TRPA
APC
PACKETS

SEPTEMBER
1995
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, September 13, 1995, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

September 1, 1995

[Signature]
Jerry Wells
Deputy Director

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

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

September 13, 1995
9:30 a.m.

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

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

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

B. Amendment of Subsection 4.3.A of Chapter 4, Project Review and Exempt Activities, to Add Salvage Tree Removal on Project Areas of 20 Acres or Less

C. Amendment of the 1995-1999 List of Additional Public Service Facilities to Add the Mountain View Estates No. 7 Firehouse

D. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Residential Delegation MOU with Washoe County

E. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Residential Delegation MOU with Douglas County

F. Amendment of Chapter 64, Grading Standards, to Add an Exception to Subsection 64.7.B, Excavations, Related to Redevelopment Projects
VI. PLANNING MATTERS

A. Notice of Circulation, Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft EIS

B. Notice of Preparation, Forest Service North Shore Eco-System Management Project EIS

C. Notice of Circulation, Draft Supplement to the South Lake Tahoe Redevelopment Project No. 1 EIS/EIR (Embassy Vacation Resorts)

VII. REPORTS

A. Executive Director
   1. Core Statement
   2. Other

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
MEMORANDUM

August 29, 1995

To: TRPA APC

From: TRPA Staff

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

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

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

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

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

The ultimate development potential for the 7.48-acre parcel would include one new single family dwelling and one secondary residence (because the parcel is greater than one acre in size).
TRPA mapped land capability for all five parcels is a combination of class 1b and class 6. Only class 6 land would be added to Plan Area 175. This is a recommended condition so as not to add additional sensitive class 1b lands to the Plan Area. If developed for a new residential use, the subject land would be subject to IFES. A land capability verification (Bailey system) would be required if the subject land is developed for any other type of use.

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

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

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

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

**TRPA Urban Boundary**: In 1986, as part of the Regional Plan package, TRPA established an Urban Boundary. By definition, the Urban Boundary includes all residential, commercial/public service and tourist accommodation plan areas. Recreation and Conservation plan areas are not included within any portion of the Urban Boundary. Plan Area 175 is located within the Urban Boundary even though it is an isolated residential subdivision located well outside what is considered the urbanized area of the Region. The only manner in which the Urban Boundary may be expanded is by adding lands from existing Recreation or Conservation plan areas. The subject land is part of five existing parcels which are in a Recreation Plan Area. Adding the 7.48 acre portion of them to the Residential Plan Area would expand the Urban Boundary.
TRPA established Urban Area Boundaries to clearly direct the location of all future residential, commercial/public service and tourist accommodation development. The Urban Boundary represents TRPA policy (shown below) that additional development occur within already developed areas. These areas contain the necessary public utilities, road system, and other supporting infrastructure to accommodate the additional development permitted under the Regional Plan.

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

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

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

POLICIES

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

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

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

Since the development permitted under this Plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward regulating infill and redirection. The intent of this system is to provide flexibility when dealing with existing uses, continuation of acceptable land use patterns, and redirection of unacceptable land use patterns. Implementation ordinances set forth the detailed management.
Amendment of Plan Area Statement Boundary
Between Plan Area 128 and Plan Area 175
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Discussion: From a land use planning standpoint and in terms of attaining and maintaining the adopted environmental threshold carrying capacities, the existing lands within the Urban Boundary should first be built out prior to expanding into those areas outside of it. A fundamental concept of the Regional Plan is to infill additional development into existing developed areas. As of January 1995, there were approximately 2,968 vacant single-family parcels in El Dorado County, 2,237 (75%) of which were above the County's IPES Eligibility Line with a score of 726 or greater. Cumulatively, significant expansions of the Urban Boundary are generally inconsistent with the Regional Plan Goals and Policies stated above.

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

Chapter 13 Findings


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

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

Recreation plan areas are defined by TRPA as follows:

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

1. areas of existing private and public recreation use;
2. designated local, state, and federal recreation areas;
(iii) areas without overriding environmental constraints on resource management or recreational purposes; or
(iv) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

Residential plan areas are defined by TRPA as follows:

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

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

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

**Management Strategy**: The management strategy for Plan Area 128, Baldwin is "Redirection of Development". The Redirection strategy is used to improve environmental quality by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural environments, improve transportation efficiency, improve scenic quality and provide high quality facilities. In this case, it is the location of the developed recreation facilities along a sensitive barrier beach which is in need of redirection. It does not apply to the subject land which is undeveloped and has no established use. The proposed amendment could be consistent with this strategy so long as no new or expanded developed facilities (e.g., an expanded parking area at Baldwin Beach) which may serve the acquired area are located in sensitive areas.
Amendment of Plan Area Statement Boundary
Between Plan Area 128 and Plan Area 175
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The management strategy for Plan Area 175, Cascade Properties is "Development with Mitigation." Areas with this designation can accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. Both onsite and offsite mitigation of environmental impacts from development shall be required. Additional development which may be approved on the site must demonstrate that all impacts are fully mitigated. Plan Area 175 which contains Cascade Properties subdivision is the subject of a comprehensive water quality BMP retrofit project identified in Volume IV, Capital Improvement Program, of TRPA's Water Quality Management Plan. The project is presently being developed. The subdivision lies within both the Tallac Creek and Cascade Creek watersheds. Both are Priority #1 watersheds in terms of water quality retrofitting. By joining the Plan Area, the owner of the subject land will be subject to participation in the BMP project. This will be a condition of the Plan Area amendment.

Special Designations: Neither plan area contains any special designations.

2. Finding:

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

(a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

(b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or

(c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

Rationale: The proposed amendment would expand the existing Urban Boundary by approximately 7.48 acres. The amendment will make the amended Plan Area Statement consistent with Goal #2, Policy 2 of the Land Use Element, Land Use Subelement shown above and subsection 13.5.B(1)(c) of the Code by
permitting an incremental level of additional development immediately adjacent to an existing residential subdivision which has moderate to high capability lands available for development.

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

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

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

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

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

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

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

The special interest wildlife species potentially affected by the project is bald eagle wintering habitat (threshold W-1). The 7.48 acre site is within a mapped threshold disturbance zone. Chapter 72 of the Code establishes the process for projects to be addressed which are located within mapped disturbance zones. Manipulation of the habitat within a bald eagle disturbance zone is generally prohibited unless the manipulation is necessary to enhance the quality of the habitat. TRPA may not approve any project which, directly or indirectly, adversely affects the habitat or causes displacement or extirpation of the population. A biologic survey to identify the habitat, including any critical habitat, is presently being prepared by the applicant. Based on the results of the survey, special conditions of approval may be required to mitigate or avoid significant adverse impacts to special interest species. Because the site is a mixture of open and forested areas, it may be possible to establish a suitable building envelope outside of the actual habitat. If such an envelope can be identified, it will be incorporated into the conditions of approval in order to find that no degradation to threshold W-1 will occur. At the same time, it will be important to not inadvertently cause an adverse effect to the scenic resources thresholds by locating a building envelope in an area which is highly visible from either Lake Tahoe or Baldwin Beach (threshold-related viewsheds).
Because the threshold improvement/non-degradation findings are required for the plan area amendment and not for future development of any residential project, the amendment will not become effective until after the applicant has completed the threshold-related items (land transfer, parcel retirement, Rorippa protection plan and wildlife habitat conservation plan). TRPA will implement the conditions through a new Special Policy and Special Area designation added to Plan Area Statement 175. The conditions are shown below in the Summary section. If the conditions are not satisfied, then the provisions of the original Plan Area 128 will apply.

Chapter 6 Findings

1. **Finding:** The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

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

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

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

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

   **Rationale:** See findings 1 and 2 above.

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

   **Rationale:** See findings 1 and 2 above.

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

1. No additional development would be permitted by the amendment than is otherwise permissible under the Regional Plan; and
2. The amendment includes threshold-related elements which must be completed prior to the amendment becoming effective which are designed to assist in attainment of the Recreation threshold, while maintaining all other applicable thresholds.

3. As described above, a biologic survey is being prepared by the applicant to determine whether suitable bald eagle wintering habitat exists on the subject land. Based on the provisions of Chapter 78 of the Code, TRPA will not approve any project which, directly or indirectly, adversely effects the habitat or causes displacement or extirpation of the population. The results of the survey will be presented at the APC meeting along with any changes to the recommended action which may result from the survey’s findings.

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

1. The applicant shall provide TRPA with an accurate property survey describing the land to be added to Plan Area 175. The area of land shall be no greater than 7.48 acres in size. TRPA must also approve a boundary line adjustment which reconfigures the existing parcel layout.

2. The land to be added to Plan Area 175 shall only be high capability land (land capability classes 4-7), and shall include no low capability lands (classes 1-3). This shall be verified by a land capability verification submitted by the applicant at the same time the property survey is submitted to TRPA.

3. The applicant shall provide TRPA with a certified copy of the recorded deed(s) which transfers the land between the parties involved in the transfer.

4. The owner(s) of the land to be added to Plan Area 175 shall participate in the Cascade Properties water quality Best Management Practices retrofit program.

5. The applicant shall provide evidence to TRPA that they have permanently retired a parcel within Plan Area 175 on which residential uses are permitted.

6. The applicant shall provide TRPA with a Rorippa protection plan which protects and conserves the identified habitat and population sites on the parcel of land in Plan Area 128 to be acquired by the applicant.
7. The applicant shall provide TRPA with a bald eagle habitat conservation/enhancement plan which ensures no adverse impacts to the bald eagle winter habitat. This may include, but not be limited to, avoidance of habitat and use of an established building and disturbance envelope on the land to be added to Plan Area 175.

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

Subject Parcels
Ebright
Plan Area Statement
Amendment
Subject Properties

Basin Strategies
Planning and Consulting Services
P. O. Box 11945, Zephyr Cove, NV 89448
(702) 588-8722 (Fax) 588-8689

APN 18-320-01 thru 05
Prepared By: VEB
Date: 2/20/95

Scale: 1" = 300'

Exhibit B
August 29, 1995

Lake Tahoe

A portion of APN 18-320-01 thru 05
7.48 acres
USFS to Ebright

APN 18-090-54
15.15 acres
Ebright to USFS

Ice House Road
Private Road
Ice House Road

to remain USFS

to remain USFS
PLAN DESIGNATION:

Land Use Classification  RECREATION
Management Strategy     REDIRECTION
Special Designation      NONE

DESCRIPTION:

Location: This area extends north of Highway 89 to Baldwin Beach and from the boundary of Cascade Properties to the Taylor Creek Marsh. The boundaries of this area are shown on TRPA maps E-17 and E-18.

Existing Uses: This area includes the mouths of Taylor and Taillac Creeks, the fish observation chamber, hiking trails, and Baldwin Beach. Wildlife viewing, fishing, picnicking, sunbathing, and cross country skiing are the major recreational activities in the area. Timber harvest and grazing are other uses.

Existing Environment: The land capability of this area is a mixture of stream environment zones and low hazard lands. Most of the land is classified as SEZ. The entire shorezone is classified as barrier beach (high hazard). Essential habitats are managed in the area for bald eagles, waterfowl, and an endangered plant species (Rorippa subumbellata). Vegetation composition is fairly evenly distributed between white fir, lodgepole pine, willow, sagebrush, and marsh vegetation.

PLANNING STATEMENT: This area should continue to provide opportunities for low to moderate resource use when consistent with management objectives for dispersed recreation, wildlife habitat improvement, and protection of essential habitats.

PLANNING CONSIDERATIONS:

1. Winter recreational activities often disturb wintering populations of eagles.
2. Rorippa subumbellata is found adjacent to a high-intensity use area.
3. Developed facilities on Baldwin Beach, such as the parking lot, are inconsistent with uses permitted by the Shorezone Plan and the land capability classification system.
4. This area is within Scenic Roadway Unit 2, Shoreline Unit 4, and Scenic Resource Evaluation Areas 30 and 31.
5. The Agency Wildlife Map identifies bald eagle and waterfowl habitats in this Plan Area, and the USFS has identified an active goshawk nest site in this Plan Area.

SPECIAL POLICIES:

1. The preferred method of access to Baldwin Beach is pedestrian or shuttle bus.
2. The size of the parking facilities should be reduced over the long term and the barrier beach
restored accordingly.

3. The eagle use areas in the vicinity of Taylor Creek should be buffered from human activities by strictly controlling access.

4. Management efforts should continue to protect the habitat sites for Rorippa subumbellata.

5. Grazing should be strictly controlled and managed in the area of private ownership.

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

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

Public Service

Cultural facilities (A), local public health and safety facilities (S), pipelines and power transmission (S), public utility centers (S), government offices (S), transit stations and terminals (S), and transportation routes (S).

Recreation

Beach recreation (A), cross country skiing courses (S), day use areas (A), riding and hiking trails (A), and visitor information center (A).

Resource Management

Reforestation (A), regeneration harvest (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (S), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (S), structural wildlife habitat management (S), farm/ranch accessory structures (S), grazing (S), range pasture management (S), range improvement (A), fire detection and suppression (A), fuels treatment (S), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

Tolerance District 1

Primary Uses

Safety and navigation devices (A) and beach recreation (A).

Accessory Structures

Buoys (A), piers (S), fences (S), boat ramps (S), floating docks and platforms (A), shoreline protective structures (S), and water intake lines (A).

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

**USE**

**MAXIMUM DENSITY**

There are no Plan Area maximum allowable densities.

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

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

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

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

**OTHER:** Two miles of trail.

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

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
175 -- CASCADE PROPERTIES

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy     MITIGATION
Special Designation      NONE

DESCRIPTION:

Location: This area is located along Cascade Creek between Highway 89 and Lake Tahoe and can be located on TRPA map E-17.

Existing Uses: The area contains an older residential subdivision and the Cascade riding stables. The area is currently about 55 percent built out.

Existing Environment: The land capability of this area is approximately 35 percent high hazard, 25 percent moderate hazard, and 15 percent low hazard. The Shorezone Tolerance Districts are 7, 2 and 1. Dominant vegetation includes mixed conifer fir, lodgepole pine, and sagebrush. Impervious surfaces cover approximately 10 percent of the land area and an additional 25 percent is disturbed.

PLANNING STATEMENT: This area should continue to be residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. The subdivision improvements do not meet minimal BMP standards.
2. Cascade Properties is located far from any urban services.
3. Scenic Roadway Unit 3 and Scenic Shoreline Unit 5 are within this Plan Area.

SPECIAL POLICIES:

1. The subdivision should be brought up to 208 standards.

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

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

Residential  Single family dwelling (A).
Public Service
Local public health and safety facilities (S), (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), and public utility centers (S).

Recreation
Participant sports facilities (S), day use areas (A), riding and hiking trails (A), and beach recreation (A).

Resource Management
Reforestation (A), sanitation salvage cut (A), Management special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

Tolerance District 7
Primary Uses
Beach recreation (A), safety and navigational facilities (A), and salvage operations (A).

Accessory Structures
Buoys (A), piers (A), fences (S), boatramps (S), breakwaters or jetties (S), floating docks and platforms (A), shoreline protective structures (S), and water intake lines (S).

Tolerance Districts 1 and 2
Primary Uses
Safety and navigational facilities (A) and salvage operations (A).

Accessory Structures
Buoys (S), piers (S), fences (S), floating docks and platforms (A), shoreline protective structures (S), and water intake lines (S).

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

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>

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

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 89 corridor is 55 CNEL.
ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

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

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

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

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

4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway corridor. (To be completed.)
MEMORANDUM

September 1, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

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

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

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

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

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

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

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

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

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

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

Chapter 6 Findings:

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

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

AGENDA ITEM V.B.
2. The project will not cause the environmental thresholds to be exceeded.

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

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

Rationale: See Rationales 1 and 2 above.

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

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

Ordinance 87-8 Findings:

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

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

2. One or more of the following:

a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved.

AGENDA ITEM V.B.
(2) Implementation will result in unacceptable impacts on public health and safety; or

(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Package and complying with the Compact.

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

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

(10) Timber harvesting on project areas of 20 acres or less for salvage cuts provided that:

(a) A Tahoe Basin Tree Removal Permit, that expires twelve months after issuance, has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;

(b) A pre-operations field inspection is completed by TRPA which is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator;

(c) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, 7;

(d) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;

(e) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and

(f) There are no stream crossings except for existing bridges.
ATTACHMENT B

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

PROPERTY OWNER(S) OF RECORD:

Name(s) ___________________________ Phone: ___________________________

Mailing Address: ___________________________

Location of Property: ___________________________

Type of logging operation: ___________________________

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

1) A pre-operations field inspection must be completed by TRPA which is attended by a representative from CDF or NDF, the property owner or authorized representative, and the licensed timber operator.

2) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, and/or 7.

3) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting. Burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year.

4) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting.

5) There are no stream crossings except for existing bridges.

6) This Tahoe Basin Tree Removal Permit expires 12 months after issuance.

7) Stump height shall be 6" or less.

8) Tops of live stumps shall be covered with powdered borax immediately after felling to retard the spread of root disease.

9) Soil conditions must be dry before vehicles are allowed on the property.

10) A map shall be attached to this form, showing the location of the operation and all streams, floodplains and other surface waters.

11) The operation covered by this permit shall be bound by all applicable provisions of the TRPA Code of Ordinances.

12) This form must be provided to TRPA at least five days prior to a scheduled pre-operations meeting.

PERMIT CONTINUED ON NEXT PAGE
SPECIAL CONDITIONS:

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

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

Applicant's signature: ___________________________ Date: ________________

Mailing Address: ________________________________ Phone: ________________

Forester's Authorization: ________________________
MEMORANDUM

September 5, 1995

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Amendment of the 1995-1999 List of Additional Public Service Facilities to Add Mountain View Estates No. 7 Fire Station

Proposed Action: Amend the 1995-1999 List of Additional Public Service Facilities to add Mountain View Estates No. 7 Fire Station.

Staff Recommendation: Staff recommends that the APC conduct the public hearing and, based on its outcome, recommend to the Governing Board adoption of the attached amendment which indicates that 1) the project meets the criteria of subparagraph 33.5.A.4(e), and 2) the action will have no significant environmental effect.

Project Summary: This project will involve the conversion of a house to a fire station in order to provide fire protection to the Mountain View Estates and Angora Highland areas. It has been requested that this project be handled as a priority for the following reasons: 1) to reduce fire response times in this area; 2) Angora Rider and Tahoe Mountain areas pose a fire threat to these communities; and 3) the preferred location including an existing structure are available at this time. TRPA staff has determined that this project relates to an emergency involving the public health, safety, and general welfare, therefore meeting the requirement of Code Section 33.5.A.4(3), and should be added to the 1995-1999 List of Additional Public Service Facilities immediately.

Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) for the project and proposes a Finding of No Significant Effect (FONSE) because the action is administrative in nature and does not constitute a project approval. Projects on the list which apply for TRPA permits must be found to be consistent with all applicable elements of the Regional Plan prior to the project approval.

The addition of new projects to the list for future consideration is consistent with the Regional Plan.

Please contact John Hitchcock at (702) 588-4547 if you have any questions or comments on this agenda item.

JH/rd

Planning for the Protection of our Lake and Land
7.J.3) TCPUD Water Storage Tank  
7.J.4) TCPUD McKinney Well  
7.J.5) TCPUD McKinney Water Tank  
7.J.6) TCPUD Rubicon IV Well  
7.J.7) TCPUD Tahoe City Well IV/Highlands Well  
7.J.8) TCPUD Ward Valley/Alpine Peaks Production Well  
7.J.9) TCPUD Parks Maintenance Shop  
7.J.10) TCPUD Grove Street Sewer Lift Station Relocation  
7.J.11) TCPUD Lakeview Standby Power and Building-Rubicon Well No. 1  
7.J.12) TCPUD Standby Power and Building-Tahoe City Wells No. 2 and 3  
7.J.13) TCPUD McKinney Well #2  
7.J.14) TCPUD, McKinney Well No. 3*  
7.K.1) Talmont Maintenance Station  
7.M.1) Lake Tahoe Humane Society Building  
7.N.1) Tahoe Cedars Water Company Water Storage Tank  
7.N.2) Tahoe Cedars Water Company, Water Well*  
7.O.1) McKinney Water District Tank Replacement  
7.P.1) Fulton Water Company Links Well  
7.P.3) Fulton Water Company Cedar Flat Well and Booster Station  
7.Q.1) Tahoe Park Water Company Skyland-Neilsen Water Main Intertie  
7.Q.2) Tahoe Park Water Company Filter Plant  
7.R.1) TSUV Grand Avenue Water Treatment Facility  
7.R.2) TSUV Tahoe Swiss Water Treatment Facility  
7.S.1) Fallen Leaf Lodge Water Intake and Treatment Facility  
7.T.1) Lake Tahoe Ambulance Co., Station #2  
7.U.1) Crystal Bay Water Co., Fire System Improvement  
7.U.2) Crystal Bay Water Co., Water Treatment Facilities Improvement  
7.V.1) Ward Wall Water Co., Pineland Drive Replacement  
7.W.1) Logan Creek Estates GID Water Storage Tank  
7.X.1) Lake Forest Pipeline Replacement  
7.Y.1) North Lake Tahoe Fire Protection District Station #2 Crystal Bay  
7.Z.1) Rubicon Mutual Water Company Water Line  
7.AA.1) Nevada State Parks, Memorial Point Sewer/Water Systems*  
7.AA.2) Nevada State Parks, Spooner Lake Sewer System Improvements*  
7.BB.1) Edgewood Water Company Storage Tank  
7.CC.1) Lake Valley Fire Protection District, Mountain View Estates Fire Station  

8. Publicly Owned Government Meeting, Convention, and Assembly Facilities  

8.A.1) El Dorado County Historical Museum  
8.B.1) IGVID Incline Park Amphitheater*  
8.C.1) USDA-LTBHU Washoe Cultural Center  
8.C.2) Tallac Historic Site Rehabilitation  
8.D.1) TCPUD North Tahoe Regional Community Complex  
8.E.1) Children's Performing Arts Center/Academy*
Type of Use: Public Health and Safety Facilities

Project Name: Lake Valley Fire District Station No. 6
Description: Addition of new one-story two engine garage adjacent to existing single family residence. Residence will be used as living quarters for volunteer staff members.

Applicant: Lake Valley Fire Protection District
Location: Mountain View Estates No. 7, El Dorado County, CA
APN 33-246-01

Construction Date: October 1995
Cost: $60,000

Eligibility Findings:

There is a need for the project: This project is needed due to the fire threat in the Angora Rider and Tahoe Mountain area, and to reduce the fire response time to Mountain View Estates area. Also, the preferred location and an existing structure are available at this time.

The project complies with the Goals and Policies, applicable Plan Area Statement, and the Code: Local public health and safety facilities are a special use in this PAS. The project is consistent with the Public Services and Facilities Element of the Goals and Policies, and the project proposes no development inconsistent with the Code based on the information supplied by the applicant.

The addition of the project to the Public Service List does not constitute a project approval, preliminary or otherwise, or a Finding of No Significant Environmental Effect. The project shall require the review and approval of TRPA, in accordance with the Code of Ordinances, prior to issuance of a permit.

The findings of need for the project is made in the context of a five-year planning process and does not preclude an analysis and inquiry into the need for the project, including the site, at the time of project review.

The project is consistent with the TRPA Capital Improvement Program: N/A

The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity: Based on preliminary information provided by the project proponent, and considering the project's service capacity in terms of (1) impacts on traffic and transportation, (2) energy consumption, (3) demand on sewer and water, (4) occupancy, and (5) similar measures of service capacity, the project is consistent with the Regional Plan Goals and Policies, the Code of Ordinances, and the attainment and maintenance of thresholds and applicable air and water quality standards. The project will not have a significant adverse effect on Regional VMT, traffic congestion, energy consumption, or demand on sewer and water facilities. The change in service capacity, if any, is consistent with the disclosure of environmental impacts identified in the EISs on the Regional Plan package and will not adversely affect implementation of compliance measures necessary to attain and maintain environmental thresholds and applicable water and air quality standards.
Where a project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process: N/A
MEMORANDUM

August 24, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendment to Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and Washoe County

Proposed Action

Amend Chapter 4 of the Code of Ordinances to exempt certain residential construction activities reviewed by Washoe County from TRPA review.

Description and Discussion

TRPA is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The Compact, Article VI(a) allows TRPA to define what activities are exempt from TRPA review. This proposed amendment to Chapter 4 will provide for the review and approval of new single and multiple-family residential structures (4 units or less), and additions/modifications of existing residential structures within the limits of Washoe County to be conducted by Washoe County. As stated in the attached MOU, the County will be required to review these residential activities pursuant to all applicable TRPA Code requirements. With the understanding that all applicable TRPA regulations will be complied with and enforced by the County, the construction of new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures within the County shall be considered qualified exempt activities pursuant to Chapter 4 of the TRPA Code.

The Washoe County Board of Supervisors will hold a public hearing on September 12, 1995 to consider this MOU. The Washoe County staff are recommending approval of the proposed MOU.

JW
8/24/95

AGENDA ITEM V.D.

Planning for the Protection of our Lake and Land
Memo to the TRPA Advisory Planning Commission
MOU Between TRPA and Washoe County
Page Two

Proposed Ordinance Amendment

Staff proposes to amend Chapter 4, Section 4.4 of the Code by adding the following section:

4.4.G Residential Activities Within Washoe County: As set forth in Appendix ER, dated September 1995, to this Chapter.

Environmental Documentation

The proposed amendment provides for the review and approval by the County of certain residential activities pursuant to the terms of the MOU. In order to be considered qualified exempt under Chapter 4 of the TRPA Code all such activities conducted under the MOU must be consistent with the TRPA Regional Plan and Code of Ordinances. Staff has completed an Initial Environmental Checklist (IEC), and based on the checklist recommends a finding of no significant environmental effect.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires TRPA to make four findings to amend the Code of Ordinances. These findings, and brief statements of fact and rationale upon which the findings are based, are set forth below.

A. The project (ordinance) 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;

The activities described in the proposed MOU will be reviewed, approved and inspected by the County consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of County and TRPA staff time as well as avoid the duplicative review process currently experienced by the County, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project (ordinance) will not cause environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU will still be consistent with the provisions of the Regional Plan and Code. The activities will be reviewed by the County in accordance with all applicable TRPA regulations and are limited to only new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures.

8/24/95

AGENDA ITEM V.D.
All land capability and existing coverage verifications, BMP requirement determinations, and a review of previous TRPA actions affecting the subject application will be conducted by TRPA staff. Residential activities which currently require Governing Board review, a scenic analysis, or which involve unusual circumstances, as determined by TRPA, shall be reviewed by TRPA and are not exempt under the MOU. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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 (ordinance) meets or exceeds such standards;

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

D. 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.

As explained under findings A, B, and C, above, 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 those 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.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed and inspected consistent with the Regional Plan package, including the TRPA Code and Plan Area Statements. The proposed MOU will not result in an increase in development since all activities will be subject to the residential allocation system. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the region.

8/24/95

AGENDA ITEM V.D.
Ordinance 87-8 Findings

Subsection 2.40 of Ordinance 87-8 requires TRPA to make one of several findings in order to amend the Code of Ordinances. The applicable required finding, and brief statement of fact and rationale upon which the finding can be made, is set forth below.

A. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

The review and inspection of single and multiple-family residential activities is currently conducted by both the County and TRPA pursuant to each of their respective regulations. Consequently each Agency reviews the same set of construction plans and performs numerous site inspections for the same project. This duplicative process not only consumes a considerable amount of time for both agencies, but also requires substantial coordination in terms of permit conditions and the review and inspection process in general. It is the desire of both agencies to provide a regulatory structure which is consistent and makes the most efficient use of public resources. As stated above, all activities undertaken pursuant to this MOU will be reviewed and inspected in accordance with both County and TRPA regulations. In addition, Subsection 2.50 of Ordinance 87-8 provides that the finding(s) required by Subsection 2.40 are not intended to limit TRPA's authority to add policies or ordinances to make existing policies and ordinances more effective. The proposed ordinance amendment and MOU provides for an equal or better, as well as a more effective means of implementing the Regional Plan Package and complying with the Compact.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.
MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND
WASHOE COUNTY

September 1995

This Memorandum of Understanding is entered into this ______ day of September 1995, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and WASHOE COUNTY (COUNTY), by and through its Chairman of the Board of Supervisors, as authorized by the Board of Supervisors.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by COUNTY pursuant to the MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the processing of permits for new construction of single or multiple-family residential structures (four units or less), and additions/modifications of existing residential structures, in accordance with the desire of the parties to provide a regulatory structure which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of COUNTY as it pertains to construction of residential structures within the County of Washoe, and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, COUNTY and TRPA agree that COUNTY shall review construction of new single and multiple-family structures (four units or less), and additions/modifications to existing single and multiple-family structures to be constructed within the COUNTY limits of Washoe County. Such review by COUNTY shall include application of all applicable TRPA regulations to residential construction projects otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed a qualified exempt activity under TRPA regulations.
IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. With the exception of those applications requiring TRPA Governing Board approval (Chapter 4, Appendix A), all applications for residential additions/modifications and new construction of single and multiple-family residential structures (four units or less), including Qualified Exempt residential activities, located within the County limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by COUNTY.

2. COUNTY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to construction of residential projects, as authorized by this MOU.

COUNTY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU.

All applications for coverage and/or development right transfers/banking and subdivisions, including lot line adjustments, shall continue to be reviewed and approved by TRPA.

3. COUNTY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to COUNTY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculation to assist COUNTY in performing fee collection activities. Furthermore, COUNTY shall be authorized to retain a percentage of all application fees collected to offset COUNTY’s costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and COUNTY, and may be amended from time to time by mutual agreement of the TRPA Executive Director and the Chairman of the Board of Supervisors.

All mitigation fees collected by COUNTY on behalf of TRPA pursuant to this MOU shall be paid to TRPA on a monthly basis under procedures mutually agreed upon by the finance officers of the parties hereto.

4. Prior to COUNTY receiving any applications for new single-family residential projects as authorized by this MOU, the property owner/applicant shall secure from TRPA an IPES score and allowable coverage verification. Said verification shall be obtained in written form from TRPA to be submitted to COUNTY by the applicant. Prior to COUNTY receiving any applications for projects involving additions or modifications to existing single-family or multiple-family residential structures, or new multiple-family residential structures (four units or less), TRPA will conduct a site assessment of the subject site to verify the Bailey land capability classification, existing coverage, prior TRPA actions affecting the subject parcel, and/or BMP and scenic review requirements.

5. Nothing in this MOU shall be construed to limit the authority of COUNTY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either COUNTY or TRPA.

6. The COUNTY staff and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards on the results of such review.
7. In carrying out the intent of this MOU, COUNTY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by COUNTY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, COUNTY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. COUNTY shall submit completed tracking forms to TRPA on a monthly basis.

8. COUNTY shall perform compliance inspections to ensure that the residential projects and Qualified Exempt activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

COUNTY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted residential activities. Upon discovery of a TRPA Code violation, COUNTY shall immediately notify the TRPA Environmental Compliance Division in writing to coordinate compliance procedures. Settlements of TRPA Code violations involving civil penalties must be approved by TRPA. If a TRPA Code violation cannot be resolved at the County Building Department staff level, COUNTY shall contact TRPA to institute TRPA’s formal notice of violation procedure.

Upon final inspection, if the project has been constructed in accordance with the permit, COUNTY shall be authorized to release the security deposit to the project applicant.

In the event an applicant desires to appeal any administrative action or decision on the part of COUNTY dealing with TRPA regulations, such appeal shall be to TRPA.

9. Any exempt activity set forth herein shall be considered a project requiring TRPA review if the TRPA Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.

10. This MOU shall continue until sixty (60) days’ written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by COUNTY without the prior written approval of TRPA.

WASHOE COUNTY

Dated:__________________________________________

Chairman
Washoe County Board of Supervisors

TAHOE REGIONAL PLANNING AGENCY

Dated:__________________________________________

James W. Baetge
Executive Director
TAHOE REGIONAL PLANNING AGENCY
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(702) 586-4547
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MEMORANDUM

August 24, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendment to Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and Douglas County

Proposed Action

Amend Chapter 4 of the Code of Ordinances to exempt certain residential construction activities reviewed by Douglas County from TRPA review.

Description and Discussion

TRPA is required by the Tahoe Regional Planning Compact to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The Compact, Article VI(a) allows TRPA to define what activities are exempt from TRPA review. This proposed amendment to Chapter 4 will provide for the review and approval of new single and multiple-family residential structures (4 units or less), and additions/modifications of existing residential structures within the limits of Douglas County to be conducted by Douglas County. As stated in the attached MOU, the County will be required to review these residential activities pursuant to all applicable TRPA Code requirements. With the understanding that all applicable TRPA regulations will be complied with and enforced by the County, the construction of new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures within the County shall be considered qualified exempt activities pursuant to Chapter 4 of the TRPA Code.

The Douglas County Board of Commissioners will hold a public hearing on September 14, 1995 to consider this MOU. The Douglas County staff are recommending approval of the proposed MOU provided additional staff resources are provided to handle the additional workload.

JW
8/24/95

AGENDA ITEM V.E.

Planning for the Protection of our Lake and Land
Proposed Ordinance Amendment

Staff proposes to amend Chapter 4, Section 4.4 of the Code by adding the following section:


Environmental Documentation

The proposed amendment provides for the review and approval by the County of certain residential activities pursuant to the terms of the MOU. In order to be considered qualified exempt under Chapter 4 of the TRPA Code, all such activities conducted under the MOU must be consistent with the TRPA Regional Plan and Code of Ordinances. Staff has completed an Initial Environmental Checklist (IEC), and based on the checklist recommends a finding of no significant environmental effect.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires TRPA to make four findings to amend the Code of Ordinances. These findings, and brief statements of fact and rationale upon which the findings are based, are set forth below.

A. The project (ordinance) 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;

The activities described in the proposed MOU will be reviewed, approved and inspected by the County consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of County and TRPA staff time as well as avoid the duplicative review process currently experienced by the County, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project (ordinance) will not cause environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU will still be consistent with the provisions of the Regional Plan and Code. The activities will be reviewed by the County in accordance with all applicable TRPA regulations and are limited to only new single and multiple-family structures (4 units or less), and additions/modifications of existing residential structures.
All land capability and existing coverage verifications, BMP requirement determinations, and a review of previous TRPA actions affecting the subject application will be conducted by TRPA staff. Residential activities which currently require Governing Board review, a scenic analysis, or which involve unusual circumstances, as determined by TRPA, shall be reviewed by TRPA and are not exempt under the MOU. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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 (ordinance) meets or exceeds such standards;

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

D. 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.

As explained under findings A, B, and C, above, 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 those 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.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed and inspected consistent with the Regional Plan package, including the TRPA Code and Plan Area Statements. The proposed MOU will not result in an increase in development since all activities will be subject to the residential allocation system. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the region.
Memo to the TRPA Advisory Planning Commission
MOU Between TRPA and Douglas County
Page Four

Ordinance 87-8 Findings

Subsection 2.40 of Ordinance 87-8 requires TRPA to make one of several findings in order to amend the Code of Ordinances. The applicable required finding, and brief statement of fact and rationale upon which the finding can be made, is set forth below.

A. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

The review and inspection of single and multiple-family residential activities is currently conducted by both the County and TRPA pursuant to each of their respective regulations. Consequently each Agency reviews the same set of construction plans and performs numerous site inspections for the same project. This duplicative process not only consumes a considerable amount of time for both agencies, but also requires substantial coordination in terms of permit conditions and the review and inspection process in general. It is the desire of both agencies to provide a regulatory structure which is consistent and makes the most efficient use of public resources. As stated above, all activities undertaken pursuant to this MOU will be reviewed and inspected in accordance with both County and TRPA regulations. In addition, Subsection 2.50 of Ordinance 87-8 provides that the finding(s) required by Subsection 2.40 are not intended to limit TRPA’s authority to add policies or ordinances to make existing policies and ordinances more effective. The proposed ordinance amendment and MOU provides for an equal or better, as well as a more effective means of implementing the Regional Plan Package and complying with the Compact.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.

8/24/95
MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND
DOUGLAS COUNTY

September 1995

This Memorandum of Understanding is entered into this ______ day of September 1995, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and DOUGLAS COUNTY (COUNTY), by and through its Chairman of the Board of Commissioners, as authorized by the Board of Commissioners.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by COUNTY pursuant to the MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the processing of permits for new construction of single or multiple-family residential structures (four units or less), and additions/modifications of existing residential structures, in accordance with the desire of the parties to provide a regulatory structure which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define those activities which are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of COUNTY as it pertains to construction of residential structures within the County of Douglas and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, COUNTY and TRPA agree that COUNTY shall review construction of new single and multiple-family structures (four units or less), and additions/modifications to existing single and multiple-family structures to be constructed within the COUNTY limits of Douglas County. Such review by COUNTY shall include application of all applicable TRPA regulations to residential construction projects otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed a qualified exempt activity under TRPA regulations.
IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. With the exception of those applications requiring TRPA Governing Board approval (Chapter 4, Appendix A), all applications for residential additions/modifications and new construction of single and multiple-family residential structures (four units or less), including Qualified Exempt residential activities, located within the County limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by COUNTY.

2. COUNTY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to construction of residential projects, as authorized by this MOU.

COUNTY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU.

All applications for coverage and/or development right transfers/banking and subdivisions, including lot line adjustments, shall continue to be reviewed and approved by TRPA.

3. COUNTY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to COUNTY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculation to assist COUNTY in performing fee collection activities. Furthermore, COUNTY shall be authorized to retain a percentage of all application fees collected to offset COUNTY's costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and COUNTY, and may be amended from time to time by mutual agreement of the TRPA Executive Director and the Chairman of the Board of Supervisors.

All mitigation fees collected by COUNTY on behalf of TRPA pursuant to this MOU shall be paid to TRPA on a monthly basis under procedures mutually agreed upon by the finance officers of the parties hereto.

4. Prior to COUNTY receiving any applications for new single-family residential projects as authorized by this MOU, the property owner/applicant shall secure from TRPA an IFRS score and allowable coverage verification. Said verification shall be obtained in written form from TRPA to be submitted to COUNTY by the applicant. Prior to COUNTY receiving any applications for projects involving additions or modifications to existing single-family or multiple-family residential structures, or new multiple-family residential structures (four units or less), TRPA will conduct a site assessment of the subject site to verify the Bailey land capability classification, existing coverage, prior TRPA actions affecting the subject parcel, and/or BMP and scenic review requirements.

5. Nothing in this MOU shall be construed to limit the authority of COUNTY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either COUNTY or TRPA.

6. The COUNTY staff and TRPA staff shall review quarterly the implementation of this MOU and shall report to their respective governing boards on the results of such review.
7. In carrying out the intent of this MOU, COUNTY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by COUNTY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, COUNTY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. COUNTY shall submit completed tracking forms to TRPA on a monthly basis.

8. COUNTY shall perform compliance inspections to ensure that the residential projects and Qualified Exempt activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved. COUNTY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted residential activities. Upon discovery of a TRPA Code violation, COUNTY shall immediately notify the TRPA Environmental Compliance Division in writing to coordinate compliance procedures. Settlements of TRPA Code violations involving civil penalties must be approved by TRPA. If a TRPA Code violation cannot be resolved at the County Building Department staff level, COUNTY shall contact TRPA to institute TRPA's formal notice of violation procedure.

Upon final inspection, if the project has been constructed in accordance with the permit, COUNTY shall be authorized to release the security deposit to the project applicant.

In the event an applicant desires to appeal any administrative action or decision on the part of COUNTY dealing with TRPA regulations, such appeal shall be to TRPA.

9. Any exempt activity set forth herein shall be considered a project requiring TRPA review if the TRPA Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.

10. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by COUNTY without the prior written approval of TRPA.

DOUGLAS COUNTY

Dated:_________________________

Chairman
Douglas County Board of Commissioners

TAHOE REGIONAL PLANNING AGENCY

Dated:_________________________

James W. Baetge
Executive Director
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(702) 588-4547
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Memorandum

September 5, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Tahoe Regional Planning Agency Code of Ordinances, Chapter 64, Exceptions to Groundwater Interception

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Proposed Action: The proposed action is to make a recommendation to the Governing Board on an amendment to Section 64.7.A of the TRPA Code to permit interception of groundwater for projects qualifying for additional height within redevelopment areas under TRPA Code Subsection 22.4.D (see Attachment A).

Staff Recommendation: TRPA staff recommends that the APC conduct a public hearing and recommend adoption of the proposed Code amendment.

Proposed Amendments: The proposed amendment is found in Attachment B with the proposed language underlined.

Discussion: The amendment pertains to projects that, in order to accomplish certain environmental threshold goals, e.g., land coverage reduction, scenic improvements and area-wide drainage systems, may require basement excavations that can intercept groundwater. As proposed, such projects must be located within a TRPA designated height district. These districts are limited to areas which are within both a TRPA adopted redevelopment plan and a TRPA adopted community plan. The proposed amendment also requires any project to include measures which prevent groundwater from leaving the site as surface flow and that the groundwater be rerouted in the groundwater flow to avoid any subsurface hydrologic impacts. A hydrologic report prepared pursuant to Code Subsection 64.7.B (see Attachment C) is also required.

Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) and because the amendment requires the prevention of surface discharge, protection of vegetation and subsurface flows, the preparation of a hydrologic report, and because each project will require adequate environmental documentation regarding its potential impact and mitigation, staff recommends a finding of no significant effect.

/ch

AGENDA ITEM V.F.

Planning for the Protection of our Lake and Land
Required Findings: The following findings must be made prior to adopting the proposed amendment:

A. Chapter 6 Findings:

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

Rationale: Interception of ground water is not discussed in the TRPA Goals and Policies. The two policies relating to grading in the Goals and Policies relate to grading in inclement weather and grading within the 100-year flood plain. This amendment does not affect these policies. The proposed exception criteria is consistent with existing criteria in the Code and is limited in its applicability geographically. Design requirements for projects qualifying for the proposed exception are consistent with the objectives of TRPA’s water quality management plan, namely maintaining groundwater hydrologic conditions, protecting vegetation, and preventing groundwater from leaving a site as surface flow. The proposed amendment will not adversely affect implementation of TRPA plans and programs.

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

Rationale: Thresholds related to water quality treatment and discharge standards partially depend on the infiltration of surface runoff and the protection and restoration of both surface and subsurface hydrology. The proposed amendment will not alter regulations relating to these concerns.

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

Rationale: Project applicants utilizing the proposed Code amendment must continue to implement the Regional Plan package, including maintenance of applicable air and water quality standards. The proposed excavation amendment would only be permissible if the applicant can provide substantial evidence that the design of the project can successfully provide for the routing of intercepted groundwater while maintaining the subsurface hydrologic condition and protecting any dependent vegetation, if present.

4. The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
Rationale: The proposed amendment will achieve and maintain the thresholds for the reasons cited in paragraphs 1 through 3 above.

B. Ordinance 87-8 Findings:

Section 2.40 of Ordinance 87-8 requires the following findings to be made prior to adopting Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

For the reasons stated in Findings A.1 through A.4 above, the proposed amendment is consistent with attainment or maintenance of the thresholds.

2. One of the following findings:

a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or

b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or

e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or

f. Implementation of the provision sought to be amended has been demonstrated to be impractical or impossible because of one or more of the following reasons:

(1) The cost of implementation outweighs the environmental gain to be achieved;

(2) Implementation will result in unacceptable impacts on public health and safety; or
(3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Staff recommends Finding 2(e) for the following reasons:

The rationales listed under Findings A.1 through A.4 above. In addition, the current prohibition for groundwater interception can preclude large scale improvement projects within redevelopment areas from being constructed. Such projects can provide substantial benefit for a number of thresholds including water quality, air quality, transportation, and scenic quality. Staff believes such projects can be designed and constructed to allow the flow of intercepted groundwater to continue along its route and not be discharged to the surface. The proposed amendment can improve the attainment and maintenance of thresholds within the redevelopment area.

If you have any questions regarding this item please contact Carl Hasty, Senior Planner - Water Quality/Land Capability, at (702) 588-4547.
(2) Additional Height For Increased Setback: Nine additional feet, up to a 12 foot increase in the maximum heights set forth in Table A, may be approved by TRPA for each 100 feet, or increments thereof in excess of 100 feet, of permanent setback from the high water line of Lake Tahoe, provided as part of a project in addition to the otherwise required setback.

(3) Additional Height For Public Access: Nine additional feet, up to a 12 foot increase in maximum heights set forth in Table A, may be approved by TRPA for each 50 foot wide by 200 foot long area, or increments thereof in excess of 50 feet by 200 feet, of public access provided along the shoreline of Lake Tahoe as part of a tourist accommodation project.

(4) Required Findings: Additional height may be approved under the provisions of Subparagraphs (1), (2), or (3) of this subsection, if TRPA makes findings (1), (2), (3), and (6) as set forth in Section 22.7.

22.4.C Additional Height For Redevelopment Projects Within The City Of South Lake Tahoe: Additional height for redevelopment projects within the City of South Lake Tahoe is set forth in Chapter 15.

22.4.D Additional Height for Special Height Districts: TRPA may designate special height districts as specified below. These special height districts shall be limited to areas which are within both a TRPA adopted redevelopment plan and a TRPA adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan.

(1) Findings for Special Height Districts: Special height districts may be specified in adopted redevelopment plans if TRPA makes the following findings:

(a) The area is within 2300 feet of the center point of three or more buildings exceeding the height of 150 feet.

(b) The special height district provides a transition of height from the high-rise area to the surrounding area of lower permissible heights.

(c) The projects within the special height district utilize transit/pedestrian oriented development principles including, but not
limited to, major transit facilities, side walks, limited parking, mixed uses, high densities, use of alleys and pedestrian oriented commercial opportunities.

(d) The special height district is consistent with the Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.

(2) Findings for Establishing Maximum Allowable Heights Within Special Height Districts: In order to establish maximum allowable heights within special height districts, TRPA shall make the following findings:

(a) The maximum height within a special height district is limited to 73 feet or three-fourths of the maximum height of the tallest trees within the special height district, whichever is lower. TRPA shall determine the height of the tallest trees within a special height district.

(b) Prior to approving additional height for a project within a special height district TRPA shall make Findings (1), (3), (5) and (9) of Section 22.7.

(3) Limitations on Height within the South Lake Tahoe Redevelopment Demonstration Plan Special Height District: In addition to the standards and limitations established above, the following additional limitations apply to the Special Height District as set forth in Section 1.11 of the South Lake Tahoe Redevelopment Plan Area Development Standards.

(a) Projects approved as part of the South Tahoe Redevelopment Demonstration Project No. 1 are subject to Chapter 15 and shall not be eligible for additional height under the provisions of this subsection.

(b) Maximum heights for buildings which are eligible to gain the additional height are established in Figure 1.1 of the South Lake Tahoe Redevelopment Demonstration Plan Redevelopment Plan Area Development Standards. Additional height for buildings located adjacent to U.S. 50 may not be used for a total linear distance of more than five hundred feet on each side of the street.
Amended 3/23/94, Subsection 22.4.D

(c) The additional height is limited to buildings in which the primary use is tourist accommodation, transit stations and terminals, or vehicle storage and parking. These buildings may also contain primary commercial uses provided that commercial uses other than vehicle parking and storage may not occupy more than 50% of the building's commercial floor area. Vehicle storage and parking buildings which use additional building height and which are located on the Lake Tahoe side of U.S. 50 must be set back a minimum of one hundred feet from the edge of the U.S. 50 right of way and must not provide vehicle access directly off of U.S. 50.

(4) Qualification for Additional Height: Eligible buildings in special height districts may earn additional height greater than that permitted in Table A pursuant to the criteria listed below. The additional heights permissible below are additive within the limitations of this subsection. Additional height which is earned under this subsection may be applied to eligible uses throughout the project area. The additional height may be permissible if TRPA makes findings (1), (3), (5), (6) and (9) of Section 22.7.

(a) Additional Height with Required Findings: The maximum heights specified in Table A may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding (7) in Section 22.7.

(b) Additional Height for Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land coverage, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

(c) Additional Height for View Enhancement: The maximum heights specified in Table A may be increased three additional feet for each view enhancement provided, up to a maximum
increase of nine additional feet. View enhancement for purposes of this subsection is defined in Section 22.2.

(d) **Additional Height for Increased Setback:** The maximum heights specified in Table A may be increased a maximum of ten additional feet when a 50 foot deep by 200 foot long area of open setback is provided for the portion of the building receiving the additional height, in excess of the legally required setback from the edge of the right-of-way of a major arterial.

(e) **Additional Height for Landscaped Public Pedestrian Area:** The maximum heights specified in Table A may be increased for provision of landscaped public pedestrian areas, including all required amenities established in the applicable community plan, as follows:

(i) An additional increase in maximum heights specified in Table A, not to exceed a maximum of fifteen additional feet may be permitted as follows. A maximum of ten additional feet for provision of a landscaped public pedestrian area along or through the special height district located on the mountain side of U.S. 50 which is at least thirty feet wide by 1800 feet long. A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional thirty foot wide by 180 foot long landscaped public pedestrian area provided.

(ii) An additional increase in maximum heights specified in Table A, not to exceed a maximum of fifteen additional feet may be permitted as follows. A maximum of ten additional feet for provision of a landscaped public pedestrian area along U.S. 50 in or adjacent to the special height district located on the Lake Tahoe side of U.S. 50 which is at least ten feet wide by 1200 feet long. A maximum of five additional feet may be permitted at the rate of one foot of additional height for each...
Amended 3/23/94, Subsection 22.4.D

additional ten foot wide by 120 foot long landscaped public pedestrian area provided.

(iii) An additional increase in maximum heights specified in Table A, not to exceed a maximum of five additional feet, for each 10,000 square feet of public plaza or outdoor space provided in the project area within which the additional building height is used.

(f) Additional Height for Public Access to Lake Tahoe: Additional height for public access to Lake Tahoe may be permitted as follows:

(i) The maximum heights specified in Table A, may be increased a maximum of ten additional feet, for each one acre of public beach provided. The beach must contain at least 200 feet of continuous lake frontage on Lake Tahoe, and shall be located within one half mile from the height district. The beach shall be open to the public and contain restrooms, picnic tables, and other amenities. TRPA shall ensure, through deed restrictions, conveyance to a public agency, or other appropriate means, that the beach remains open to the public.

(ii) The maximum heights specified in Table A may be increased a maximum of four additional feet, for providing a lake access trail described in a community plan.

(g) Additional Height for Tree Preservation: The maximum heights specified in Table A may be increased a maximum of ten additional feet for the preservation and protection of 30 existing trees or 90 percent of the existing trees, whichever is greater, within the project area. To qualify, the trees to be preserved must be twelve inches diameter at breast height (dbh) or greater, and must be found by TRPA to provide screening benefits to the building or buildings using the additional height.
(5) Security for Improvements: Projects which utilize any of the additional height provisions provided in subsection 22.4.D shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the following provisions.

(a) Project Approval: TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsection 22.4.D, that all necessary permits for development of the associated public benefit be issued prior to commencement of construction of the project utilizing the additional height.

(b) Project Funding: Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in subsection 22.4.D, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit for which the additional height was earned, have been obtained or secured.

(c) Project Completion: For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

22.5 Height Standards For Structures Other Than Buildings: Except as provided for in Section 22.5, no structure, other than a building, shall have a maximum height greater than 26 feet.

22.6 Additional Height For Certain Structures: The maximum height specified in Section 22.5 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this section if TRPA makes findings (4) and (7) as set forth in Section 22.7.

22.7 List Of Findings: The findings required in this chapter are as follows:

(1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.
64.7 Excavation Limitations: The following excavation limitations apply:

64.7.A Groundwater Interception: Groundwater interception or interference is prohibited except as set forth below:

(1) Excavation is prohibited that interferes with or intercepts the seasonal high water table by:

(a) Altering the direction of groundwater flow;
(b) Altering the rate of flow of groundwater;
(c) Intercepting groundwater;
(d) Adding or withdrawing groundwater; or
(e) Raising or lowering the water table.

(2) TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:

(a) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;
(b) Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
(c) Drainage structures are necessary to protect the structural integrity of an existing structure;
(d) It is necessary for the public safety and health;
(e) It is a necessary measure for the protection or improvement of water quality;
(f) It is for a water well;
(g) There are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow and groundwater, if any is interfered with, is rerouted in the groundwater flow to avoid adverse impacts to riparian vegetation, if any would be so affected; or
(h) It is necessary to provide two offstreet parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project areas as surface flow; or
(i) It is necessary to provide below grade parking for projects, qualifying for additional height under Subsection 22.4.D, to achieve environmental goals including scenic improvements, land coverage reduction, and area wide drainage systems; and measures are included in the project to prevent groundwater from leaving the project area as surface flow and that groundwater, if any is interfered with, is rerouted into the groundwater flow to avoid adverse impacts to hydrologic conditions, SEZ vegetation and mature trees.
Excavations: Excavations in excess of 5 feet in depth or where there exists a reasonable possibility of interference or interception of a water table, shall be prohibited unless TRPA finds that:

1. A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation; and

2. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems, and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation; and

3. Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A.(l); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

Minimum Excavation: The area and extent of all excavation shall be minimized to avoid unnecessary soil disturbance.

Discovery Of Historic Resources: Whenever during the conduct of grading any historical, pre-historical, or paleontological materials appearing to be fifty years or older are discovered which have not been accounted for previously pursuant to Section 29.2, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading and consult with the appropriate local, state, or federal entities and determine whether the site should be nominated as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 29.
MEMORANDUM

September 1, 1995

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Notice of Circulation, Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft Environmental Impact Statement

The 60-day circulation and comment period for the Lake Tahoe Shorezone Development Cumulative Impact Analysis and Draft Environmental Impact Statement will commence on September 6, 1995, and conclude on November 4, 1995. The document is being mailed to the APC members in their September meeting packet.

TRPA staff will be scheduling two public hearings to solicit comments during this time period, one before the Advisory Planning Commission and one before the Governing Board.

Copies of the document will be available for review at the TRPA office, the El Dorado County Public Library (South Lake Tahoe), the Douglas County Library (Zephyr Cove), the Placer County Libraries (Tahoe City and Kings Beach) and the Washoe County Library (Incline Village) upon commencement of circulation.

If you have any questions or comments regarding this matter, please contact Coleen Shade or Gordon Barrett of the TRPA staff at (702) 588-4547.

9/1/95

AGENDA ITEM VI. A.

Planning for the Protection of our Lake and Land
August 31, 1995

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Notice of Preparation, Draft Environmental Impact Statement, U.S. Forest Service North Shore Project


The Notice of Preparation has been circulated to the California and Nevada State Clearinghouses and other interested parties for review and comment. Comments received on the Notice of Preparation may be used to modify the format and scope of the document. If you have any questions or comments regarding this matter, please contact Paul Nielsen in the TRPA Project Review Division at (702) 588-4547.

Thank You.

/pn

Enclosure
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64
NORTH SHORE PROJECT
VICINITY MAP

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
REGION FIVE

NORTH SHORE PROJECT AREA

TAHOE CITY
INCLINE VILLAGE

STATE OF NEVADA
LAKE TAHOE AREA

STATE OF CALIFORNIA

LAKE TAHOE BASIN MANAGEMENT UNIT

TRUCKEE
RENO
MANY LAKE
LAKE TAHOE
LAKE CITY
SACRAMENTO
STOCKTON
JACKSON
HAMS STATION
MARKLEEVILLE
CARSON CITY

Fig.

Ch 2 Part 1 Page
North Shore Project Description

The proposed project is located on National Forest land within the northern quadrant of the Tahoe Basin. The analysis area lies between Tunnel Creek in Washoe County and the Truckee River corridor in Placer County. Management activities are proposed over approximately 7,000 acres of the 24,000 acre study area. This project will promote stable ecosystems as described in the Forest Service’s Forest Plan and North Shore Ecosystem Report, and the TRPA Regional Plan.

The project will include: watershed restoration work; wildlife and fish habitat improvements; road improvements, road closures, and road obliteration; reforestation; treatment of existing and newly created slash; fuel treatments adjacent to residential areas; and the harvest of dead, dying, diseased, and over-crowed trees. Some of the 20 to 30 million board feet estimated to be removed will be useful lumber or firewood; much of the timber removed will have no commercial value.

No new permanent roads construction is planned; however, construction of additional temporary access roads and landing sites may be required, as well as reconstruction and restoration of existing roads.

Prescribed fire is proposed to treat slash, improve wildlife habitat and reintroduce fire to the ecosystem. Wildlife habitat will also be improved by thinning stands of small lodge pole pines.

Implementation is scheduled to begin in 1996 and will continue for several years.

# # # # #
I. PROJECT NAME OR IDENTIFICATION _NORTH SHORE PROJECT_

II. ENVIRONMENTAL IMPACTS - The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "yes" and "no, with mitigation" answers will require further written comments. See Section III of this questionnaire.

<table>
<thead>
<tr>
<th>1. Land. Will the proposal result in:</th>
<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Compaction or covering of the soil beyond the limits prescribed in the land capability system?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Unstable earth conditions during or after completion of the proposal?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Changes in the soil or geologic substructures?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e. The continuation of or increase in wind or water erosion of soils, either on or off the site?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of a lake?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1/1/86

Environmental Check List
2. **Air.** Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>With Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Substantial air emissions or deterioration of ambient air quality?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. The creation of objectionable odors?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. **Water.** Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>With Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Changes in currents, or the course or direction of water movements?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 2 yr. 6 hr. storm runoff cannot be contained on the site?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Alterations to the course or flow of 100 year flood waters?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Change in the amount of surface water in any water body?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Alteration of the direction or rate of the flow of ground waters?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Substantial reduction in the amount of water otherwise available for public water supplies?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
d. Deterioration to existing fish or wildlife habitat?

6. **Noise**. Will the proposal result in:
   a. Increases in existing noise levels?
   b. Exposure of people to severe noise levels?

7. **Light and Glare**. Will the proposal produce new light or glare inconsistent with the surrounding area?

8. **Land Use**. Will the proposal result in a substantial alteration of the present or planned land use of an area?

9. **Natural Resources**. Will the proposal result in:
   a. Increase in the rate of use of any natural resources?
   b. Substantial depletion of any non-renewable natural resource?

10. **Risk of Upset**. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

11. **Population**. Will the proposal alter the location, distribution, density, or growth rate of the human population planned for the Region?

12. **Housing**. Will the proposal affect existing housing, or create a demand for additional housing?

13. **Transportation/Circulation**. Will the proposal result in:
14. **Public Services.** Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas:

- **Fire protection?**
- **Police protection?**
- **Schools?**
- **Parks or other recreational facilities?**
- **Maintenance of public facilities, including roads?**
- **Other governmental services?**

15. **Energy.** Will the proposal result in:

- **Use of substantial amounts of fuel or energy?**

---

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generation of 100 or more vehicle trips or in excess of 1% of the remaining road capacity?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Effects on existing parking facilities, or demand for new parking?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantial impact upon existing transportation systems?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d. Alterations to present patterns of circulation or movement of people and/or goods?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Alterations to waterborne, rail or air traffic?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

16. **Utilities.** Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Power or natural gas?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Communications systems?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Water?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Sewer or septic tanks?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Storm water drainage?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Solid waste and disposal?</td>
<td></td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

17. **Human Health.** Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Creation of any health hazard or potential health hazard (excluding mental health)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Exposure of people to potential health hazards?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18. **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to the public view?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
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</tbody>
</table>

19. **Recreation** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

<table>
<thead>
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<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
<th>Insufficient</th>
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20. **Archeological/Historical.** Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?

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<th>Yes</th>
<th>No</th>
<th>Mitigation</th>
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21. **Mandatory Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?  
   - [ ] Yes  
   - [ ] No  
   - [ ] Mitigation Insufficient  
   - [X] No, with data

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)  
   - [ ] Yes  
   - [ ] No  
   - [ ] Mitigation Insufficient  
   - [X] No, with data

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant.)  
   - [ ] Yes  
   - [ ] No  
   - [ ] Mitigation Insufficient  
   - [X] No, with data

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  
   - [ ] Yes  
   - [ ] No  
   - [ ] Mitigation Insufficient  
   - [X] No, with data

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION**

All impacts identified with "yes" answers under Section II should be described below and evaluated as to their significance. All "no, with mitigation" responses require a description of the identified impact and the mitigation measure(s) proposed to mitigate the impact so that there is no significant impact.

Detailed discussion of effects and mitigations are included in the Draft EIS and will be discussed and developed further during the draft review process. TRPA and other agency staff will be participating in this review.

1.b. - Construction of helicopter and tractor landing sites. These sites will be obliterated and revegetated following completion of logging.
(Part III -- Discussion of Environmental Evaluation, continued)

1. e & f. - Logging potentially may increase erosion rates. The Best Management Practices designed to counter these effects will be identified and listed in the DEIS.

2. a. - Some of the slash created by the hazard reduction operations will be disposed of by burning. The smoke from burning slash has the potential to lower air quality and generate the smell of woodsmoke. Burning prescriptions attempt to insure that atmospheric and fuel conditions are suitable for quick dispersal of smoke. Nonetheless, no absolute guarantees can be made that, for example, PM10 standards can always be met.

6. a-b. - TRPA code 23.8 permits noise for construction to exceed thresholds. Time of operations will be used to partially mitigate this effect for unit 32. Maximum noise of 75dB for helicopters, if they are used, is not a "severe" noise level.

13. c. & f. - Some customary recreation routes (forest roads and trails) will be periodically closed during timber sale operations. Increased log truck traffic entering highways, timber sale contract road sign plan will minimize this risk.

17. a-b. - Temporary signed closures will protect public from the danger of falling trees. BMP 7.7; Management by closure to use.

21. a & c. To be determined in the DEIS

Environmental Check List
IV CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

March 24, 1995
Date

Robert McDowell
(Name of person completing this form)

(signature of person completing this form)

V DETERMINATION (to be completed by TRPA)

On the basis of this evaluation:

_______ The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

_______ The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

_______ The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.

Date

Signature of Evaluator

Title

Environmental Check List
MEMORANDUM

August 31, 1995

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Notice of Circulation; Draft Supplemental EIR/EIS to the South Tahoe Redevelopment Project Number 1 (Embassy Vacation Resorts)

Under separate cover you will be mailed a copy of the Draft Supplemental EIR/EIS to the South Tahoe Redevelopment Project No. 1. The 60-day public comment period is scheduled to begin on September 6, 1995 and conclude on November 4, 1995.

TRPA Staff has tentatively scheduled a public hearing before the Advisory Planning Commission on October 11, 1995 to solicit comments during the circulation period. If you have any questions or comments regarding this matter please contact Rick Angelocci of the TRPA staff at (702) 588-4547.

/RA
8/31/95

AGENDA ITEM VI.C
Planning for the Protection of our Lake and Land