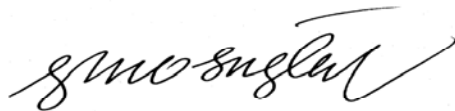


TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

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 July 14, 2004, at the Tahoe Regional Planning Agency, 124 Market Street, Stateline, NV 89449. The agenda for the meeting is attached hereto and made a part of this notice.

July 7, 2004

A handwritten signature in black ink, appearing to read "John Singlaub", written in a cursive style.

John Singlaub  
Executive Director

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449

July 14, 2004  
9:30 a.m.

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

AGENDA

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

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

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS

- A) Amendments of Chapter 4 & 71 to Exempt Activities Authorized Pursuant to Delegation MOUs for Tree Removal and Other Matters Properly Related Thereto; [Page 1](#)
- B) 90-day Circulation and Comment Period for the Draft Environmental Impact Statement (DEIS) for the Lake Tahoe Shorezone Ordinance Amendments; [Page 8](#)

- VI. PLANNING MATTERS

- A) Discussion of TRPA and TMPO Draft Final 2004 Regional Transportation Plan [Page 9](#)
- B) Discussion of APC's role in the Regional Plan Update [Page 10](#)

- VII. REPORTS

- A. Executive Director
- B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

TRPA ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency  
Stateline, Nevada

June 9, 2004  
9:30 a.m.

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Chairman Larry Lohman, Alice Baldrice, Allen Breuch (for Bill Combs), Robert Jepsen, Doug Smith (for Lauri Kemper), Eva Krause, Gary Marchio, Ron McIntyre, Mimi Moss, Joe Oden, Lee Plemel, Tom Porta, Mike Riley

II. APPROVAL OF AGENDA

Moved by Ms. Moss  
Motion Carried

III. PUBLIC INTEREST COMMENTS

None

IV. DISPOSITION OF MINUTES

Moved by Mr. Riley with changes to Page 4, Item 3 (change modern to moderate) and to adjust the date of the minutes to May 12, 2004.  
Mr. Jepsen Abstained  
Motion Carried

V. PUBLIC HEARINGS

A) Amendment of Plan Area Statement 094, Glenwood to Create Special Area #2, Amend the General Use List to add Multi-Family Dwelling as a Permissible Use, Amend the Density Table to Allow Multi-Family Dwelling at a Density of 11 Units per Acre, Amend Special Policy #2, and Designate the Plan Area a Preferred Affordable Housing Area and a Multi-Residential Incentive Program Area for Special Area #2 Only, and Provide for Other Matters Properly Related Thereto;

Coleen Shade presented the above amendment to the APC.

Concerns:

Mr. Lohman asked if there would be service provided to the bus stop?  
Ms. Shade said at this time there is not, however they are working on it.  
At this point it is within walking distance and Blue Go does do on demand service.

Public Comment:

Ken Sands, President of AARP of South Lake Tahoe is happy to see this project proposed as there is a great demand for housing for seniors and this they recommend approval.

Ms. Moss asked if this prohibits standard multi-family development at this site?

Ms. Shade said that if for some reason this would not be built, they would have to come back to TRPA for re-approval to build anything else.

Ms. Moss suggested that on Page 14 the traffic consultant should read "required" and not recommended.

Ms. Moss moved to approve with recommended changes above.

Motion Carried.

Vote: Unanimous

B) Notice of Preparation and Scoping for the SR 89/Fanny Bridge Improvements Project;

Jennifer Hannum introduced Gordon Shaw, LSC Consultants who presented the project that would alleviate traffic congestion on SR 89 northbound at Fanny Bridge in Tahoe City, and to consider options regarding the replacement or repair of Fanny Bridge itself.

Concerns:

Ms. Baldrice asked if the Bridge had been evaluated for eligibility to the National Register since it was built in the 1920s.

Mr. Shaw said it would be evaluated and the Bridge would remain there whatever alternative is selected.

Mr. McIntyre commented that he was part of the steering committee and he was skeptical of this large community input, but TRPA staff did a great job and he was satisfied with the conclusions and the consensus that came out of the community involvement.

Mr. Riley asked where the entrance to the Tahoe Tavern and the Tree Nursery is on the map and would it be affected?

Mr. Shaw said that the roundabout would not affect that area.

Mr. Smith asked if the traffic study had taken into account the Lakeside Bike Trail supposed reduction in safety hazards?

Mr. Shaw said he did not assume any reduction that affects pedestrian traffic.

Mr. Smith asked what is the overall capacity of this with population doubling in the next 10 or 15 years?

Mr. Shaw said that the proposed roadway has enough capacity that could see us through the next 20 years.

Mr. Breuch asked if the bike path could be constructed under Fanny Bridge?

Mr. Shaw said it was possible and that will be evaluated.

Ms. Moss asked if it would be better the larger roundabout had a signal light to meet future traffic needs?

Mr. Shaw said if we do a signal light we are talking about double left turn and right turn lanes and we have a four-lane bridge instead of a two-lane bridge.

No Public Comment

No Action Required

C) Notice of Commencement of 30-day Comment Period for the 2004 Update to the TRPA Regional Transportation Plan.

Richard Wiggins presented the TRPA Regional Transportation Plan.

Concerns:

Ms. Moss asked if the 1992 EIS could be amended?

Mr. Kahn said that the document could be a referenced but to rely on an old document could potentially have stale analysis and that could be a problem.

Ms. Moss asked if this is really a policy change in reverse of what's been done in the past for plans.

Mr. Wiggins said actually no. It came down to public transit, air quality C&G conversions, and employee trip reduction. What you may find new would be some of the specific projects.

Mr. Smith said the document states the priority of this plan is mobility and air quality issues and that really fine sediment is a problem and I feel a priority should also be water quality.

Mr. Wiggins said our plan does consider water quality as a primary objective. We identified 5 objectives; public mobility, air quality, water quality, roadway operations and land use.

Mr. Porta supports one Transportation Plan.

Kristine Bunnell presented the plan in more detail explaining the different sections of the document.

Mr. Riley asked if they are going to advertise in the paper?

Ms. Bunnell said yes, the document will be on our website, we will be advertising in the paper and also will be doing a press release.

No Public Comment

No Action Required

Chairman Lohman called for a 10-minute break.

## VI. PLANNING MATTERS

### A) Scenic Perception Study Presentation

Coleen Shade introduced Carl Petrich, Logan Systems Design who presented the study.

No Public Comment

## VII. REPORTS

### A. Executive Director

Deputy Director Jerry Wells reported on actions taken by the Governing Board on APC recommendations.

- 1) MOU regarding the North Tahoe Fire Protection District and the Plan Area Statement amendments for Sierra Tract and Highland Woods in South Lake Tahoe – both were approved
- 2) Shorezone project resolution – the Board agreed that we shouldn't accept any new applications for new piers or pier expansions, but for those in the pipeline that we would look at those case by case and those applicants that wanted to proceed with their applications could elect to do so. We would bring those all before the Board in August. For those who didn't want to go before the Board they could opt to withdraw their applications and we would credit their filing fees toward a future application and give their new application priority when the new ordinances are in place.
- 3) The Nevada Oversight Committee is meeting next Tuesday.
- 4) Status on vacation rental regulations that jurisdictions are working on; would like to know how each jurisdiction is coming along because we have a date coming up in September where these regulations need to be in place.

### B. Legal Council Report

Jordan Kahn, Associate Legal Council reported on the Scenic Litigation. The District of Nevada granted TRPA's motion to dismiss. Judge Reed gave them the ability to re-file a new lawsuit on limited grounds. Recently the Committee filed a motion with the Court to seek the ability to re-file their lawsuit. We will oppose that motion because all the grounds were already considered and rejected by the Court. We will keep you apprised.

### C. APC Members

No Reports

Responses on vacation rental regulations status: Mr. Marchio said he would follow up. Mr. McIntyre says it's important to get things in Placer County worked out with TRPA. Ms. Krause knows that Wahoe County is working on it, but she

will also follow up. Ms. Moss said that Douglas County would probably not make the September deadline based on what the District Attorney's office is telling us. There is still discussion internally on how to proceed with vacation rentals. Mr. Lohman said that El Dorado County is working on this, but is not sure how much progress has been made.

VIII. ADJOURNMENT

Time: 12:15 p.m.

Respectfully submitted,

Judy Nikkel

*Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 128 Market Street, Stateline, Nevada.*



# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

July 2, 2004

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendments of Chapter 4 & 71 to Exempt Activities Authorized Pursuant to Delegation MOU's for Tree Removal and Other Matters Properly Related Thereto

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Proposed Action: The Advisory Planning Commission is requested to recommend approval of the proposed changes to the Governing Board.

Description and Discussion: This proposed code amendment changes tree-cutting activities from "qualified exempt" to "exempt" so long as the activities were performed under a permit issued by a "qualified agency" pursuant to an MOU with TRPA under Chapter 71.

At the January 2004 Governing Board meeting, TRPA adopted changes to Chapter 71 (Tree Removal) and other related amendments, including adoption of Code Section 71.1.A., which provided for TRPA to develop Memorandums of Understanding (MOU's) to delegate tree removal permitting authority to qualified agencies, including local fire districts. At the May 2004 Governing Board meeting, the Governing Board approved an MOU with the North Lake Tahoe Fire Protection District, delegating tree removal permitting authority to the District, pursuant to Code Section 71.1.A.

Through the Chapter 71 amendment and recent MOU, TRPA intended to streamline the existing permitting scheme for cutting trees within defensible space zones. However, under the current code, tree-cutting activities performed under a permit from an agency under a TRPA MOU are a qualified exempt ("QE") activity. The QE process still requires submission to TRPA by the landowner of another form. The proposed amendments will make these activities exempt from any TRPA process.

Specifically, Subsection 4.3(5) of the code, which lists *"cutting... up to 100 live trees... [under] a tree removal permit... issued pursuant to a memorandum of understanding...."* is moved from the list of qualified exempt activities to the list of exempt activities and becomes Subsection 4.2.A.13. Minor wording changes improve consistency with Subsection 71.1.A.

A tree removal permit serves as documentation of TRPA authorization to remove trees and serves in lieu of the qualified exempt declaration. Staff has encountered members of the public who have used Qualified Exempt Declarations when seeking review of tree removal permit requests. TRPA has a tree removal permit application and process. Persons receiving tree removal permits may remove the trees authorized for removal in

the permit. Tree removal services are informed that they must comply with permit conditions and applicable TRPA Code provisions.

Chapter 4, Appendix A is amended to remove the entering into of Memoranda of Understanding with qualified agencies and third parties from the list of matters to be approved by the Governing Board. The Executive Director would be authorized to enter such agreements. This will facilitate the Executive Director's ability to facilitate the expedited removal of trees through development of MOU partnerships.

Subsection 71.3.A is amended with a minor wording change to improve consistency with Subsection 71.1.A.

Also addressed are typographical errors and clarifications noted in the Code sections, which have been reviewed pursuant to making the proposed Code changes.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for the proposed Code amendments. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed Code amendments.

#### Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

- A. The project [ordinance amendment] 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;

Section 71.1.A of the Code provides for the development and implementation of MOUs to allow qualified agencies to review tree removal and vegetation management in accordance with the TRPA Regional Plan and Code of Ordinances. Section 71.1.A requires that the qualified agencies delegated this authority are "responsible for ensuring compliance with all other provisions of the Compact, Regional Plan, and Code of Ordinances." The proposed Code revisions do not amend this requirement and are therefore consistent with making this finding.

- B. The project [Code amendments] will not cause the environmental thresholds to be exceeded;

The Code amendment provides for language consistency in adopting MOU's pursuant to Code section 71.1.A. As previously discussed, Code section 71.1.A contains safeguards to ensure that MOU's adopted pursuant to Code section 71.1.A and consistent with the currently proposed amendments include safeguards to address potential threshold issues.

- C. 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 [Code amendment] meets or exceeds such standards; and

The current Code change provides for improved language consistency and does not directly cause or permit any activities or impacts to air or water. This finding is also based on the Article V(g) checklists completed for the proposed Code change, and previous Code changes adopted in January of 2004.

- D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieve and maintain the thresholds.

As explained under findings A, B, and C, above, the Code amendment, implemented in accordance with the Regional Plan, will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance these activities, which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

The removal of up to 100 live trees under a tree removal permit issued pursuant to an MOU between “the appropriate forestry agency” and TRPA is currently included in the List of Qualified Exempt Activities in TRPA Code section 4.3.A(6). This Code section includes the requirement that the tree removals do not constitute substantial tree removal, and that the MOU shall be consistent with the standards in Chapter 71. The proposed Code amendment adds language identifying “qualified agencies” including fire districts along with “appropriate forestry agencies” in order to provide for consistency with Code section 71.1.A.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed Code amendment will implement Section 71.1.A of the Code, which allows for delegation of tree removal permitting to qualified agencies.

If you have any questions regarding this item, please feel free to contact Jesse Jones at (775) 588 – 4547, ext. 266.

New LANGUAGE is in blue and underlined; language to be deleted is ~~struck-through~~ in red.

## Chapter 4

# PROJECT REVIEW AND EXEMPT ACTIVITIES

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...

4.2 List Of Exempt Activities: The following activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage, comply with Sections 30.6, 30.9 and 30.10 and meet all restrictions set forth below.<sup>§</sup>

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

...

(13) Cutting, moving, removing, killing or materially damaging up to 100 live trees between six inches d.b.h. and 30 inches d.b.h. in westside forest types and 24 inches d.b.h. in eastside forest types, per year within a project area provided all live trees to be removed are marked and a tree removal permit is issued pursuant to a memorandum of understanding between a qualified agency and TRPA, and the tree removal does not constitute substantial tree removal as defined in Subsection 71.4.I. The memorandum of understanding shall be consistent with the standards in Chapter 71.  
~~§§§~~

...

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

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

...

~~(5) Cutting, removing, killing or materially damaging up to 100 live trees between 6 inches d.b.h. and 30 inches d.b.h. in westside forest types and 24 inches d.b.h. in eastside forest stypes, per~~

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<sup>§</sup> Amended 11/20/02

<sup>§</sup> Amended 5/23/01

~~§§§~~ <sup>§</sup> Amended 5/23/01, 7/28/04

<sup>§</sup> Amended 11/20/02

~~year within a project area provided all live trees to be removed are marked and a tree removal permit issued pursuant to a memorandum of understanding between the appropriate forestry agency and TRPA, and the tree removal does not constitute substantial tree removal as defined in Subsections 71.3.1. The memorandum of understanding shall be consistent with the standards in Chapter 71.~~<sup>s</sup>

- (5) Demolition of structures, improvements or facilities, 50 years or greater in age, provided the structure, improvement, or facility is not designated, or pending for designation, on the Historic Resource Map, and a statement is filed pursuant to Section 4.3 at least three working days in advance of the activity. To obtain credit for coverage or existing development, TRPA approval is required.

New LANGUAGE is in blue and underlined; language to be deleted is ~~struck-through~~ in red.

## Chapter 4 APPENDIX A

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### PROJECTS AND MATTERS TO BE APPROVED BY GOVERNING BOARD OR HEARINGS OFFICER

#### I. GENERAL

##### Governing Board Review<sup>§</sup>

1. Projectss for which an EIS was prepared and EIS certification (Chapter 5)  
...
5. Increases in supply of land coverage (Chapter 20)
6. Memoranduma of Understanding (except for those executed pursuant to Subsection 71.1.A).
- ...
10. Permit revocations (Chapter 8)  
...
15. Findingss of the demonstration of commitment for affordable housing pursuant to Subsection 43.4.F.

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<sup>§</sup> Amended 11/19/03

New LANGUAGE is in blue and underlined; language to be deleted is ~~struck-through~~ in red.

## Chapter 71 TREE REMOVAL

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...

71.3 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 71.5.B, and 71.54<sup>JSS</sup>, 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>SSS</sup>

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 or other qualified agency through a memorandum of understanding.

...

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 the following objectives, where applicable: <sup>§</sup>

...

- (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, whitebark pine, and western juniper; <sup>§</sup>

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<sup>SS</sup> Amended 1/28/04

<sup>SSS</sup> Amended 7/22/98





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### MEMORANDUM

July 6, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: 90-day Circulation and Comment Period for the Draft Environmental Impact Statement (DEIS) for the Lake Tahoe Shorezone Ordinance Amendments

Proposed Action: There is no action requested for this item. This memo provides notice of the public review and comment period for the Lake Tahoe Shorezone Ordinance Amendments Draft Environmental Impact Statement (DEIS).

Background: TRPA is required to conduct a 60-day review and comment period for all Environmental Impact Statements that are its responsibility. However, as this particular DEIS is complicated and includes an analysis of 5 alternative build-out scenarios for the Shorezone of Lake Tahoe, TRPA will circulate this DEIS for comment for 90 days.

The document is available for public review at the following venues:

- TRPA Web site, [www.trpa.org](http://www.trpa.org)
- El Dorado County Library, City of South Lake Tahoe, CA
- Placer County Library, Tahoe City, CA
- Washoe County Library, Kings Beach, CA
- Douglas County Library, Zephyr Cove, NV
- Incline Village Branch Library, Incline Village, NV
- Lake Tahoe Community College, City of South Lake Tahoe, CA
- TRPA Front Counter, Stateline, NV
- CD of document available for \$20 through TRPA
- Hard Copy of document available for purchase through KINKO's in Carson City, NV (approx. 160\$)

This item will begin with a brief presentation from staff on how to navigate through the document and what issues are addressed in the DEIS.

Staff does not anticipate significant public comment on the document at this time as the release date of July 1, 2004 leaves a short amount of time before the APC meeting. However, staff will agendize a public hearing for the DEIS at both the APC and Governing Board meetings in September.

If there are any questions regarding this agenda item, please contact Coleen Shade at 775/588-4547 or email at [coleens@trpa.org](mailto:coleens@trpa.org).



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July 6, 2004

To: Advisory Planning Commission  
From: TRPA Staff  
Subject: Discussion of TRPA & TMPO Draft Final 2004 Regional Transportation Plan

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Action Requested: None at this time. Staff will make a brief presentation describing specific elements and projects included in the Plan, and seek APC questions and input. The APC will be asked in August to take action regarding a recommendation to the TRPA and Tahoe Metropolitan Planning Organization.

Discussion: Progress is ongoing toward the completion of the 2004 Lake Tahoe Basin Regional Transportation Plan (2004 RTP). On June 9, 2004, beginning with the APC meeting, a 30-day comment period for the 2004 RTP Working Draft was opened. Over the past few weeks Transportation Division staff has met with Federal, State and Local Agencies, as well as interested private sector partners, to review and discuss the document. We have received substantial comments and are incorporating them into a revised 2004 RTP Final Draft.

Based on these comments, a second, 30-day comment period will commence on July 16, 2004. This period will coincide with the TRPA and federally required public review of the document, its associated Air Quality Conformity Determination required by the Federal Highway Administration, and a public comment period on the Mitigated Negative Declaration submitted under the California Environmental Quality Act.

The second, 30-day comment period will close on August 15, 2004. The 2004 RTP will be submitted for approval by the TRPA Governing Board on August 25, 2004. At that time the plan will also be presented for adopted by the TRPA acting as the California Regional Transportation Planning Agency, as well as the Tahoe Metropolitan Planning Organization. The plan and related Air Quality Conformity Determination will then be submitted to the Federal Highway Administration, the Federal Transit Administration, the U.S. Environmental Protection Agency and the Departments of Transportation for Nevada and California for subsequent approval or acceptance.

If you have any comments or questions on this matter prior to the meeting, please contact either Richard Wiggins or Kristine Bunnell at (775) 588-4547.



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### MEMORANDUM

July 7, 2004

To: TRPA Advisory Planning Commission  
From: TRPA Staff  
Subject: Discussion of APC's Role in the Regional Plan Update

Proposed Action: No action is requested of the Advisory Planning Commission. Staff will present a presentation on the Regulatory Framework Update Process and is requesting input from the APC on the proposed process.

Staff will begin this item with a brief presentation. Please contact Paul Nielsen or John Hitchcock at 702•588•4547, or via email at [pnielsen@trpa.org](mailto:pnielsen@trpa.org), [jhitchcock@trpa.org](mailto:jhitchcock@trpa.org), if you have any comments regarding this item.