Changes

# Chapter 71

## TREE REMOVAL

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### Chapter Contents

- 71.0 Purpose
- 71.1 Applicability
- 71.2 Late Seral/Old Growth Enhancement and Protection<sup>§</sup>
- 71.3 General Standards
- 71.4 Minimum Standards For Tree Removal
- 71.5 Reasons For Tree Removal
- 71.6 Commercial Tree Removal

71.0 Purpose: The purpose of this chapter is to regulate the management of forest resources to achieve and maintain the environmental thresholds standards for species and structural diversity, to promote the short and long term health of the natural resources, and to create restore and maintain suitable habitats for diverse native wildlife species, and to reduce accumulations of hazardous fuels in order to decrease the likelihood of catastrophic wildfire events.

71.1 Applicability: All projects and activities affecting the forest resources and components of the forest community, such as snags and fallen logs, understory, shrubs, and forbs and grasses, in addition to trees of all ages from seedlings to overmature, shall be subject to the provisions of this chapter. Refer also to Vegetation Protection During Construction (Chapter 65), Open Space Protection (Chapter 75), Landscaping (Chapter 30), Snag and Coarse Woody Debris Retention Standards (Chapter 78), and Revegetation Requirements (Chapter 77). (Except as exempted in Chapter 4, tree removal requires the review and approval of TRPA.)

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 or recreation land use or Stream Environment Zones, 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) 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

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<sup>§</sup> Amended 5/23/01

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 shall be fully considered. Urban interface areas are defined as: all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

- (2) A tree 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 occupied or substantial structures or areas of high 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 tree constitutes a physical emergency (e.g. imminent threat of falling on occupied or substantial structures, or people), 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: 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 project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and in consultation with the appropriate public land management agencies if the private land is adjacent to public 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 there is limited proposed impact to large trees.
- (a) A limited forest plan may be prepared if 10% or less of the trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
  - (b) The content of a limited forest plan shall include:
    - (i) The relative state permit application, if available;
    - (ii) Description of harvest activities;
    - (iii) Description of management activities;
    - (iv) Explanation of how thresholds, goals and policies will be attained under the forest plan;
    - (v) The expiration date of the plan. A minimum lifespan of 10 years and a maximum lifespan of 50 years will be accepted.
- (3) TRPA shall review proposed cutting of trees 30 inches dbh in the westside forest types and 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

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**71.471.3 General Standards:** The cutting, moving, removing, killing, or materially damaging of live trees, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees, shall comply with this chapter. Except as provided in subsections ~~71.4.B~~ **71.5.B**, and ~~71.4.H~~ **71.5.J**, all cutting of trees six inches d.b.h. and larger shall require approval by TRPA. Permits shall be granted or denied in conformity with the provisions of this chapter. Such tree-related projects and activities also shall conform to the other provisions of the Code.<sup>§</sup>

§§ Amended 5/23/01

§ Amended 7/22/98

~~71.5~~ 71.3.A Findings: Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal or state agency through a memorandum of understanding.

71.3.B Harvest Or Tree Removal Plan: In cases of substantial tree removal, as set forth in subsection 71.4.I, the applicant shall submit a harvest plan or tree removal plan, prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval.

71.4 Minimum Standards For Tree Removal: The minimum standards for tree removal are:

71.4.A Management Techniques: Management techniques shall be employed which are consistent with ~~one or more of~~ the following objectives, where applicable:

- (1) Restoration and expansion of stream environment zones and riparian vegetation;
- (2) Improvement of the structural diversity of all forests including the protection and establishment of younger-aged trees;
- (3) Enhancement of native wildlife species and/or native wildlife habitat diversity;
- (4) Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas fir, incense cedar, sugar pine, western white pine, mountain hemlock, ~~whitebait~~ whitebark pine, and western juniper;
- (5) Protection of sensitive lands;
- (6) Minimization of construction of new roads;
- (7) Revegetation of existing temporary roads;
- (8) ~~Immunitization~~ Avoidance of disturbance of stream environment zones, unless such project is to remove trees within SEZ in accordance with Section 71.4.C;
- (9) Utilization of existing openings or disturbed areas as landings; ~~or~~
- (10) Provisions for revegetation~~;~~
- (11) The promotion of late seral or old growth characteristics~~;~~<sup>§</sup>

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§ Amended 5/23/01



(12) Early successional stage vegetation management; or

(13) Fuels management for fire hazard reduction.

71.4.B Cutting Practices: The following cutting practice standards apply:

- (1) Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards, except where patch cutting is necessary for regeneration harvest or early successional stage management.
- (2) A stand of timber shall be considered to be adequately stocked or to have minimum acceptable stocking when it has thrifty trees well distributed over the growing area (rocky areas, brush fields, meadows, and bodies of water excepted) in which the residual stocking meets the requirements of the appropriate state or federal forestry agency, and desired species composition is maintained.
- (3) Patch cuts shall be limited to use for achieving management objectives as approved by TRPA. Patch cuts shall be limited in size to less than five acres. (See subsection 71.4.I.)
- (4) All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets.
- (5) Damage to unmarked trees and residual vegetation shall be avoided.
- (6) All trees shall be felled in line with the skidding direction wherever possible.
- (7) All trees shall be limbed on all sides where feasible and topped prior to skidding except where tree length skidding is less disruptive to the forest resources.
- (8) Stumps shall be kept to a height of six inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical.
- (9) Removal of more than two stumps per parcel, except as permitted for projects or grading, shall require TRPA approval.

71.4.C Tree Cutting Within Stream Environment Zones: Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, restoration or enhancement of forest health and diversity, and fish and wildlife habitat improvement projects, in accordance with the following standards:

- ~~(1) (1)~~ — All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones. ~~except for vehicles used in over snow tree~~

~~removal.~~ The following exceptions shall apply:

- a. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA or its delegate, shall conduct a pre-operation inspection shall be required to ensure that conditions are suitable to prevent permanent soil disturbance and/or irreversible vegetation damage.
- b. TRPA will review site-specific proposals for, and may permit, the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no permanent soil disturbance and/or irreversible vegetation damage will result from the use of equipment. (See Section 2.2 for definitions of “innovative technology” vehicles and “innovative techniques”.) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. The following minimum conditions shall apply:
  - i. Project proponents shall provide documentation substantiating that the use of such vehicles will not cause permanent soil disturbance or irreversible vegetation damage. Documentation must take into account site-specific soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses.
  - ii. Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles.
  - iii. Operations shall be limited to times of the year when soils are sufficiently dry to prevent compaction and sufficiently stable to prevent erosion.
  - iv. Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided.
  - v. To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated

if deemed necessary by TRPA.

- vi. Appropriate remedial measures shall be implemented to mitigate for any unforeseen or accidental adverse impacts to SEZ soils and/or vegetation.
  - vii. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods.
  - viii. All projects must be monitored to ensure that the SEZ has not sustained permanent soil disturbance and/or irreversible vegetation damage. A monitoring plan shall be submitted with all project proposals.
- (2) All ~~W~~work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when snow ~~depth conditions is~~ are adequate for over-snow ~~tree~~ tree removal operations without causing ~~damage to soil or vegetation~~ permanent soil disturbance and/or irreversible vegetation damage. (See Subsection 71.4.F.)
  - (3) Felled trees and harvest debris shall be kept out of all perennial or intermittent streams. and, if deposited in the stream, the material shall be removed immediately unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 78 (Wildlife Resources) and Chapter 79 (Fish Resources). This determination shall be ~~made~~ approved by TRPA or its delegate, staff. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 79.
  - (4) The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or stream-bed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the Handbook of Best Management Practices.
  - (4) Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect ~~instead~~ in-stream aquatic habitat values and wildlife habitat integrity and diversity.
  - (5) Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone

adjoining stream environment zones, as necessary to avoid impacts to scenic resources pursuant to Section 30.12 (Scenic Quality Standards).

71.4.D **Logging Roads And Skid Trails:** All logging roads and skid trails shall be constructed or otherwise created and maintained in accordance with the requirements of this chapter and the Handbook of Best Management Practices. New roads shall be approved only if TRPA finds that all alternatives have been explored. Existing roads shall be used where available. In accordance with subsection 81.2.B, existing roads and landings may be accessed in the winter to help prepare for over-snow tree removal. Such preparation shall be limited to packing snow over the roadways to obtain a firm snow base and allow movement of logs and equipment without disturbance of the soil. The following standards also shall apply:

- (1) The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width and maintenance, by road type as determined by TRPA, shall be as shown in Figures 1 and 2:

FIGURE 1

Road Type	Design	Maximum Grade
Permanent Administrative Roads	Plans and Specifications	10%
Limited Use	Plans and Specifications	10% with occasional 15%
Limited Use Roads Closed after Logging	Plans and Specifications	10% with occasional 15%
Temporary Roads	Flag Line	20%
Tractor Roads and Main Skid Trails	Flag Line	30%
Secondary Skid Trail	None	30%

FIGURE 2

Road Type	Right of Way Tree Falling	Minimum Slash Cleanup	Maximum Width	Maintenance
Permanent Administrative Roads	Prefall	Removal within 50 feet of road	30 feet*	As determined by TRPA
Limited Use Roads Remaining Open	Prefall	Removal within 50 feet of road	15 feet 2/turnouts*	Annual maintenance required**
Limited Use Roads Closed After Logging	Prefall	Lop and scatter	15 feet 2/turnouts*	Close to vehicle use and revegetate
Temporary Roads	Prefall	Lop and scatter	15 feet*	Close to vehicle use and revegetate
Tractor Roads and Main Skid Trails	Concurrent	Lop and Scatter	15 feet	Close to vehicle use and revegetate
Secondary Skid Trails	Concurrent	Lop and Scatter	15 feet	Close to vehicle use and revegetate

\* Unless TRPA finds that greater width is necessary for feasible use or safety.

\*\* "Annual Maintenance" includes activities such as restoring drainage features and making other road repairs as necessary.

- (2) Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less. Directional felling shall be used whenever possible to minimize skid trail density. Main skid trails shall be flagged in advance of felling operations and shall require approval by TRPA.
- (3) Best Management Practices shall be installed on all skid trails, landings, and roads, prior to seasonal shutdown.
- (4) Cross drains shall be spaced as follows:

(a) Maximum Slope Distance in Feet by Land Capability District

Gradient	5-7	3-4
Less Than 10%	200	200
10 - 20%	150	90
21 - 30%	90	50

- (b) Cross drains shall be placed at lesser intervals as necessary to prevent soil erosion caused by firebreaks, trails, or landings.

- (c) Construction of cross drains shall be kept current with operations or at the time of seasonal shutdown, whichever is sooner. Erosion control work including the design and interval of cross drains, shall require TRPA approval.
- (d) Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

71.4.E Removal Methods: Only the following tree removal methods shall be used on lands located within the land capability districts shown:

Land Capability District	Removal Method
1a, 1c, or 2	Aerial removal, hand carry, and use of existing roads, in conformance with Subsection 71.4.F. Over-snow removal may be approved pursuant to Subsection 71.4.F(1).
1b (Stream Environment <del>as Permitted in Land zZone</del> )	<u>As permitted in Land</u> Capability District 1a. End lining may be approved when site conditions are dry enough and suitable so as to avoid adverse impacts to the soil and vegetation. <u>The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Section 71.4.C.(1).b.</u>
3	As permitted in Land Capability District 1b. Ground skidding pursuant to Subsection 71.4.F(2) may be approved. <u>The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Section 71.4.C.(1).b.</u>
4 - 7, Inclusive	As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. <u>Ground-based vehicle systems for removing trees without skidding may be approved pursuant to Section 71.4.F.(5).</u>

71.4.F Skidding and Ground Based Vehicle Systems: Skidding is the act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. Ground skidding is the act of skidding a log or tree in full contact with the ground behind mobile equipment. End lining is dragging a log or tree in full contact with the ground by a winch. Cable yarding is the act of removing a log or tree by cable with one end of the log or tree in contact with the ground. Ground based vehicle systems are all-in-one “process at the stump” harvesters that cut, process and remove trees without any ground skidding.

(1) Skidding over snow is preferred to ground skidding. The depth of the

snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.

(2) Ground skidding shall be limited to Land Capability Districts 3, 4, 5, 6, and 7.

(3) Logs shall only be skidded endwise.

(4) No logging arches, other than integral arch equipment, shall be permitted.

(5) Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to Section 71.4.C.(1).b and 71.4.E.

71.4.G Slash Disposal: Slash shall be disposed of within two years of project completion by the following methods:

(1) Lop and scatter, pile and burn or broadcast burn (consistent with Chapters 72 and 91), chipping, or hauling away. All burns shall be located at least 50 feet from any stream channel.

(2) Cull logs and other material shall be disposed of as required by the permit.

71.4.H Restocking: A qualified forester shall recommend a restocking level, species and size of replacement trees, and location for planting.

71.4.I Substantial Tree Removal: Substantial tree removal shall be activities on project areas of twenty acres or more and proposing the removal of more than 100 live trees ten inches dbh or larger, or proposing the removal of more than 100 live trees ten inches dbh or larger within land capability districts 1a, 1b, 1c, 2, or 3 regardless of the project area, or proposing tree removal that, as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff, does not meet the minimum acceptable stocking standards set forth in Subsection 71.4.B. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA in the following manner:

(1) Review process for private parcels:

(a) Harvest plan shall be written by a qualified forester;

(b) Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;

(c) Preparation of environmental impact statement if necessary;

- (d) Pre-approval field review;
  - (e) Approval of project by TRPA;
  - (f) Pre-harvest field review; and
  - (g) Post-harvest review.
- (2) Review process for public parcels:
- (a) For U.S. Forest Service administered parcels:
    - (i) Coordination with TRPA at the initial planning stages;
    - (ii) Preparation of environmental assessment;
    - (iii) Preparation of environmental impact statement (if necessary);
    - (iv) Submittal of tree removal or harvest plan;
    - (v) Approval of project by TRPA; and
    - (vi) TRPA monitoring and evaluation.
  - (b) For other public parcels the process shall be the same as for private parcels.

71.5 Reasons For Tree Removal: Except for trees identified for retention under section 71.2,<sup>§</sup> Tree removal shall incorporate measures threshold goals and to SEZs pursuant to Section 71.4.C. (Tree Cutting Within Stream Environment Zones). Trees may be removed for the following reasons:

71.5.A Hazardous Tree Removal: To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA. Other vegetation shall be protected during removal operations to prevent their injury.

71.5.B Dead, Dying, Or Diseased Tree Removal: To enhance forest health, trees reported by a qualified forester to be dead, dying or diseased may be removed upon approval by TRPA. (See Subsection 78.2.D.) Dead trees may be removed without TRPA approval. Green stumps shall be treated, and insect-infested wood shall be disposed of, or treated as appropriate, as specified by a qualified forester.

71.5.C Tree Removal for Fuels Management: To reduce fuels within areas of fire hazard, trees reported by a qualified forester to be a fire hazard may be removed upon approval by TRPA or their designee. Fuel reduction projects shall consider multiple threshold objectives. (See Code Section 18.4 for definition of fuels management.)

71.5.D Tree Removal for Early Successional Stage Vegetation Management: Tree removal may be permitted when it has been determined by TRPA, that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Code Section 18.4 for

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<sup>§</sup> Amended 5/23/01



definition of early successional stage vegetation management.) Where revegetation is required to stabilize soils and/or replace removed vegetation, the applicant shall provide a revegetation plan in accordance with Code Section 77.4.

71.5.E Tree Removal For Enhancement Of Forest Health And Diversity: Tree removal may be permitted where the species or structural diversity of an area is unacceptable. TRPA shall apply the following criteria in reviewing tree removal to enhance forest health and diversity:

- (1) A management plan which demonstrates the need for the project and the means of accomplishing the objectives listed below, shall be prepared by a qualified forester.
  - (a) If improved forest health is the objective, removal of trees shall not exceed minimum stocking levels recommended by a qualified forester.
  - (b) If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees.
  - (c) If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant.
  - (de) On parcels of five acres or less, the tree removal permit may serve as the management plan.
- (2) The site proposed for tree removal for forest diversity shall be within a contiguous area of at least five acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

71.5.FD Tree Removal For Solar Access: Removal of healthy trees to maximize efficiency of solar energy systems may be permitted as follows:

- (1) TRPA may approve the removal of healthy trees provided TRPA finds that the trees unreasonably impede the operation of a solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal.
- (2) The number of healthy trees that may be removed for the system's operation shall be the minimum necessary.
- (3) The only trees that shall be considered for removal for an active or passive solar energy system are those that lie generally south of the proposed solar collector and are in the sun's path between an 188 vertical angle measured from the base of the solar collector and a 708 vertical angle from the same base measurement. Trees on adjacent properties may be removed provided a contractual agreement to allow for such removal is signed by the

affected parties. Tree removal may be conditioned upon replacement elsewhere on the property.

71.5.~~GE~~ Tree Removal For Ski Areas And Rights-Of-Way: The following tree removal standards apply to ski areas and utility and public right-of-ways:

- (1) For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.
- (2) The removal of trees within utility and public right-of-ways may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

71.5.~~HF~~ Cutting And Cultivation Of Christmas Trees: Legally existing Christmas tree cultivation operations, when certified by a qualified forester to be utilizing native species and proper silvicultural methods, may continue upon approval by TRPA. New Christmas tree farm operations meeting the above conditions, may be permitted if TRPA finds them to be in compliance with the Code and the applicable plan area statements.

71.5.~~IG~~ Tree Removal For Development: Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Chapter 65.

71.5.~~JH~~ 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.

71.5.~~KI~~ Tree Removal To Enhance Scenic View Points From Public Roadways: Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public right-of-ways and other public lands immediately adjacent to highway corridors.

71.6 Commercial Tree Removal: Trees may be removed as a commercial enterprise pursuant to the tree removal practices of Section 71.4.

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## MEMORANDUM

December 29, 2003

To: TRPA Advisory Planning Commission  
From: TRPA Performance Review Committee and TRPA Staff  
Subject: Recommendation for 2004 Residential Allocations

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### 2004 RESIDENTIAL ALLOCATIONS

**Proposed Action:** As required by Chapter 33 of the Code of Ordinances, consider a recommendation to the TRPA Governing Board to approve the attached resolution (Attachment A) setting forth the number of 2004 residential allocations for each jurisdiction.

**Staff and Performance Review Committee Recommendation:** TRPA staff and the Performance Review Committee recommend the Advisory Planning Commission recommend to the Governing Board the adoption of the proposed resolution which sets the number of 2004 residential allocations for each local jurisdiction as follows:

City of South Lake Tahoe . . . . .	35 allocations
Douglas County . . . . .	14 allocations
El Dorado County . . . . .	90 allocations
Placer County . . . . .	46 allocations
<u>Washoe County . . . . .</u>	<u>40 allocations</u>
Total	225 allocations

### Background

In July 2002, the TRPA Governing Board took action to change the base number of residential allocations from 300 to 150 with the ability to range from a minimum of 78 to a maximum of 294 based on performance criteria in four areas: permit compliance, EIP Implementation, BMP Retrofit and transit. The action followed adoption of the 2001 Threshold Evaluation, which is performed every five years to evaluate TRPA's progress towards achieving the environmental standards, or thresholds, for the Lake Tahoe Region. The 2001 evaluation concluded that sufficient progress was not being made towards meeting the thresholds and that the rate of implementing environmental improvement programs and projects needed to be increased. The capacity to accommodate additional development is related to environmental improvements for threshold attainment and protection. These programs and projects are known collectively as the TRPA Environmental Improvement Program (EIP) and its complete and timely implementation is an essential part of the basin wide cooperative effort to achieve the environmental thresholds. As a result of the evaluation findings,

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AGENDA ITEM V.B

staff was given direction to develop a system that links environmental programs to the allocation of additional development. The TRPA Code requires recommendations be included in the Threshold report to ensure progress toward attainment and maintenance of all thresholds. Development of a linkage system was the recommended approach since the TRPA Goals and Policies states that “The timing and phasing of both new development and remedial measures must, therefore, be carefully linked to ensure steady progress toward the environmental thresholds” (Chapter IIV, Implementation Element, Development and Implementation Priorities).

**Chapter 33 Code Amendments Adopted in December 2002**

In December 2002 the TRPA Governing Board adopted amendments that create the system for linking environmental improvements to the allocation of additional residential development. The amendment language was the result of several TRPA sponsored stakeholder-focused workshops and numerous public hearings that were designed to solicit public input into the development of the new allocation system. The amendments reflected changes that the Performance Review Committee recommended to staff at the November 14, 2002 meeting. As a result of those workshops and hearings it was determined that additional residential development would be linked to:

- Increased efforts in the areas of Best Management Practice (BMP) retrofits
- Accelerated Water Quality/Air Quality/SEZ Restoration EIP implementation
- Increased Transit Level of Service (TLOS)
- Memorandum of Understanding (MOU) monitoring and compliance

TRPA worked with sub-groups of the larger stakeholder group and staffs of the local jurisdictions to further define the linkage system that allows for the distribution of allocations ranging from a possible minimum of 78 to a maximum of 294.

The ordinance language includes performance targets that have been evaluated in determining the annual number of residential allocations distributed to the local jurisdictions. Allocation enhancement or deduction increments represent the jurisdictions’ proportional share of the historic annual allocations. Each jurisdiction has a baseline number of allocations that represents the starting point from which additional allocations will be awarded or deducted. The Allocation Performance Table adopted as part of the ordinance amendments is as follows:

<u>Jurisdiction</u>	<u>Minimum Allocation with Deductions</u>	<u>Deduction Increments</u>	<u>Base Allocation</u>	<u>Enhancement Increments</u>	<u>Maximum Allocation with Enhancements</u>
<u>Douglas</u>	<u>9</u>	<u>-1</u>	<u>13</u>	<u>1</u>	<u>21</u>
<u>Washoe</u>	<u>13</u>	<u>-3</u>	<u>25</u>	<u>3</u>	<u>49</u>
<u>El Dorado</u>	<u>27</u>	<u>-7</u>	<u>55</u>	<u>7</u>	<u>111</u>
<u>CSLT</u>	<u>11</u>	<u>-3</u>	<u>23</u>	<u>3</u>	<u>47</u>
<u>Placer</u>	<u>18</u>	<u>-4</u>	<u>34</u>	<u>4</u>	<u>66</u>
<u>Total</u>	<u>78</u>		<u>150</u>		<u>294</u>

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.

The four linkages are briefly described as follows:

1. **Increase Transit Services:** In an effort to increase level of service for transit operations, jurisdictions will be awarded or deducted allocations for surpassing or failing to approve Transit Level of Service (TLOS) targets and for increasing or decreasing funding levels to meet those targets. Because jurisdiction transit needs are different, the TLOS targets are jurisdiction specific although the criteria are common to all.

For the 2004 allocation distribution, local jurisdictions will receive one unit of enhancement for improving the previous year's TLOS criteria by 5%-10% and two units of enhancement will be awarded for improving the previous year's TLOS criteria by greater than 10 percent. A one-increment deduction will be assessed for a 5% or greater decrease in the TLOS criteria. The base number of allocations will be awarded in this category for maintaining the TLOS criteria as documented in the prior year. The Tahoe Transportation Technical Advisory Committee and the Tahoe Transportation District has reviewed staff's recommendation for the TLOS performance.

2. **EIP Implementation:** In an effort to increase the rate of implementation of air and water quality EIP projects, jurisdictions will be awarded or deducted allocations for surpassing or failing to meet linkage targets such as through the submittal of EIP project lists or achieving project goals. This performance criteria is similar to the existing performance review requirements, however, it has been expanded to include air quality projects and SEZ restoration projects.

For 2004, local jurisdictions will be awarded one unit of enhancement for 71% to 100% completion of project components based on 2004-2008 EIP Project List Submittals. Two units of enhancement will be awarded for greater than 100% completion of project components based on 2004-2008 EIP Project List Submittals. One unit of enhancement will be deducted for less than 50% completion and for not having an approved EIP Component list and a Maintenance Efficiency Plan. No enhancements or deductions will be assessed for completion in the 51% to 70% range.

3. **BMP Retrofit Implementation:** In an effort to increase the rate of BMP implementation, jurisdictions were awarded additional allocations in 2003 based on the establishment of programs designed to meet the annual BMP targets. The program generally includes the following four elements: 1) public outreach and education 2) BMP site evaluations 3) technical resource assistance and 4) final inspections. Future year allocation enhancements and deductions will be based on the local jurisdictions ability to meet those program goals and for dedicating resources to the program.

For 2004, jurisdictions will receive one unit of enhancement for achieving between 50% and 100% of the annual BMP targets and two units of enhancement will be awarded for exceeding the annual BMP targets. The baseline allocation will be earned by maintaining the resources needed to run the BMP program and a one-unit deduction will be assessed for not maintaining the program resources.

4. **Permit Monitoring and Compliance:** This linkage rewards jurisdictions that issue permits and perform compliance inspections in conformance with adopted TRPA Memorandums of Understanding. Penalties, or deductions, will occur where audits show permits and inspections have not been performed in conformance with the MOU. This component is part of the existing system and remains essentially unchanged. An average audit score of 70% is expected, with many jurisdictions previously scoring near 90%. Jurisdictions receiving scores

below 65% in both categories shall be incrementally decreased. Jurisdictions scoring above 75% and 90% in both categories shall be awarded one and two additional increments.

In Douglas County where there is no MOU, TRPA performance in issuing permits and performing inspections for project in Douglas County will be used to determine the level of allocation enhancements or deduction.

**Performance Review Committee:**

In May 1997, the TRPA Governing Board adopted amendments to Chapter 33 of the TRPA Code of Ordinances. These amendments created the Performance Review Committee (PRC), made up of a representative from each local jurisdiction receiving allocations and a TRPA representative. The PRC is charged with reviewing each of the local jurisdictions performance in the four linkage categories and making recommendations to the APC and GB on the distribution of allocations for the following year. On December 18, 2003, the PRC members (excepting the Douglas County and TRPA representatives who were absent) met to determine their recommendation for the number of 2004 residential allocations for each local jurisdiction based on the performance criteria.

During the December 18 meeting members discussed the need to recognize that there still may be different approaches towards recognizing local jurisdictions performance in the linkage categories. In regard to the transit linkage staff explained that the criteria will be reviewed at an upcoming Tahoe Transportation District (TTD) meeting and that an update will be presented to the TRPA Governing Board in March or April.

Staff will also be discussing with the TTD one proposal from the City of South Lake Tahoe that requests at least one additional unit of enhancement be given for transportation related improvements that have occurred recently within that jurisdiction. The improvements do not directly relate to the TLOS criteria that were adopted by the TTD but TRPA Code allows for consideration of other improvements that may benefit TLOS. The Code allows for enhancements to be given if proposals such as the City's request are submitted one year prior to the year in which in enhancement is requested. This allows adequate time for the proposal to be reviewed by the TTD, which is also required by the Code.

In regard to the EIP linkage, Placer County staff suggested that the criteria used to evaluate the performance of the local jurisdictions be updated to reflect a new project delivery process that is in the final stages of development by a multi-agency subcommittee. It was also suggested that consideration be given to evaluating the dollars spent on projects rather than the actual number of project components completed. The idea was suggested as a way to build more equity into the evaluation process. Staff requested that for the EIP linkage, local jurisdiction comments pertaining to potential revisions should be submitted by March 1, 2004 for consideration. Any changes to the EIP linkage evaluation criteria will be presented to the PRC for consideration and the Advisory Planning Commission and Governing Board, if appropriate.

The PRC discussed the BMP linkage criteria and heard comments from local jurisdiction staff concerning the need to revisit the annual BMP targets and to perhaps grant credit for erosion control projects that treat runoff from private properties. TRPA staff, and one PRC member, emphasized the need to keep the targets in place since establishing the targets was a stakeholder process that required a significant amount of time and input from all stakeholders. Staff also explained that awarding credit for erosion control projects was already a part of the allocation evaluation process. The EIP linkage relates directly to the accomplishments of erosion control projects as a way to earn additional allocations. It was agreed that reviewing local jurisdiction progress toward meeting the annual targets would be helpful mid-year instead of just once at the end of the year.

Additional discussion involved the suggestion that TRPA revisit the concept of awarding additional allocations to people for implementing BMP's on several properties as a way to increase BMP retrofit compliance. TRPA staff agreed to discuss whether or not the issue should be revised but explained that previous conversations identified problems with the proposal. The concept of awarding additional allocations to individuals for installing BMPs and then awarding additional allocations to the local jurisdiction for achieving its BMP targets resulted in a system that earned the local jurisdiction additional allocations twice for contributing toward the achievement of only one environmental improvement.

TRPA staff and PRC members also discussed ways to improve baseline information regarding BMP targets and ways to increase staff resources available to the local jurisdictions to help achieve the BMP targets. The concept having local jurisdiction establish an allocation fee that could be used for additional resources was discussed as was the need to coordinate mailings to property owners. The hosting of contractor workshops was highlighted as a way to help educate the public about the need to install BMPs. El Dorado County offered to include such a discussion at their regularly scheduled contractor workshops. The PRC representative from the City of South Lake Tahoe requested that TRPA encourage the local Tahoe Resource Conservation District to work out of the City offices as a way to increase the City's ability to achieve their targets.

The PRC members present voted unanimously to recommend the 2004 residential allocations assignments discussed below. It should be noted that although the Douglas County representative was not present at the meeting the representative indicated to staff before the meeting that Douglas County was in agreement with the staff's recommendation. The PRC also voted to make a minor change, based on a Placer County recommendation, in the way compliance audits are conducted in the future. The PRC also requested that the evaluation period begin sooner next year in order to ensure the allocations are released at the beginning of the year.

### **2003 Performance Evaluation Results:**

**City of South Lake Tahoe** – Base number of residential allocations is 23.

Transit Level of Service The City of South Lake Tahoe will receive the base number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring The City of South Lake Tahoe scored 96% on the project review portion of the performance audit and scored 90% on the compliance portion. Therefore, two units of enhancement (six allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

EIP Project Implementation The City of South Lake Tahoe completed 71% to 100% of EIP project components based on 2004-2008 EIP Project List Submittals. Therefore, one additional unit of enhancement (three allocations) will be awarded in the category.

BMP Retrofit Implementation The City of South Lake Tahoe has achieved between 50% and 100% of the annual BMP targets developed for the City. Therefore, one additional unit of enhancement (three allocations) will be awarded in this category.

Summary Staff recommends that the City of South Lake Tahoe receive 35 residential allocations in 2004.

**EI Dorado County** – Base number of residential allocations is 55.

Transit Level of Service EI Dorado County will receive the base number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring EI Dorado County scored 95% on the project review portion of the performance audit and scored 90% on the compliance portion. Therefore, two units of enhancement (14 allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

EIP Implementation EI Dorado County completed greater than 100% of EIP project components based on 2004-2008 EIP Project List Submittals. Therefore, two additional units of enhancement (14 allocations) will be awarded in this category.

BMP Retrofit Implementation EI Dorado County has achieved between 50% and 100% of the annual BMP targets developed for EI Dorado County. Therefore, one additional unit of enhancement (seven allocations) will be awarded in this category.

Summary Staff recommends that EI Dorado County receive 90 residential allocations in 2004.

**Placer County** – Base number of residential allocations is 34.

Transit Level of Service EI Dorado County will receive the base number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring Placer County scored 93% on the project review portion of the performance audit and scored 88% on the compliance portion. Therefore, one unit of enhancement (4 allocations) will be awarded in this category since the audit scores in both categories exceed 75%.

EIP Implementation Placer County completed greater than 100% of EIP project components based on 2004-2008 EIP Project List Submittals. Therefore, two additional units of enhancement (8 allocations) will be awarded in this category.

BMP Retrofit Implementation Placer County maintained adequate resources to implement their BMP Retrofit Implementation Program. Therefore, no additional units of enhancement will be awarded in this category.

Summary Staff recommends that Placer County receive 46 residential allocations in 2004.

**Washoe County** – Base number of residential allocations is 25.

Transit Level of Service Washoe County will receive the base number of allocations in this category for maintaining the TLOS criteria as documented in the prior year.

Permit Monitoring Washoe County scored 95% on the project review portion of the performance audit and scored 90% on the compliance portion. Therefore, two units of enhancement (6 allocations) will be awarded in this category since the audit scores in both categories exceed 90%.



EIP Implementation Washoe County completed 71% to 100% of EIP project components based on 2004-2008 EIP Project List Submittals. Therefore, one additional unit of enhancement (3 allocations) will be awarded in this category.

BMP Retrofit Implementation Washoe County has achieved the annual BMP target developed for Washoe County. Therefore, two additional units of enhancement (6 allocations) will be awarded in this category.

Summary Staff recommends that Washoe County receive 40 residential allocations in 2004.

**Douglas County** – Base number of residential allocations is 13.

Transit Level of Service Douglas County will receive one unit of enhancement (one allocation) for improving the previous year's 3 of 9 TLOS criterion by greater than 5%.

Permit Monitoring Douglas County scored 91% on the project review portion of the performance audit and scored 94% on the compliance portion. Therefore, two units of enhancement (two allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

CIP Project List and Water Quality Project Maintenance A CIP Project List and MEP were not submitted to TRPA. Therefore, one unit of deduction (one allocation) will be assessed in this category.

BMP Retrofit Implementation Douglas County has not developed a program that is expected to achieve the BMP retrofit targets. Therefore one unit of deduction (one allocation) will be assessed in this category.

Summary Staff recommends that Douglas County receive 14 residential allocations

The results are further summarized in the following table.

	Douglas	Washoe	EI Dorado	City SLT	Placer	Total
<b>Base (150)</b>	<b>13</b>	<b>25</b>	<b>55</b>	<b>23</b>	<b>34</b>	<b>150</b>
Permit Compliance	2	6	14	6	4	
EIP Implementation	-1	3	14	3	8	
BMP Retrofit	-1	6	7	3	0	
Increase TLOS	1	0	0	0	0	
<b>Total</b>	<b>14</b>	<b>40</b>	<b>90</b>	<b>35</b>	<b>46</b>	<b>225</b>
<b>Maximum Possible</b>	<b>21</b>	<b>49</b>	<b>111</b>	<b>47</b>	<b>66</b>	<b>294</b>
<b>Minimum Possible</b>	<b>9</b>	<b>13</b>	<b>27</b>	<b>11</b>	<b>18</b>	<b>78</b>

If you have any questions or comments on this matter, please contact Paul Nielsen, at (775) 588-4547, extension 249.

ATTACHMENT A

TAHOE REGIONAL PLANNING AGENCY  
RESOLUTION 2004-\_\_

RESOLUTION TO SET THE NUMBER OF 2004 RESIDENTIAL ALLOCATIONS

WHEREAS, Chapter 33 of the TRPA Code of Ordinances was amended on December 18, 2002, to modify the performance-based allocation system; and

WHEREAS, the amendments to Chapter 33 included the previously established Performance Review Committee which includes one member from each local jurisdiction receiving residential allocation; and

WHEREAS, the amendments to Chapter 33 charged the Performance Review Committee with determining the number of residential allocations based on the general guidelines provided by the Governing Board; and

WHEREAS, the Performance Review Committee used the adopted criteria in December 2003 to evaluate the performance of each local jurisdiction receiving allocations, and recommended the assignment of 2004 residential allocations based on these criteria; and

WHEREAS, the Performance Review Committee presented their recommendations for assignment of 2004 residential allocations to the Governing Board on January 28, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board, based on the recommendation of the Performance Review Committee and substantial evidence in the record, hereby sets the number of 2004 residential allocations for each local jurisdiction as follows:

City of South Lake Tahoe . . . . .	35 allocations
Douglas County . . . . .	14 allocations
El Dorado County . . . . .	90 allocations
Placer County . . . . .	46 allocations
<u>Washoe County . . . . .</u>	<u>40 allocations</u>
Total	225 allocations

Passed and adopted this 28 day of January 2004 by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

\_\_\_\_\_  
David A. Solaro, Chairman  
Tahoe Regional Planning Agency



# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

January 2, 2004

To: Advisory Planning Commission

From: Paul Nielsen, Principal Planner, and Project Review Division

Subject: Notice of Preparation (NOP) and Determination of Scope, Tahoe Beach Club Environmental Impact Statement (EIS), Douglas County APN 1318-22-002-002, TRPA File Nos. 20030691

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Proposed Action: No formal action is proposed for this item at this time. Staff is requesting comments on the scope and content of an EIS for a proposed 142-unit multi-residential and subdivision project in Douglas County.

Project Description: The project proposes 142 residential units on the 19.63-acre site located on the shore of Lake Tahoe. The project area is the current site of the Tahoe Shores Mobile Home Park, which contains 155 mobile homes. The mobile homes will be removed and replaced with 13 detached structures that will contain 124 whole ownership residential units and one additional building that will contain 18 affordable housing units. The project also proposes accessory uses such as athletic facilities and banquet facilities for use by members only. A restaurant that will be open to the general public is also proposed. In addition, a 400-foot long pier and 30 mooring buoys are proposed for public use as well.

Water quality improvements are incorporated into the project design and approximately four acres of stream environment zone associated with the meadow adjacent to Burke Creek will be restored as part of the project. A detailed project description is attached as Exhibit "A".

Site Description: The 19.63 project area is located at the end of Kahle Drive in the Stateline area of Douglas County. The project area has 217 feet of frontage on Lake Tahoe and is bordered on the north by U.S. Forest Service lands, including the Nevada Beach day use area and campground. The University of Nevada 4-H Camp is located to the south and the Meadowbrook apartments, currently under construction is located to the east. The project area is the current site of the Tahoe Shores Mobile Home Park, which contains 155 mobile homes and a Kingsbury General Improvement District water pump station. The site has been substantially modified through past land uses, which resulted in the removal of almost all native vegetation and created a flat site that at one time served as an airstrip.

Scope of Environmental Document and Notice of Preparation: The proposed scope of the Environmental Impact Statement is included as Attachment "B". Section 5.8 of the TRPA Code requires that TRPA "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment." TRPA has retained Entrix, Inc. through a three-way agreement of which the expense is covered by the applicant to prepare the EIS in consultation with TRPA staff.

The TRPA Code also requires that the Agency consult with federal, state, and local agencies with expertise with respect to any environmental impact involved and consult the public during the preparation of the EIS. Staff will be working with the State Clearinghouse of Nevada and California to ensure appropriate Agency involvement. A 60-day public comment period will begin once the Draft EIS has been released. In addition, TRPA will hold at least six public hearings during the preparation of the EIS.

TRPA will be the lead agency for the EIS. Comments from the Advisory Planning Commission and Governing Board will be incorporated into the scope of the document. As part of the environmental document process, this NOP will begin on January 14, 2004 and close on February 12, 2004 at 5:00 p.m. The purpose of the NOP is to gather input from both public and private entities regarding issues and concerns that should be address in the environmental document.

If you have any questions or comments regarding this agenda item, please call Paul Nielsen at (775) 588-4547. If you wish to comment in writing, please send all comments to:

Paul Nielsen, Principal Planner  
Project Review Division  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448

EXHIBIT A

**Tahoe Beach Club Improvement Plan**

**I. DESCRIPTION OF TAHOE SHORES (Existing Use)**

Tahoe Shores is an existing manufactured home community located on the south shore of Lake Tahoe in Douglas County, Nevada. It is comprised of 155 dwelling units located on two separate parcels, A.P.N. 07-090-06 which is 17.26 acres and A.P.N. 07-090-05 which is 2.37 acres, for a project area of 19.63 acres.

The property is a long and narrow strip of land with 217 feet of private beach frontage. Access to the property is via Kahle Drive which has a signalized intersection at U.S. Highway 50 approximately 0.8 miles north and east of the California-Nevada state line. The property is bounded on the north by U.S. Forest Service lands, the Nevada Beach Campground and the Rabe Meadow; on the south by the University of Nevada 4-H Camp; and on the east by the Meadowbrook Apartments property. The property is fenced and there is no public access through the site to the adjacent publicly owned properties.

Two parallel roads serve individual manufactured home sites on Arthur Drive and Eugene Drive. The 155 mobile home sites are densely clustered on the 17.26-acre site. The 2.37 beach property consists of the Kingsbury General Improvement District pump station, a number of ozone tanks, the manager’s trailer and office, storage and maintenance buildings, electrical stations, pier, beach and parking for the above uses. The site is extremely flat, rising approximately 18 feet above the high lake level at its highest end, one-half mile from the Lake’s edge. The existing site also has very limited BMPs and water quality improvements. There is an open lawn area between the mobile home sites and the beach and a recreational pier.

**II. TAHOE BEACH CLUB PROJECT DESCRIPTION / OPPORTUNITIES**

**A. The Beach and Lake Front Open Space**

The property includes a sandy beach with 217 feet of lake frontage. The sandy beach extends north and south from Edgewood Golf Club to Nevada Beach. Visualized as a recreational open space, the beach has a shallow gradient and is ideal for swimming. Pathways and view corridors to the beach are retained from the residential and recreational

components of the project. The open quality and visual accessibility of the lake will be retained.

## **B. Access, Circulation and Parking**

Access occurs at the easterly portion of the site through a gate house via a two-way roadway terminating at the Beach Club at the west end of the project. Access to the residential and recreational components through a single two-way street minimizes site coverage and demarcates the new development from the new SEZ restoration and emphasizes the pedestrian character of the proposed project. Parking is located beneath the residential and recreational structures, again emphasizing the pedestrian character of the project.

## **C. The Beach Club and Pier**

The 2.37-acre lakefront site is designated for the Beach Club for recreational uses. The club will serve residential project members. Club facilities will include a restaurant and bar open to the public, athletic facilities and spa, and banquet rooms for special events for use by members. Food service will be provided in the restaurant, at the swimming pool and spa areas, as well as on the outdoor terrace.

Residential and club services will include transportation to the Heavenly Village gondola, casinos, a water-based beach taxi along the south shore, and a water taxi to other destinations on the lake. These services will expand access to regional entertainment and recreational amenities on the lake within the Tahoe Basin.

A public pier will extend approximately 400 lineal feet into Lake Tahoe. The pier will permit full water access year-round, even during drought cycles. A water taxi station, complete with a ramp that can adapt to boat entry levels, will be placed at the end of the pier. In addition, 30 mooring buoys are proposed, public and private use.

## **D. Residential and Lodge Units**

The residential plan for the project includes 124 whole ownership units (ranging in size from 1,250 square feet to 3,650 square feet) in 13 detached structures throughout the property redevelopment. The project will also include 18 affordable housing units ranging in size from 800 square feet to 1,200 square feet.



The project also includes construction of four lodge buildings. Each is surrounded by views to open space, ponds or meadows. All the lodges have an arrival lobby and enclosed first-level parking for residents. These residential units will be privately owned. The lodge residences will be three and four bedroom units ranging from 2,300 s.f. to 2,850 s.f. in size. Living space will average 2500 s.f. per unit net of circulation and building support spaces. Each lodge building will contain a lobby and resident services.

The architectural character derives its appearance from the tradition of rustic alpine elegance with steeply pitched roofs, exposed wood structural elements, shingle and stone exteriors, and sheltering porches. Crafted with natural materials, the lodges exhibit a soft, muted color similar to that of the site itself. Roof dormers expand the living areas and provide a unique interior characterized by sloped ceilings and "rooms within a roof". The lodge buildings contain three levels of residential space, each with a central lobby and enclosed parking area, with spaces provided at the ratio of at least 1.5 spaces per unit. One space will be assigned to each unit, with the remaining parking pool available to accommodate multi-parties and guests.

**E. Estate Homes**

Groupings of residential buildings are modeled after the homes of the 19<sup>th</sup> Century. These residential units are organized in three small village clusters. Each building contains four, six or eight individual units oriented to mountain or meadow views. A central park common will compliment the exterior of the clusters and will be tied to the project's pedestrian path. The roadways are small in scale, giving a rural feeling to the estate houses.

Residential parking is located inside the building with additional surface guest parking within the clusters.

**F. Streams and Ponds**

Throughout the project, a new stream and pond environment will be constructed. Water will originate at the highest portion of the site and will fall twenty-two feet in elevation toward the beach area. The water features will include waterfalls, still ponds, and a newly created aquatic environment.

Ground water is just below the surface and its depth varies seasonally. Monitoring wells have been installed on the site and are providing ground water depth readings. Beginning in the spring of 2002, groundwater depths on the site at the monitoring well locations vary from two feet to 6.5 feet from the ground surface. The water will feed the ponds and, through excavations as shallow as three feet, will contribute to the water quality feature. "Best Available Technology" aeration and filtration systems will be designed within the ponds. This will assist in producing a high level of water quality treatment while also enhancing scenic quality.

Site drainage will be directed into water quality pre-treatment vaults and into the pond system where the low water level will be approximately eight feet at its deepest point.

### **G. Restoration and Water Quality**

The project will enhance the function and aesthetics of the Burke Creek Watershed through the coordinated public and private efforts of land coverage removal and SEZ restoration design along the north property line adjacent to the USFS parcel. All stormwater will be retained and treated onsite. Approximately 4 acres of stream restoration will be provided with a corresponding reduction in land coverage. Utilization of BMPs and implementation of Best Available Technologies (BAT) will be the primary design theme of the water quality improvements within the project.

### **H. LEED'S Standards**

The project will seek a silver level certification from the U.S. Green Building Council. This is viewed as a progressive environmental response to this site, and will be achieved by careful attention to site planning, architectural design, and redevelopment of existing uses. The project has already been registered for federal Leed's certification.

### **I. Plan Area Statements**

The project site is located in PAS 077 and PAS 070 that define allowable uses and special review uses. In summary, the uses allowed are residential and recreational and uses accessory thereto. The plan area primary classifications statements relate to the community plans by reference and require coordination with those state policies and plan elements, which include public recreation, water quality improvements,

transportation, open space, and a significant number of environmental improvements.

**J. Subdivision of the Parcels**

The site currently exists of two parcels. To facilitate the sale of whole ownership condominiums, it will be necessary to subdivide the residential parcel in accordance with Chapter 43 of the TRPA Code of Ordinances.

EXHIBIT B

***DRAFT***

**Outline for Tahoe Beach Club  
Environmental Impact Statement**

- I. SUMMARY (Including Brief Project Description, Alternatives, Impact and Mitigation Summary Tables)
- II. TABLE OF CONTENTS
  - Contents
  - List of Tables
  - List of Figures
- III. CHAPTER ONE – PURPOSE AND NEED
  - 1.1 Introduction
  - 1.2 Project Description and Background
  - 1.3 Purpose, Need and Scope of EIS
  - 1.4 Environmental Setting/Project Area Description
  - 1.5 Organization of the EIS
  - 1.6 Required Permits and Approval Process
- IV. CHAPTER TWO – PROPOSED PROJECT AND ALTERNATIVES
  - 2.1 Summary: Proposed Project and Alternatives
  - 2.2 Alternatives Considered but Rejected from Further Consideration
  - 2.3 Alternative One: No Project
  - 2.4 Alternative Two: Proposed Project
  - 2.5 Alternative Three: Upgraded Manufactured Housing at Existing Density
  - 2.6 Alternative Four: Two Single Family Dwelling Estates
- V. CHAPTER THREE – THE AFFECTED ENVIRONMENT (ANALYSIS BY ALTERNATIVE)
  - 3.1 Cultural, Historic and Ethnographic Resources
    - 3.1.1 Affected Environment
      - 3.1.1.1 Washoe Resources
      - 3.1.1.2 Historic Resources
    - 3.1.2 Impact Evaluation Criteria
    - 3.1.3 Environmental Consequences and Recommended Mitigation
      - 3.1.3.1 Impact Description
      - 3.1.3.2 Analysis
      - 3.1.3.3 Mitigation
  - 3.2 Hydrology and Water Quality
    - 3.2.1 Affected Environment
    - 3.2.2 Impact Evaluation Criteria
    - 3.2.3 Environmental Consequences and Recommended Mitigation
      - 3.2.3.1 Impact Description
      - 3.2.3.2 Analysis
      - 3.2.3.3 Mitigation

- 3.3 Transportation, Circulation and Air Quality
  - 3.3.1 Affected Environment
  - 3.3.2 Impact Evaluation Criteria
  - 3.3.3 Environmental Consequences and Recommended Mitigation
    - 3.3.3.1 Impact Description
    - 3.3.3.2 Analysis
    - 3.3.3.3 Mitigation
  
- 3.4 Wildlife and Fisheries
  - 3.4.1 Affected Environment
  - 3.4.2 Impact Evaluation Criteria
  - 3.4.3 Environmental Consequences and Recommended Mitigation
    - 3.4.3.1 Impact Description
    - 3.4.3.2 Analysis
    - 3.4.3.3 Mitigation
  
- 3.5 Growth Inducing Impacts
  - 3.5.1 Affected Environment
  - 3.5.2 Impact Evaluation Criteria
  - 3.5.3 Environmental Consequences and Recommended Mitigation
    - 3.5.3.1 Impact Description
    - 3.5.3.2 Analysis
    - 3.5.3.3 Mitigation
  
- 3.6 Scenic Quality
  - 3.6.1 Affected Environment
  - 3.6.2 Impact Evaluation Criteria
  - 3.6.3 Environmental Consequences and Recommended Mitigation
    - 3.6.3.1 Impact Description
    - 3.6.3.2 Analysis
    - 3.6.3.3 Mitigation
  
- 3.7 Land Use
  - 3.7.1 Affected Environment
  - 3.7.2 Impact Evaluation Criteria
  - 3.7.3 Environmental Consequences and Recommended Mitigation
    - 3.7.3.1 Impact Description
    - 3.7.3.2 Analysis
    - 3.7.3.3 Mitigation
  
- 3.8 Housing
  - 3.8.1 Affected Environment
  - 3.8.2 Impact Evaluation Criteria
  - 3.8.3 Environmental Consequences and Recommended Mitigation
    - 3.8.3.1 Impact Description
    - 3.8.3.2 Analysis
    - 3.8.3.3 Mitigation
  
- 3.8 Effectiveness of Proposed Mitigation Measures
  
- 3.9 Mitigation Monitoring Plan
  
- 3.10 Cumulative Impacts and Indirect Effects

- 3.11 Short Term Uses and Long Term Productivity
- 3.12 Significant Irreversible and Irretrievable Commitments of Resources
- 3.13 Other Potential Impacts Identified During Scoping of EIS
  - 3.13.1 Affected Environment
  - 3.13.2 Impact Evaluation Criteria
  - 3.13.3 Environmental Consequences and Recommended Mitigation
    - 3.13.3.1 Impact Description
    - 3.13.3.2 Analysis
    - 3.13.3.3 Mitigation

- VI. CHAPTER FOUR – SUMMARY
  - 4.1 Less Than Significant Impacts
  - 4.2 Avoidable Significant Impacts
  - 4.3 Unavoidable Impacts that can be Mitigated
  - 4.4 Unavoidable Impacts that cannot be Mitigated
  - 4.5 Comparison of the Alternatives
  - 4.6 Compliance with TRPA Environmental Thresholds, Regional Plan and Lake Tahoe Water Quality Management Plan (208 Plan)
  - 4.7 Required Findings
- VII. CHAPTER FIVE – DOCUMENT PREPARATION
  - 5.1 References Cited
  - 5.2 Agencies and Individuals Consulted
  - 5.3 List of Contributors
- VIII. TECHNICAL APPENDICES
  - Supporting Documents
  - Comments Received During Circulation of Draft EIS

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## MEMORANDUM

December 23, 2003

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System (IPES), Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcels.

Proposed Action: To amend the existing map delineating water quality improvements in the vicinity of parcels as set forth below (See exhibits: 1 through 3).

Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing and adopt the map amendments and their respective scores. The APC recommendation will be presented at the January Governing Board meeting.

Background: One of the eight elements of a vacant residential parcel's IPES score is predicated on whether off-site water quality treatment improvements are present in the adjacent serving roadway system. When these types of improvement's are installed by local jurisdictions, the positively affected parcel's scores can be increased to the maximum award for this category. These projects are a large component of the Environmental Improvement Program (EIP). Consequently, at the October 1987 meeting, the Governing Board adopted the map delineating water quality improvements in vicinity of affected parcels. Preparation of this map was based upon field data collected during the summer of 1987 pursuant to Subsection 37.2.G of the Code of Ordinances:

37.2.G Need For Water Quality Improvements In Vicinity Of Parcel: The maximum score for this IPES element is 50 points.

- (1) Preparation Of Map: TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table G-1 of the Technical Appendices is the same. The Lake Tahoe Basin Water Quality Management Plan (208 Plan) maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table G-1 of the Technical Appendices. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

12/23/03  
TH

AGENDA ITEM V. D.

2) Assigning Scores To Parcels: Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

G. Need For Water Quality Improvements in Vicinity of Parcel

TABLE G-1

NEEDED WATER QUALITY IMPROVEMENTS

<u>Needed Improvement</u>	<u>Points</u>
Revegetation	+ 6
Rocklined or vegetated ditches	+ 8
Curb gutter or paved swales	+ 8
Storm drain pipes	+ 8
Retaining walls	+ 4
Rock slope protection	+ 4
Paved roads	+ 8
<u>Sediment basins</u>	<u>+ 4</u>
<b>Total Possible Points</b>	<b>50</b>

Since adoption of this map, numerous water quality improvement projects have been implemented within the Basin. As provided for in the IPES system, a parcel's IPES score may be increased if (37.10.A) "water quality improvements of the type considered in subsection 37.2.G are installed in an area subsequent to TRPA preparing the maps in accordance with subparagraph 37.2.G(1)."

Upon implementation of these projects: "TRPA shall amend the map by increasing the point values identified in Table G-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in this subsection shall be increased to reflect the new point value."

Amendments proposed by staff are intended to:



1. Account for water quality improvement projects implemented since 1999;  
and
2. Increase the point scores for those parcels affected by these projects  
pursuant to 37.10.A. of the Code of Ordinances.

Discussion: The proposed amendments are based upon field data collected during the fall of 2003. Point values were assigned according to the scoring criteria in Table G-1. Properties affected by the score increases were restricted to only those parcels immediately within the vicinity of the water quality improvement project.

The proposed amendment delineated several areas that are smaller than those identified on the original map. This reflects the fact that improvements often Addressed portions of the originally mapped areas.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

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 amendments are consistent with Chapter 37 of the Code of Ordinances. Subsection 37.10.A. anticipated the need for amendments and established the criteria for the related IPES parcel score increases.

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

Rationale: The amendments are consistent with the Regional Plan and will not cause the environmental thresholds to be exceeded. The adjustments in scores were planned for when such water quality improvements were realized.

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

Rationale: See findings 1 and 2 above.

4. 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: For the reason set forth in the rationale for finding 1 above, these amendments better implement the Code and Regional Plan as intended and will assist in the achievement and maintenance of the environmental thresholds.

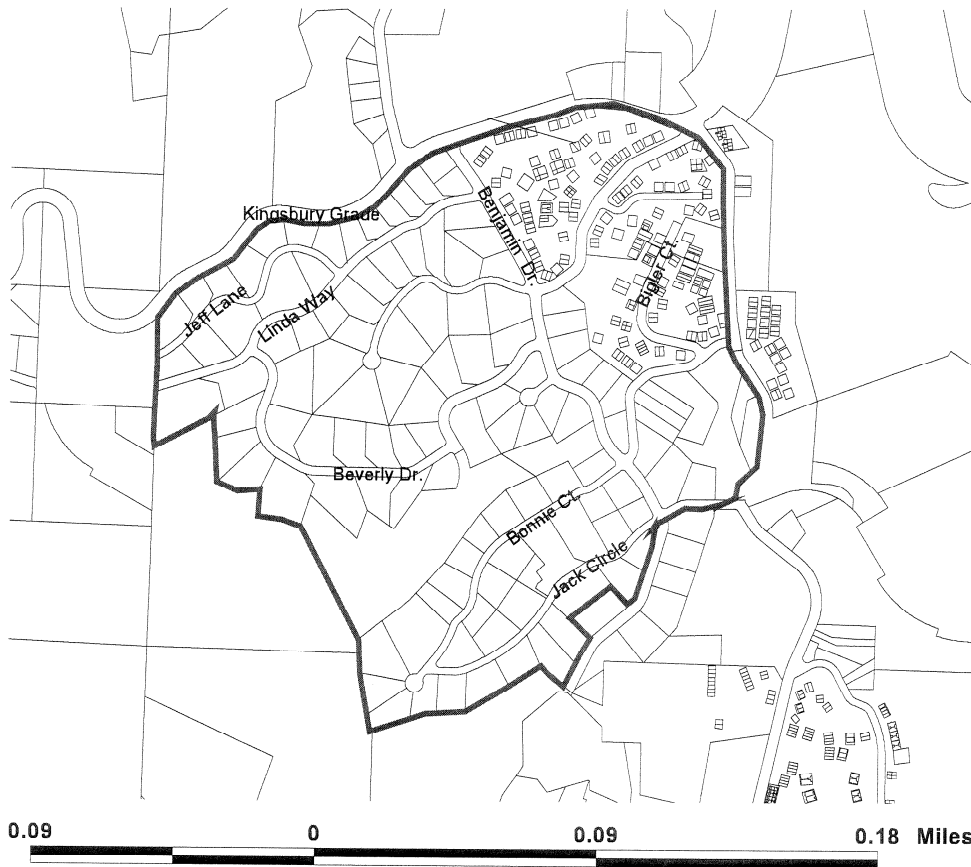
If you have any questions or comments regarding this agenda item, please contact Tim Hagan at (775) 588-4547.

Exhibits: 1 through 3

<u>Number</u>	<u>Jurisdiction</u>	<u>Water Quality Improvements</u>	<u>Proposed Additions to Present Score</u>	<u>Exhibit</u>
1	Douglas	Upper Kingsbury	+34	1
2	Placer	Nile Street ECP	+24	2
3	Placer	Beaver Street ECP	+24	3

# Upper Kingsbury Erosion Control Project Douglas County

Exhibit 1



Revegetation -	6 points
Rocklined /	
Vegetated Ditches -	8 points
Curb Gutter /	
Paved Swales -	8 points
Storm Drains -	8 points
Retaining Walls -	4 points
Sediment Basin -	4 points
Total = 34 Points	



# Nile Street Erosion Control Project Placer County

Exhibit 2



Revegetation -	6 points
Sediment Basin -	4 points
Curb Gutter /	
Paved Swale -	6 points
Storm Drains -	8 points
<b>Total =</b>	<b>24 points</b>



# Beaver Street Erosion Control Project Placer County

