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 February 11, 2004, at the North Tahoe Community Conference Center, 8318 North Lake Blvd., Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

February 2, 2004

John Singlaub
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. DISPOSITION OF MINUTES

V. ADMINISTRATIVE MATTERS

A) Election of Advisory Planning Commission Chair and Vice Chair

VI. PUBLIC HEARINGS

A) Recommendation on Amendment to PAS 146 Emerald Bay to Add Waterborne Transit and Tourboat Operations and Related Amendments

B) Recommendation on Amendment to PAS 068 Round Mound to Make Single Family Dwelling an Allowable Use

C) Recommendation on Amendment to Amend the Boundary Between PAS 116 Airport and PAS 114 Bonanza

VII. PLANNING MATTERS
   A. Recommendation to Lower the Individual Parcel Evaluation System (IPES) Line in El Dorado County

VIII. REPORTS
   A. Executive Director
      1. Report on Governing Board Actions Relative to APC Recommendations
   B. Legal Counsel
   C. APC Members

IX. ADJOURNMENT
MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to Order: 9:30 a.m.

Present: Chair Alice Baldrica, Vice Chair Larry Lohman, Kevin Cole, Bill Combs, Richard Harris, Robert Jepsen, Lauri Kemper, Eva Krause, Terry Jamin (alternate for Gary Marchio), Ron McIntyre, Mimi Moss, Leo Poppoff, Tom Porta, Mike Riley, Alan Tolhurst.

Absent: Joe Oden; Lee Plemel

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

II. APPROVAL OF AGENDA

It was suggested that Public Hearing V.C. come before Public Hearing V.A.

Leo Poppoff made a motion to approve with this change.
Bob Jepsen seconded
Motion carried.

III. PUBLIC INTEREST COMMENTS (No Action)

No public comments were offered.

Deputy Executive Director Carl Hasty introduced Executive Director John Singlaub and APC members introduced themselves.

IV. DISPOSITION OF MINUTES

It was noted that Planning Matter VI.A.’s fifth paragraph in the December 10, 2003 minutes should have read as follows:

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

Mike Riley made a motion to approve the December 10, 2003 minutes with the above changes.
Leo Poppoff seconded.
Mimi Moss and Bob Jepsen abstained.
Motion carried.

V. PUBLIC HEARINGS

C. Notice of Preparation and Scoping for the Tahoe Beach Club Environmental Impact Statement (EIS), Kahle Drive, Stateline, Nevada. (*Taken out of order for convenience of audience members.*)

Paul Nielsen, Principal Planner, Project Review Division, presented this staff summary. The project, called “Beach Club Lake Tahoe”, is not being decided upon at this APC meeting. It will be presented as a range of alternatives during the scoping of an EIS. Community forums have been held on the South Shore to allow residents to give input. The comment period is open until the end of February 2004. Extrix was selected through an RFP process to prepare the environmental document. A website has been established for placing information gleaned from the scoping process.

A proposed project, “Beach Club Lake Tahoe”, was presented by proponent's advocate Lew Feldman. Four alternatives were presented for the redevelopment of this 20 acre, 217 foot lake front site, which is currently a mobile home park. 1) Build Beach Club Lake Tahoe; 2) upgrade the current mobile home park; 3) create two large lakefront parcels to be developed by future purchasers and 4) no action.

Beach Club Lake Tahoe would be a series of 4, 6 and 8 unit condominiums for private ownership. Some affordable units will be available, reserved for employees of the Club first. The buildings will be 2 to 3 stories. The community will be gated, but the public will have access to the restaurant/marina and the beach.

APC members expressed concerns about loss of affordable housing, increased traffic, proximity of project to KGRID water intake pool, increased boat emissions, Tahoe Yellow Cress environment loss, drainage issues due to high groundwater, loss of wildlife habitat, water treatment issues, soil removal, transport and relocation during construction, length of pier, viability of schedule (tentative final EIS in July 2004), and cultural resources. The loss of affordable housing and the necessity of mitigating the loss with increased affordable housing in the Stateline area were stressed.

Mr. Bob Cook, local resident, not representing any particular entity, raised concerns about the impact redevelopment of this project would have on sport fishing in the Hobart Hole. The current pier is almost too long for proper trolling technique used to fish this hole.

Ms. Jan Christenson, resident and representative of Stateline Homeowners Association, the current mobile home community on the subject land, made a statement in opposition of conversion to another use. She expressed concern about the loss of 155 affordable homes which would devastate the community. Businesses and the community would suffer. She provided a written statement which is filed with these minutes.

Member Richard Harris requested that attention be given to the “no action” alternative. The community as it stands provides benefits to the larger community. Member Ron McIntyre requested that an economic analysis be part of the environmental document.
No action required. Staff noted member and public concerns for the scoping of the EIS document.

A. Proposed Amendments to Chapter 71 (Tree Removal) and Related Chapters (Taken out of order)

Carl Hasty and Mike Vollmer presented this staff summary suggesting changes to Chapter 71 to allow some mechanical vehicles in SEZ areas to clear excess fuels. Tree cutting will become an allowable use in SEZ areas (as will thinning for fuels management) and over the snow clearing of fuels will be allowed if TRPA or TRPA delegates approve. May permit innovative techniques or technology to go over non-snow conditions (i.e., laying down mats). No permanent soil disturbance and no irreversible vegetation damage can result. Comments and testimony are being solicited. These proposed amendments may come back before the APC in the future.

Member concerns included wildlife impact monitoring, how natural progression of forest can be replicated with forest management, terms of MOUs with fire entities and funding.

Dave Marlow of the USFS commented that this revision is a good first step in moving towards total treatment of vegetation density. SEZs do act as wicks for fire. It is better to treat than burn. He is hoping for a closer review during the Pathway 2007 process.

Jon-Paul Harries of the League to Save Lake Tahoe commented that the League does not view the current forest as natural. They realize it has been heavily manipulated and that there is a need to get into SEZs. The League feels their disagreements are just a matter of degree. The definition of permanent soil disturbance is too narrow. Displacement and contamination need to be addressed.

Member Lauri Kemper submitted comments in writing which will be filed with these minutes. Definitions of permanent soil disturbance and irreversible vegetation damage need to be clarified. TRPA Code should be consistent with 208 Plan of Lahontan and Basin Plan of USFS.

Chairwoman Alice Baldrica noted that the tree thinning may be ugly for awhile. The thinning is for the public safety but we may get public complaints. Please reference Chapter 29 in new amendments.

No action was taken on these amendments.

B. Consideration of Recommendation to the Governing Board for Distribution of 2004 Residential Allocations.

Paul Nielsen presented this staff summary recommending residential allocations for local jurisdictions. Douglas County will have 23, Washoe County 59, El Dorado County 92, City of South Lake Tahoe 38 and Placer County 88. Allocations are tied to the number of EIPs each jurisdiction implements. Sensitive lot retirement has risen to 47 from 37 of last year. The program appears to be a success.

Chick Frontal, a realtor with Coldwell Banker, requested that the APC remember that allocations are tied to people. The wait for a residential allocation in the City of South
Lake Tahoe is until 2012. People are waiting a long time to have their dreams realized. Please be consistent.

Members congratulated Paul and TRPA staff on a great staff report in which there is a higher level of trust than years past.

Mimi Moss moved to approve staff’s recommendation.
Eva Krause seconded.
Motion carried.


Tim Hagan, Soil Scientist in the Project Review division, presenting this staff summary recommending an increase in IPES scores for certain properties because of water quality improvements done in the vicinity of these properties. Mitigation does take time and some projects labeled incomplete are not deficient, the vegetation just has not matured yet.

Member Mimi Moss indicated that Douglas County’s proposed increase to its score is 38, rather than 34. It was duly noted.

Lauri Kemper thanked staff for their diligence and made a motion to approve staff’s recommendation.
Bill Combs seconded.
Motion carried.

VI. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Executive Director John Singlaub reported that he was happy to be on board. He has met with each division and is impressed with the high quality of the employees. The Governing Board accepted both recommendations of the Advisory Planning Committee from last month’s meeting.

B. Legal Counsel

No legal report this month.

C. APC Members

Member Lauri Kemper noted that there is a new Secretary of the EPA.

Elections for Chair and Vice Chair of the APC will be agendized for February’s meeting. Elections should have taken place in December 2003 so that new officers could begin in January 2004.
VIII. ADJOURNMENT

Meeting adjourned, 2:40 p.m.
February 3, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 146, Emerald Bay to add Waterborne Transit and Tourboat Operations and related amendments

Proposed Action: California State Parks has proposed to amend Plan Area Statement (PAS) 146, Emerald Bay, to add Waterborne Transit and Tourboat Operations to the primary use list within Shorezone Tolerance District 7. State Parks proposes to add these uses to allow TRPA-permitted tourboats to load and unload charters at the Vikingsholm dock in Emerald Bay for State Parks-approved special events. See Attachment A for proposed language changes to the PAS.

Staff Recommendation: Staff recommends that the APC conduct the Public Hearing as noticed and recommend approval of the amendment to the Governing Board. Staff recommends that PAS 146, Emerald Bay be amended to add Waterborne Transit and Tourboat Operations to the primary use list within Shorezone Tolerance District 7; to add Cultural Facilities as a permissible use; and that associated special events be an accessory use to the Cultural Facility. In addition, there is no sewer line servicing the Vikingsholm facility and the existing public vault toilets require periodic pumping. Currently, the vaults are only pumped during the summer months. TRPA staff recommends that Special Policy #8 be added to the PAS to provide safeguards for water quality protection which would allow pumping during the shoulder seasons when access can be provided without plowing the partially dirt access road:

   8. Winter access requiring plowing of the Vikingsholm access road is prohibited. The planning of special events that require sewer pumping must anticipate this prohibition.

Background: California State Parks has applied for an amendment to Plan Area Statement 146, Emerald Bay, a recreation plan area. The proposed amendment includes the addition of Waterborne Transit and Tourboat Operations as a primary use in Shorezone Tolerance District 7. This amendment would allow TRPA-permitted tourboats to load and unload charters at Vikingsholm for approved special events. CA State Parks will regulate these charters through their discretionary permitting process with inclusion of all TRPA requirements and permit conditions. After reviewing the proposed amendment, TRPA staff determined that the proposed special events including, but not limited to, weddings would require additional amendments to the Plan Area Statement. The additional amendments include: 1) the addition of Cultural facilities as a permissible Public Service Special Use due primarily to the presence of the Vikingsholm and
associated structures; and 2) that special events related to the waterborne transit or tourboat operations be an accessory use to the primary use of Cultural facilities. All special events must meet specified TRPA requirements and permit conditions based on the sensitivity of the area and determined capacity.

A Cultural Facility is defined in Chapter 18, under Public Service, as: “Permanent public or quasi-public facilities generally of a noncommercial nature such as art exhibits, planetariums, botanical gardens, libraries, museums, archives and arboretums.” Vikingsholm, being of historical and cultural value, currently conducts public tours of limited size during the summer season. The facility does not transport in large tour groups, provide conference facilities, or offer other related services.

Section 13.7.D of the TRPA Code lists the findings that must be made in order to amend a Plan Area Statement. There is an additional finding, 13.7.D(2), that must be made when adding other than a recreational use to a plan area classified as Recreation. One of the following must be found:

(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.

Staff supports and proposes the additional amendment language in order to; a) recognize the existing cultural facility (Vikingsholm); and b) provide additional water quality protection language and provide the opportunity for water-borne transportation.

Staff supports the recommendations as listed above. However, the mitigation strategy for the plan area requires the proposed activities to be consistent with the environmental constraints of the area. Vikingsholm and the proposed outdoor event locations are situated within an area that is classified as high hazard lands, the sewer system is on a holding tank, the site has a limited capacity for human disturbance to protect locally sensitive lands, and the site experiences a high visitor population during the warmer months.

Simon Planning prepared a capacity analysis. Analysis of the sewer capacity includes the restroom capacity on land; however, the tourboats will also have restrooms. The land-based restrooms consist of a vault system with no running water, power or plumbing of any kind. A vault is a tank where waste is directly deposited and is stored until the maintenance department orders it to be emptied by a septic service. The 500-gallon tank is emptied as needed, and was serviced 5 times during 2002.

The vault system can be serviced as often as needed. A 500-gallon tank system can be used approximately 3,000 times before servicing is needed. Therefore, based on sewer capacity alone, thousands of people would be able attend an event before servicing is needed. However, other major constraints exist requiring mitigation that could provide limitations on special events.
Due to the high visitor population during the summer months, CA State Parks has proposed that special events will be restricted to the “shoulder seasons” between Labor Day and Memorial Day. However, due to those times of year when weather can result in conditions which may impede the use of the access road, TRPA proposes that all special events be limited to those time periods between Labor Day and October 15, and between May 1 and the Saturday before Memorial Day. Weather conditions within these dates may result in the inability to hold a special event; therefore, Special Policy 8 has been included in the proposed amendments.

Special events will only occur in those areas where environmental thresholds, such as Soil/SEZ, will not be negatively impacted. This will be addressed during the permit application process.

The following information was provided, and will be addressed when reviewing individual permit applications:

- Boats can only dock at the Vikingsholm pier for a maximum time period of 30 minutes. The CA State Parks has proposed a six-minute limit on boats idling at the pier to reduce air quality impacts.
- The CA State Parks has stated that no more than 12 events total per year will be allowed.
- In response to concerns expressed by the El Dorado County Health Department, CA State Parks has stated that events will not be catered or involve food consumption, and that the proponent will request that sanitizing hand-wipes be provided during events.

The land use classification for Plan Area Statement 146, Emerald Bay, is recreation, with a management strategy of mitigation. This area is a scenic travel corridor and provides numerous opportunities for both dispersed and more intensive forms of recreation. Developed facilities include Emerald Point Park Campground, Emerald Bay Boat Campground, Bayview Campground and trailhead, Eagle Falls picnic area and trailhead, Inspiration Vista point, Vikingsholm historical site, National Forest summer homes, and D.L. Bliss campground. Hiking trails provide several points of entrance to Desolation Wilderness, Emerald Bay and the shoreline of Lake Tahoe. Public boat docking facilities and a swimming beach are available in Emerald Bay.

Most of this area is classified as high hazard. The plant composition is dominated by a few species – red and white fir, greenleaf manzanita and mountain whitehorn. Cascade Lake and the Emerald Bay are the dominant landscape features. The planning statement indicates that “This area should continue to provide the current range of recreational opportunities to the extent that conflicts between uses can be minimized and the quality of the recreational experience can be maximized.”

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

A. Chapter 6 Findings:

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

Rationale: The proposed amendments to the PAS will not adversely affect implementation of the Regional Plan because Waterborne Transit and Tourboat Operations and Cultural facilities designations will allow for additional Public Access to a recreation plan area consistent with the overall recreation/public access theme of the plan area.

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

Rationale: The amendment has been conditioned by requiring the applicant to limit the capacity of the site based on the capacity analysis prepared by Simon Planning to protect environmental resources. Additionally, any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds, and special policies of the PAS.

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

Rationale: Any projects resulting from this amendment will continue to be subject to federal, state and local air and water quality standards.

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

Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

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

Rationale: See findings 1 and 2 above.

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The addition of the proposed uses is consistent with the overriding recreation theme and public access policies for the
Plan Area. The amendment requires that access to the site for the proposed use is limited to a capacity that will not impact existing resources which is consistent with the mitigation management strategy of the plan area that requires all impacts be mitigated.

Environmental Documentation: The applicant has completed and staff has reviewed the Initial Environmental Checklist (IEC) for the proposed action. Based on the IEC analysis, a Finding Of No Significant Effect (FONSE) can be made. No environmental impacts were identified that could not be mitigated to a less than significant level.

This item will begin with a brief presentation by staff. Please contact Jennifer Quashnick at (775) 588-4547, ext. 278, or jquashnick@trpa.org, if you have any questions regarding this agenda item.

Attachments:  A. Plan Area Statement 146 – Emerald Bay with proposed amendments  
B. PAS Location Map
EMERALD BAY

PLAN DESIGNATION:

- Land Use Classification: RECREATION
- Management Strategy: MITIGATION
- Special Designation: NONE

DESCRIPTION:

Location: This area extends north from Cascade Lake to Rubicon Point and is depicted on Agency maps D-15, E-17 and the Rockbound Quadrangle.

Existing Uses: This area is a scenic travel corridor and provides numerous opportunities for both dispersed and more intensive forms of recreation. Developed facilities include Emerald Point Park Campground, Emerald Bay Boat Campground, Bayview Campground and trailhead, Eagle Falls picnic area and trailhead, Inspiration vista point, Vikingsholm historical site, National Forest summer homes, and D.L. Bliss campground. Hiking trails provide several points of entrance to Desolation Wilderness, Emerald Bay, and the shoreline of Lake Tahoe. Public boat docking facilities and a swimming beach are available in Emerald Bay. Excellent fishing opportunities are available in Cascade Lake and Emerald Bay.

Existing Environment: Most of this area is classified as high hazard. Despite the rather large size of the planning area (2,900 Acres), the plant composition is dominated by a few species - red and white fir, greenleaf manzanita, and mountain whitehorn. Cascade Lake and Emerald Bay are the dominant landscape features. Canada geese nest on Fannette Island and a pair of osprey also nest in Emerald Bay. Bald eagles use Emerald Bay during the winter months. Habitats for Rorippa subumbellata are found along the beach areas of Emerald Bay. The Shorezone is tolerance districts 2, 3, 4, 6 and 7.

PLANNING STATEMENT: This area should continue to provide the current range of recreational opportunities to the extent that conflicts between uses can be minimized and the quality of the recreational experience can be maximized.

PLANNING CONSIDERATIONS:

1. The landslide danger in this area poses problems for public safety and contributes debris to the Lake.
2. Parking for the trailhead to Vikingsholm and to Desolation Wilderness is unimproved and unable to accommodate peak demand.
3. Public use of Cascade Lake is limited by the type of access.
4. Traffic congestion is severe during the summer months due, in part, to numerous switchbacks and “blind” corners.
5. Public recreation conflicts with the nesting success of geese on Fannette Island is addressed by an El Dorado County ordinance.
6. Tour boat speaker systems and search lights affect the quality of the recreational experience.

7. Scenic Roadway Unit 3, Scenic Shoreline Units 5 and 6, and Scenic Resource Evaluation Areas 26, 27, and 28 are within this Plan Area. Highway 89 is a scenic corridor.

8. The Agency Wildlife Map identifies osprey, bald eagle, and waterfowl habitats in this Plan Area.

SPECIAL POLICIES:

1. Parking and pull-out areas should be improved and adjacent areas protected from excessive disturbance. Parking at the trailhead to Vikingsholm should not accommodate more than 100 cars.

2. Efforts to improve the nesting success of geese on Fannette Island should continue.

3. Music and speaker volume from tour boats and overnight campers shall be regulated to promote a high quality recreational experience for all users of the Emerald Bay shoreline. Use of spotlights by tour boats at night shall be eliminated or strictly controlled.

4. Public transit opportunities should be provided to help reduce the summer traffic congestion in the vicinity of Emerald Bay.

5. Retaining walls or other similar manmade structures along the highway should incorporate the use of materials that blend with the natural character of the area.

6. All proposed uses shall be evaluated against scenic evaluation criteria to ensure maintenance of scenic quality.

7. Well water, rather than spring water, should serve the boat camp and Vikingsholm.

8. **Winter access requiring plowing of the Vikingsholm access road is prohibited. The planning of special events that require sewer pumping must anticipate this prohibition.**

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**
- Employee housing (S), summer homes (S).

**Public Service**
- Cultural Facilities (S); Pipelines and power transmission (S), public safety facilities (S), public utility centers (S), transit stations and terminals (S), transmission and receiving facilities (S), and transportation routes. (S).

**Recreation**
- Beach recreation (A), beach launching facilities (S), day use areas (A), riding and hiking trails (A), undeveloped campgrounds (A), developed campgrounds (A), and outdoor recreation concessions (A).

**Resource Management**
- Reforestation (A), regeneration harvest (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (S), early successional stage vegetation management (A),
nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), 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 4 and 6**

**Primary Uses**
Beach recreation (A) and safety and navigational devices (A).

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

**Tolerance District 2**

**Primary Uses**
Safety and navigational devices (A).

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

**Tolerance District 7**

**Primary Uses**
Beach recreation (A), safety and navigational facilities (A), and outdoor recreation concessions (A), Waterborne Transit and Tourboat operations (S).

**Accessory Structures**
Buoys (A), piers (A), fences (S), boat ramps (A), breakwaters or jetties (S), 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.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Employee Housing</td>
<td>5 units per acre</td>
</tr>
<tr>
<td>Summer Home</td>
<td>1 unit per lot or lease site</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
</tbody>
</table>

16
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 USES 0 PAOT  OVERNIGHT USES 0 PAOT

OTHER: Trailhead and 1 mile of trail. Upgrade vista points, upgrade and expand Vikingsholm parking to accommodate a total of 400 PAOTS.

ENVIRONMENTAL IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented.  

§ Amended 5/22/02
MEMORANDUM

February 3, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation on Amendment to PAS 068 Round Mound to Change Single Family Dwelling from a Special Use to an Allowable Use

Proposed Action: The applicants, Sierra Sunset, LLC and Donald Chaiken, owners of Douglas County parcels 1318-15-101-003, 002, 001, and 1318-15-201-001, propose to amend the Permissible Use List of Plan Area Statement (PAS) 068, Round Mound (Recreation). The proposed amendment would change the current Special Use designation for Single-Family Dwelling to an Allowed Use. The proposed language is outlined in Attachment A.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendment to the TRPA Governing Board.

Discussion: On October 29, 2003, TRPA received an application from Gary Midkiff and Associates, the applicant's representative, to amend the boundary line between PAS 067, Marla Bay/Zephyr Heights and PAS 068, Round Mound. The application sought to incorporate four parcels currently located in PAS 068, a recreation plan area, into PAS 067 a residential plan area. The following rationale was listed in the application to amend the boundary: “The proposed amendment to adjust the boundary line of PAS 067 will bring the residential use into a residential plan area, consistent with uses and designations of a residential plan area. This would ensure any future residential related permits can be handled efficiently by both the homeowner and TRPA”.

Staff reviewed the application and the findings submitted to support the proposed amendment and made a determination that, as proposed, the findings could not be made for a plan area boundary expansion; therefore, the amendment could not be supported by staff.

Subsequently, staff met with the applicant’s representative to discuss the proposed amendment and the required findings. At this meeting it was agreed that the request for the boundary line expansion would be withdrawn and a request to instead amend the single-family designation would be submitted. Staff concurred that the outcome was reasonable since the area is relatively built-out with existing residential structures. The current proposed amendment will facilitate the permitting process by allowing decisions on any potential project in the future to be decided at the staff level and not raised to the hearings officer or the Governing Board level. The amendment itself will not result in any impact to the thresholds or to the plans and policies of the Regional Plan package.
Based on the rationale listed above and the required findings listed below, staff is recommending approval of the proposed amendment to the APC and Governing Board.

**Effect on TRPA Workload:** This amendment is not expected to have a negative impact on Project Review’s workload. It is expected to result in a reduced workload due to the amendment. Allowed uses do not require action by a hearings officer or notifying of adjacent neighbors.

Findings: Prior to amending PAS 068, Round Mound, TRPA must make the following findings.

**A. Chapter 6 Findings**

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

   **Rationale:** The proposed amendment will not result in any additional development potential as a result of the proposed amendment or adversely affect implementation of the Regional Plan since single-family dwelling use is already a permissible use in the plan area and is already consistent with the existing land use patterns. The amendment will, in effect, allow future residential projects, rebuilds, and modifications to be permitted at the staff level consistent with the plan area designation and special policies.

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

   **Rationale:** The proposed amendment is not expected to cause the environmental thresholds to be exceeded since single-family dwelling is currently an existing and consistent land use within the plan area.

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 of 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. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, and special policies of the Plan Area Statement.
B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

   Rationale: Single-family dwelling is already a consistent use within the plan area and amending it to an Allowed use does not conflict with the designations. The amendment does not increase the development potential beyond the existing conditions.

Environmental Documentation: The applicant has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Chapter 13 findings shown above.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775•588•4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

Attachments
A. Proposed Language Changes to PAS 068, Round Mound
B. Plan Area Location Map
PLAN DESIGNATION:

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>RECREATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Strategy</td>
<td>MITIGATION</td>
</tr>
<tr>
<td>Special Designation</td>
<td>NONE</td>
</tr>
</tbody>
</table>

DESCRIPTION:

**Location:** This area extends from McFaul Creek to Elks Point Road, generally west of Highway 50. The mapped boundaries of this area are located on TRPA map H-15.

**Existing Uses:** The area is generally undeveloped except for the old Round Hill resort and a few private residences.

**Existing Environment:** 33% of the area is high hazard, while the remainder is classified as moderate. The shorezone tolerance districts are rated as 1 and 8. There is a large meadow at the north end. The land coverage and disturbance is low to moderate.

PLANNING STATEMENT: This area should be managed for recreational opportunities including provisions for increased public access to the shoreline.

PLANNING CONSIDERATIONS:

1. The USFS has recently purchased the majority of the area within this Plan Area.
2. A land capability challenge has been approved for a portion of the property.
3. Scenic Roadway Unit 30 and Scenic Shoreline Unit 29 are within this Plan Area.

SPECIAL POLICIES:

1. A recreation master plan should be prepared for the public lands in this Plan Area. Such plan shall include a detailed description of the historical level of use, proposed long-term recreation improvements, water quality improvements (BMP’s), and mitigation programs.
2. Until such time as a master plan is approved for the public lands in this area, the site should be managed consistent with the level of historic use. Allowances to increase the use capacity of the site beyond historical levels shall be approved in conjunction with the adoption of the master plan.
3. Boat docking and mooring facilities should be provided but boat launching facilities will be discouraged until ingress/egress problems are resolved.
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**
- Domestic animal raising (S), employee housing (S),
- single family dwelling (S A), and summer homes (S).

**Tourist Accommodation**
- Hotel, motel and other transient dwelling units
  Accommodation(S).

**Public Service**
- Churches (S), local public health and safety facilities (S),
- transportation routes (S), government offices (S), transit
  stations and terminals (S), and pipelines and power
  transmission (S).

**Recreation**
- Marinas (S), beach recreation (A), cross country skiing
  courses (S), day use areas (A), riding and hiking trails
  (A), undeveloped campgrounds (A), developed
  campgrounds (A), outdoor recreation concessions (A),
  rural sports and group facilities (S), and rural sports (S).

**Resource Management**
- Reforestation (A), sanitation salvage cut (A), special cut
  (A), thinning (A), timber stand improvement (A), tree
  farms (A), 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 (S), fire detection and
  suppression (A), fuels treatment (A), 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 Districts 1 and 2**

**Primary Uses**
- Beach recreation (A), recreational boating (A), tour boat
  operations (A), safety and navigation devices (A), and
  water intake lines (A).
Accessory Structures

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

Tolerance District 8

Primary Uses

Outdoor recreation concessions (A), beach recreation (A), recreational boating (A), commercial boating/tour boats (S), safety and navigation devices (A), special events (A), and marinas (S).

Accessory Structures

Buoys (A), piers (A), fences (S), boat ramps (A), breakwaters or jetties (S), floating docks and platforms (A), and shoreline protective structures (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>
<tr>
<td>Employee housing</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Summer home</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel and other Transient Units</td>
<td></td>
</tr>
<tr>
<td>• with less than 10% of units with kitchens</td>
<td>20 units per acre</td>
</tr>
<tr>
<td>• with 10% or more units with kitchens</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>Rural Group Facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL, except the maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

**ADDITIONAL RECREATION DEVELOPMENT:** The following are the targets for and limits of additional outdoor recreation facilities within the 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 are measured in additional persons at one time (PAOT).

- SUMMER DAY USES 0 PAOT
- WINTER DAY USES 0 PAOT
- OVERNIGHT USES 0 PAOT
- OTHER: 3 miles of trail.

**ENVIRONMENTAL IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented. §

§ Amended 5/22/02
MEMORANDUM

February 3, 2004

To:   Advisory Planning Commission

From:  TRPA Staff

Subject:  Recommendation on Amendment to the Boundary Between PAS 116 Airport and PAS 114 Bonanza

Proposed Action:  The applicant, PAM Development, is proposing to amend Special Area #1 of Plan Area Statement (PAS) 114, Bonanza, and PAS 116, Airport, to incorporate El Dorado County APN 032-21-07 and 032-21-17 into PAS 116. See Attachment A for existing plan area boundaries and Attachment B for proposed boundary line amendment.

PAM development is seeking these changes to the plan area in order to submit a potential project application to the City and TRPA to develop an affordable housing project on the subject parcels.

Staff Recommendation:  Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendment to the TRPA Governing Board.

Consistency with the City of South Lake Tahoe Zoning: The City of South Lake Tahoe (CSLT) has adopted TRPA’s Plan Area Statements and Community Plans for its zoning. The item being considered addresses a proposed amendment to PAS 114, Bonanza, a residential plan area and PAS 116, Airport, a commercial public service area, both located within the City Limits. The Regional Plan amendment will require public hearings and adoption by both TRPA Governing Board and the City Council.

City County Action: This item was heard and adopted by the City of South Lake Tahoe City Council on September 16, 2003.

Discussion:  The proposed amendment stems from a private affordable housing developer’s request for a Plan Area Statement amendment for parcels already located within the urban boundary. The applicant has an option to purchase three parcels totaling 2.6 acres. Two of the three parcels are located within PAS 116 (Airport), a commercial/public service plan area where multifamily housing is permissible as a Special Use. This PAS does not have the two designations in place to enable use of bonus units to substitute for development rights in the creation of deed-restricted affordable housing. Rather than add these designations to PAS 116, where the diversity of the setting throughout the area does not always appear to be able to support the findings needed for multifamily housing development, the applicant requests a PAS...
amendment for a boundary adjustment since the two parcels in question are adjacent to land in a residential classification. The applicant's third parcel, 0.6-acres (APN 032-211-06, 1340 Melba), is already located in Special Area #1 of PAS 114. Approval of the proposed PAS boundary amendment would enable one PAS to serve as “zoning” for the applicant’s 2.6-acre vacant project area.

About 420 feet of the parcels that would be affected by the boundary amendment abut residential parcels (single and multiple family). These parcels are located in PAS 114, Special Area #1. The other side of the parcels abut two acres of South Tahoe Public Utility District-owned land (a well site) located in PAS 116. The parcels have two street frontages: Melba Drive and Kyburz. They are located across the street from residences on one side and airport open space on the other. Attachment C illustrates the surrounding land uses to the subject parcels.

The applicant has indicated his intent to submit a future application to develop an affordable multifamily “family” housing project of 26 units on the 2.6-acre project area. Consequently, the density of the proposed project is ten units per acre. While no specific project has yet been applied for and approved, the City has submitted a grant application for this project. Any future project would be subject to its own permitting process and required environmental analysis.

Special Area #1 of PAS 114 is a preferred affordable housing area and part of the multi-residential incentive program. It has a “residential” land use classification. Multiple family dwellings are an allowed use at a maximum density of fifteen units per acre (39 units on a 2.6-acre project area). Consistent with Section 21.3.B of the TRPA Code, affordable housing projects are eligible for a 25% density bonus (46 units on a 2.6-acre project area). Because there are no land coverage incentives available in PAS 114, it would be difficult for any project to be constructed to maximum density.

The proposed amendment does not result in any change in existing land use patterns within the subject parcels area or within special Area #1 of PAS 114. The area consists of higher density uses such as multiple family dwellings and mobile home parks as well as a mix of single family uses. Potential development of the two subject parcels would be limited to those uses that currently exist in the area and are permitted by the PAS list of permissible uses.

The parcel proposed for inclusion into the PAS 114 boundary is mapped as high land capability (class 5). A land capability verification would be required as part of any development proposal and Bailey land coverage limitations would apply. The potential land coverage originally assigned to the parcels was previously “stripped” for use in developing a public service facility elsewhere; however, the applicant has also purchased sufficient “potential” land coverage from elsewhere within the Upper Truckee Hydrologic Area to reapply to the parcels to enable residential development, consistent with regional regulations.

The proposed amendment does not expand an existing urban plan area boundary or add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area. The proposed amendment will not result in the possibility of additional commercial developments or tourist accommodations being created within PAS 116, as they are not permissible uses within the affected PAS. By removing these
two parcels, as requested, from PAS 116 and adding them to PAS 114, Special Area #1, a future Multiple Family Dwelling application could be submitted under the provisions of an "Allowed" use in an area where designations are in place for obtaining bonus units for the construction of deed restricted affordable housing.

The proposed amendment would modify the range of permissible uses for the affected parcel. It would facilitate a subsequent affordable housing project, as the designations needed to construct such housing using bonus units are already in place. However, it also reduces the range of development options for the parcel. Under PAS 116, numerous commercial, industrial and other uses are permissible that will not be permissible should the amendment be completed. A wider range of residential uses would be permissible on the property should the amendment be granted, including single family homes, nursing and personal care facilities, residential care facilities, and mobile home parks.

Effect on TRPA Workload: This amendment is expected to have a neutral impact on Project Review’s workload. Currently, a project can be submitted for the subject parcels and the amendment does not result in any additional work beyond that anticipated for a standard review.

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

A. Chapter 6 Findings:

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

   Rationale: The proposed amendments to the Plan Area Statement will not adversely affect implementation of the Regional Plan because the proposed amendment is not an urban boundary line amendment and will not result in any increase in development potential than that permitted by the applicable plan areas and the Regional Plan Package. Multiple family is currently a permissible use in both plan areas and the amendment would not result in any additional uses that are not currently contemplated by PAS 114 or 116. The amendment itself, however, will help facilitate the development of deed-restricted affordable housing within an area that is designated as such due to existing land use patterns of higher density development. The proposed amendment is also consistent with the Goals and Policies of the Regional Plan Package of providing incentives for development of needed affordable housing within the Basin.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.
Rationale: Any projects that are proposed due to this amendment will be required to comply with all aspects of the Regional Plan package, including applicable thresholds.

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

Rationale: Any new or expansion of development due to this amendment will continue to be subject to federal, state, and local air and water quality standards.

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

Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

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

Rationale: See findings 1 and 2 above

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The proposed amendment to the boundary line of PAS 114 to include two parcels located within PAS 116 is consistent with the plan area designations for PAS 114. The proposed amendment does not expand an existing urban plan area boundary or add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area. The proposed amendment will not result in the possibility of additional commercial developments or tourist accommodations being created within PAS 116, as they are not permissible uses within the affected PAS. By removing these two parcels, as requested, from PAS 116 and adding them to PAS 114, Special Area #1, a future Multiple Family Dwelling application could be submitted under the provisions of an “Allowed” use in an area where designations are in place for obtaining bonus units for the construction of deed restricted affordable housing.
Environmental Documentation: The applicant has submitted and staff has reviewed an Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the following:

1. The amendment will have limited applicability.

2. The amendment would not approve development greater than contemplated by the Regional Plan or by the two affected plan areas. Allowing the inclusion of subject parcels within PAS 114 will help facilitate the development of needed affordable housing within the basin.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (775) 588-4547 x.220, or via email at jhitchcock@trpa.org, if you have any questions regarding this matter.

Attachments:  
A. Existing Boundary Lines for PAS 114 and PAS 116  
B. Proposed Boundary Line Amendment  
C. Adjacent Land Uses Within 1000’ of Subject Parcels
PROPOSED PLAN AREA STATEMENT AMENDMENT TO PAS 114 AND 116 BOUNDARY LINE
ATTACHMENT C

ADJACENT LAND USES WITHIN 1000' FEET

- Single Family Residential
- Multiple-Family Dwellings
- Mobile Home Park
- Tourist Accommodation
- Public Service
- Recreation
- Vacant

Subject Parcel: 032-211-17
Subject Parcel: 032-211-07
STPUD Well Site

2.3.2004

North
MEMORANDUM

February 3, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendments to CWA 208 Plan, Vol. I., Section VI, D.1.a. (Timber Harvest)

Proposed Action: Staff proposes amendments to the 208 Plan in order to facilitate the implementation of amendments to Chapter 71 of the TRPA Code of Ordinances, adopted on January 28, 2004.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendments to the TRPA Governing Board.

Background: At the January 28th Governing Board meeting, TRPA staff presented proposed changes to Chapter 7, Tree Removal and associated Chapters 2, Definitions and 18, Permissible Uses. The changes will allow vehicle use in stream environment zones (SEZ’s) for the purpose of fuels reduction. The previous draft of these changes were presented to the APC at their meeting on January 14, 2004.

Discussion: At the GB meeting, after staff’s presentation, public comment was received. Public comments included recommendations from land managers, agencies and the public. As a result of the public comments, the Governing Board passed the amendments to Chapter 71, 2, and 18 with some changes to the proposed language. Agencies and land mangers were in agreement over the final language in Chapter 71. The approved Chapter 71 and associated sections in Chapters 2 and 18 are included in this staff summary as Attachments A and B.

Although the proposed amendments to Chapter 71 and related Chapters were adopted by the Governing Board in January, the changes will not be effective until TRPA amends the 208 Plan. The current 208 Plan, Volume I, Section VI, D.1.a, regarding tree cutting in stream environment zones (SEZs), reads as follows:

“All vehicles shall be restricted to areas outside the SEZ or to existing roads within SEZs, except for over-snow removal,”

TRPA staff are proposing the language be amended to read:

“All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones, except for (a) vehicles used in over snow tree removal, or (b) site-specific proposals for the purpose of fuels treatment and early successional stage vegetation management in stream
environment zones provided that no significant soil disturbance or significant non-target vegetation damage will result from the use of the vehicles,"

Staff is proposing to amend the 208 Plan with functional language rather than the exact text from Chapter 71 in order to promote the flexibility needed to manage SEZs under an adaptive management framework.

Along with these changes, Table 19, Tree Removal Methods from 208 Plan Volume I, Section VI, D.1.a, is also to be amended as follows (new language is underlined):

**TABLE 19 Tree Removal Methods (from 208 Plan Vol. I., Section VI, D.1.a)**

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

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

Staff will begin this item with a brief presentation. Please contact Mike Vollmer at 775-588-4547 ext. 241, or via email at mvollmer@trpa.org, if you have any comments regarding this item.

Attachments  A. Final Chapter 71 – Tree Removal Language  
B. Final Chapter 2 and Chapter 18 Language
Chapter 71
TREE REMOVAL

Chapter Contents
71.0 Purpose
71.1 Applicability
71.2 Late Seral/Old Growth Enhancement and Protection
71.3 General Standards
71.4 Minimum Standards For Tree Removal
71.5 Reasons For Tree Removal
71.6 Commercial Tree Removal

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

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

71.1.A Delegation of Project Review and Permit Determination: Qualified agencies, or third party designees, may be delegated authority for permit determinations set forth in this chapter. Stream environment zone areas (SEZ’s) may be excluded from the delegation. TRPA may, on a case-by-case basis, designate the review of SEZ’s if the agency or third party has demonstrated expertise in hydrology, ecology, botany, restoration, soil science, or similar scientific disciples and are qualified to evaluate and prevent negative impacts to SEZ’s and water quality. If TRPA delegates these review and permitting functions, these agencies will also be responsible for ensuring compliance with all other provisions of the Compact, Regional Plan, and Code of Ordinances.

* * * * * * * * * * * *

§ Amended 5/23/01
71.4.71.3 General Standards: The cutting, moving, removing, killing, or materially damaging of live trees, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees, shall comply with this chapter. Except as provided in subsections 71.4.B, 71.5.B, and 71.4.H, 71.5.J, all cutting of trees six inches d.b.h. and larger shall require approval by TRPA. Permits shall be granted or denied in conformity with the provisions of this chapter. Such tree-related projects and activities also shall conform to the other provisions of the Code.3

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

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

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

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

(1) Restoration and expansion of stream environment zones and riparian vegetation;

(2) Improvement of the structural diversity of all forests including the protection and establishment of younger-aged trees;

(3) Enhancement of native wildlife species and/or native wildlife habitat diversity;

(4) Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas fir, incense cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;

(5) Protection of sensitive lands;

(6) Minimization of construction of new roads;

(7) Revegetation of existing temporary roads;

(8) Immunization—Avoidance of disturbance of stream environment zones, unless such project is to remove trees within SEZ in accordance with Section 71.4.C;

(9) Utilization of existing openings or disturbed areas as landings; or

(10) Provisions for revegetation;  

§ Amended 7/22/98
(1) The promotion of late seral or old growth characteristics;

(2) Early successional stage vegetation management; or

(3) Fuels management for fire hazard reduction.

* * * * * * * * * * * *

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

(1) All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones, except for vehicles used in over-snow tree removal. The following exceptions shall apply:

   a. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage.

   b. TRPA will review site-specific proposals for, and may permit, the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance and/or significant vegetation damage will result from the use of equipment. (See Section 2.2 for definitions of “innovative technology” vehicles and “innovative techniques”.) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

      i. Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses.

§ Amended 5/23/01
ii. Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles.

iii. Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion.

iv. Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided.

v. To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA.

vi. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods.

vii. Operations shall incorporate measures to protect historic resources in accordance with Chapter 29 Historic Resource Protection.

viii. Projects must be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan must be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

(2) All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when snow depth conditions are adequate for over-snow tree removal operations without causing damage to soil or vegetation significant soil disturbance and/or significant vegetation damage. (See Subsection 71.4.F.)

(3) Felled trees and harvest debris shall be kept out of all perennial or intermittent streams, and, if deposited in the stream, the material
shall be removed immediately unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 78 (Wildlife Resources) and Chapter 79 (Fish Resources). This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 79.

(4) The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or stream—bed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the Handbook of Best Management Practices.

(4)(5) Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect instead in-stream aquatic habitat values and wildlife habitat integrity and diversity.

* * * * * * * * * * * *

(2) Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less. Directional felling shall be used whenever possible to minimize skid trail density. Main skid trails shall be flagged in advance of felling operations and shall require approval by TRPA.

* * * * * * * * * * * *

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

<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Removal Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a, 1c, or 2</td>
<td>Aerial removal, hand carry, and use of existing roads, in conformance with Subsection 71.4.F. Over-snow removal may be approved pursuant to Subsection 71.4.F(1).</td>
</tr>
<tr>
<td>1b (Stream Environment as Permitted in Land Zone)</td>
<td>As permitted in Land Capability District 1a. End lining may be approved when site conditions are dry enough and suitable so as to avoid adverse impacts to the soil and vegetation. <strong>The use of “innovative technology” vehicles and/or</strong></td>
</tr>
</tbody>
</table>

TRPA Code of Ordinances
CHAPTER 71 - TREE REMOVAL
“innovative techniques” for removing trees from SEZs may be considered pursuant to Section 71.4.C.(1).b.

3

As permitted in Land Capability District 1b. Ground skidding pursuant to Subsection 71.4.F(2) may be approved. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Section 71.4.C.(1).b.

4 - 7, Inclusive

As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for removing trees without skidding may be approved pursuant to Section 71.4.F.(5).

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

(1) Skidding over snow is preferred to ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.

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

(3) Logs shall only be skidded endwise.

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

(5) Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to Section 71.4.C.(1).b and 71.4.E.
71.5 Reasons For Tree Removal: Except for trees identified for retention under section 71.2, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to Section 71.4.C. (Tree Cutting Within Stream Environment Zones). Trees may be removed for the following reasons:

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

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

71.5.C Trees reported by a qualified forester to be a fire hazard may be removed upon approval by TRPA. Fuel reduction projects shall consider multiple threshold objectives. (See Code Section 18.4 for definition of fuels management.)

71.5.D Tree Removal for Early Successional Stage Vegetation Management: Tree removal may be permitted when it has been determined by TRPA, that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Code Section 18.4 for definition of early successional stage vegetation management.) Where revegetation is required to stabilize soils and/or replace removed vegetation, the applicant shall provide a revegetation plan in accordance with Code Section 77.4.

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

(1) A management plan which demonstrates the need for the project and the means of accomplishing the objectives listed below, shall be prepared by a qualified forester.

(a) If improved forest health is the objective, removal of trees shall not exceed minimum stocking levels recommended by a qualified forester.

(b) If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees.

(c) If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant.

§ Amended 5/23/01
(dc) On parcels of five acres or less, the tree removal permit may serve as the management plan.

(2) The site proposed for tree removal for forest diversity shall be within a contiguous area of at least five acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

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

(1) TRPA may approve the removal of healthy trees provided TRPA finds that the trees unreasonably impede the operation of a solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal.

(2) The number of healthy trees that may be removed for the system's operation shall be the minimum necessary.

(3) The only trees that shall be considered for removal for an active or passive solar energy system are those that lie generally south of the proposed solar collector and are in the sun's path between an 18° vertical angle measured from the base of the solar collector and a 70° vertical angle from the same base measurement. Trees on adjacent properties may be removed provided a contractual agreement to allow for such removal is signed by the affected parties. Tree removal may be conditioned upon replacement elsewhere on the property.

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

(1) For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.

(2) The removal of trees within utility and public right-of-ways may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

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

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

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

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

71.6 Commercial Tree Removal: Trees may be removed as a commercial enterprise pursuant to the tree removal practices of Section 71.4.
DEFINITIONS OF TERMS USED IN THE REVISION OF CHAPTER 71

The following terms are already defined in TRPA Code

Proposed Revisions to terms defined in Chapter 18, Section 18.4

Early Successional Stage Vegetation Management: The application of a combination of actions that results in an area remaining being converted to and/or being maintained in an early successional stage such as a meadow.

Fuels Treatment Activities required to treat fuels in order to reduce potential for damaging wildfires and secondarily enhance visual quality. Included are tree cutting, treating slash by lopping and scattering, piling and burning, chipping, hauling slash to another area for utilization, burning or burial, and broadcast burning. Fuels treatment also includes pruning limbs, removing ladder fuels such as brush and small diameter trees, thinning for adequate crown spacing, removing ground and surface fuels, etc. Any treatment that disrupts the vertical and horizontal continuity of fuels could be included. “Fuels Treatment” is equivalent to the following terms: “Fuels Treatment Management”, “Fuels Management”, “Fire Hazard Reduction”, “Fuel Hazard Reduction”, and “Hazardous Fuels Reduction”.

Proposed Definitions for New Terms That Need to be Included in Chapter 2.

Adaptive Management: The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans.

Feller-Buncher: A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

Forwarder: An all-terrain vehicle designed to efficiently move (forward) bunched trees or logs over relatively long distances from the stump to the road.

Harvester: A machine that fells, delims, bucks, and tops trees using a specially designed attachment called a “harvester head”. The harvester head is typically attached to the boom of a custom-built rubber-tired carrier having three or four axles (six to eight wheels). The harvester will fell a tree, and as it limbs the tree, place all of the limbs from the tree directly in front of the harvester. When the machine moves through the woods it rides on the limbs of the harvested trees. This action reduces soil compaction, decreases fire-related problems with slash, and helps to decompose the slash more quickly.

Innovative Techniques: Newly introduced but not well established silvicultural and harvesting techniques that are designed to be low impact on the environment.

Innovative Technology Vehicles: Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts.
to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as “innovative technology” vehicles.

**Significant Vegetation Damage:** Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

**Significant Soil Disturbance:** Damage to soil structure, chemistry and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness and compactive forces.

**Soil:** The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

**Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface):** All undeveloped lands within a 1,250 foot (0.5km) zone immediately adjacent to TRPA residential, commercial, public service plan area boundaries.
MEMORANDUM

February 2, 2004

To: TRPA  Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation to lower the Individual Parcel Evaluation System (IPES) Line in El Dorado County

Proposed Action: Under Subsection 37.8.C, TRPA considers adjusting the IPES numerical level defining the top ranked parcels each year. Staff requests the Advisory Planning Commission to consider this summary and recommend lowering the IPES Line in El Dorado County through adoption of the attached resolution and take no action in the other jurisdictions.

Special Note: TRPA staff has fully compiled and is in the process of analyzing the updated IPES data since the January TRPA Governing Board’s approval of the “IPES Water Quality Score Update”. The IPES Water Quality Score Update is only one of the preliminary efforts that is required before staff can proceed with the additional numerical analysis of the IPES “active” parcel inventory. Generation of the numerator figure for demonstrating finding (e); the “Vacant Lot Equation” for the 2004 IPES Line recommendation will be complete and provided to the members of the Advisory Planning Commission at their February 11, 2004 meeting. The remaining four findings for lowering the IPES line in El Dorado County are addressed in this staff summary.

Staff Recommendation: Staff recommends that the findings required for lowering the IPES line have been satisfied for El Dorado County and action should be taken to lower the numerical level in that jurisdiction. Washoe and Douglas Counties have already reached the bottom of the numerical level for those jurisdiction’s and no further IPES line analysis is warranted. No action should be taken regarding the IPES line in Placer County, as the required findings cannot be made in that jurisdiction.

Background: The IPES Land Capability System was developed and implemented to respond the apparent limitations of the Bailey System. This system was created through a consensus process in 1987 specifically to evaluate the suitability of vacant lots proposed for single family housing development. Parcels were initially scored and ranked; those parcels with scores of 726 and higher were deemed suitable for development. This system also provided a method by which parcels with scores below the cutoff score of 726 could become eligible by the conducting of an annual analysis. The action proposed in this staff summary is the result of this annual exercise. Chapter 37 of the Code sets forth the five findings, which must be made for the IPES line to be lowered for a jurisdiction. Those findings are:
1. All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (the “208 Plan”) and other legal limitations;

2. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:
   
   (i) El Dorado County - 20 percent 
   (ii) Placer County - 20 percent 
   (iii) Douglas County - 33 percent 
   (iv) Washoe County - 33 percent 

3. The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan;

4. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction; and

5. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory.

The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Exhibit A).

In the 1994 meeting, the Governing Board began to lower the line in the Nevada jurisdictions. The line has been lowered in Washoe County every year since and in Douglas County every year but one. In January 1999 the Governing Board lowered the IPES line to 639 in Douglas County and 325 in Washoe County. In December, 2000 the Governing Board lowered the IPES line to 606 in Douglas County but did not lower the IPES line in Washoe County because the IPES lines reached the bottom of the numerical level for that jurisdiction. In February 2001 the line lowered in Douglas County to 408. 2003’s recommendation for adjustment in the IPES line resulted in Douglas County reaching the bottom of its numerical level and El Dorado lowering to 686. This year El Dorado county is the only jurisdiction that will satisfy all five findings necessary required under this analysis, Therefore, El Dorado county has qualified for the downward adjustment of the IPES cutoff line, which determines eligibility for residential allocations and building permits.

Discussion: Staff has compiled the necessary information from the preceding calendar year (2003), as appropriate, for consideration of lowering the line in El Dorado County, California in 2004. As before, Placer County is ineligible because the vacant lot equation finding cannot be made. The vacant lot equation is presented for all jurisdictions later in this staff summary for informational purposes.

**FINDING 1. ELIGIBILITY UNDER THE 208 PLAN**

Staff recommends making the first finding regarding eligibility and legality of IPES parcels below the IPES line for development because the TRPA 208 Plan, which
includes implementation of the IPES and the potential for lowering the line, was certified by both states and approved by US EPA in 1989. The 1990 TRPA amendment to the 208 Plan redefining "in place" monitoring, was certified by Nevada in 1990, by California in 1992, and approved by US EPA in August 1993 (Attachment A).

**FINDING 2. VACANT LOT EQUATION**

The "vacant lot equation" requires that the number of parcels with IPES scores below the line (725 or less), divided by the number of parcels deemed sensitive (i.e., land capability districts 1, 2 and 3) on January 1, 1986, cannot exceed 20 percent in the California counties and 33 percent in the Nevada counties.

Numerator = Number of vacant parcels with IPES scores of 725 or less in each jurisdiction.

Denominator = Number of vacant parcels deemed sensitive (Bailey 1, 2 or 3) on January 1, 1986 in each jurisdiction.

The current calculations are based on the January 2002 IPES inventory. The denominators are taken from a September 1986 memorandum to the Governing Board from then Executive Director William Morgan and do not change over time.

Douglas County: 5/1067 = 2.8 percent  Washoe County: 8/2350 = .3 percent
Placer County: ___/1667 = ____ percent  El Dorado County: ___/4363 = ____ percent

For informational purposes, last year’s percentages for Douglas, El Dorado and Placer counties were:

Douglas County: 5/1067 = 2.8 percent  Washoe County: 8/2350 = .3 percent
Placer County: 605/1667 = 36.2 percent  El Dorado County: 827/4363 = 18.9 percent

Staff recommends making this finding for El Dorado County. This finding cannot be made for Placer county.

**FINDING 3. MONITORING**

The monitoring finding requires a monitoring program pursuant to Chapter 32 and the TRPA monitoring plan to be in place in a given jurisdiction. "In place" is defined in the 208 Plan, Volume I, p.119, as amended, as:

... This monitoring program shall be in place in a local jurisdiction, and shall characterize water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered. (Goals and Policies, p.VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess
average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards.

Additional detail and description of the IPES-related monitoring program are found in Volume I, pp.118-119 of the 208 Plan.

In summary, the program consists of permanent monitoring stations at the mouths of ten streams, stream flow gauges and monitoring at upstream locations on five of the ten streams (Incline, Trout, Ward and Edgewood Creeks and the Upper Truckee River), and eleven additional upstream sites in Nevada on both the monitored streams and in other watersheds (developed and undeveloped). The monitoring program meets the requirements of the 208 Plan and the Monitoring Sub-element in the Goals and Policies.

The expanded tributary monitoring program has been in place in Nevada since the spring of 1991. Samples have been collected for at least four previous water years (WY 99-00, WY 00-01 and WY 01-02, WY 02-03). The monitoring program is identical (in Nevada) to the program which was in place in 1993 and 1994 at the time the Governing Board lowered the IPES line in Washoe County.

Staff recommends finding that an adequate monitoring program is in place in El Dorado County.

FINDING 4. CIP PROGRESS

The CIP finding requires that a jurisdiction make demonstrable progress on capital improvement programs for water quality within that jurisdiction. The 208 Plan defines demonstrable progress as requiring one of the two following findings to be made:

1. Funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year. (High priority projects are projects with substantial water quality benefit.); OR

2. The performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established in the 1996 Evaluation under the Environmental Compliance Form for Water Quality (WQ-2-A). Under WQ-2-A, an indicator for total expenditures on CIP projects is set for each local unit of government, for the period from January 1, 1997 to December 31, 2001. The target for Douglas Counties is $4.0 million for the 5 year period or $800,000 per year.
THREE-YEAR PERIOD ALTERNATE CIP FINDING (Finding #1): Following is the list of CIP projects for El Dorado County for the applicable three year period of 2001-2003.

2001 (Complete)
Cove East, $7,000,000
Industrial Tract, $650,000
Saxon Creek, $135,000
Heavenly CWE, 280,000

El Dorado County (includes the City South Lake Tahoe)

2002 (Complete)
Regina Road, $180,000
Cascade Creek, $1,800,000

2003 (Complete)
El Dorado County (EIP# 713.1) Rubicon Meeks Bay Residential BMP / $1,643,880

2003 (Nearly Complete)
CSLT (EIP# 695.1) Rocky Point Phase 1 and 2 / $1,816,438
CSLT Park Ave. Basins / $3,536,861
Caltrans (El Dorado County) Hwy 50 Myers to “Y” (Phase 1) / $2,663,000

Projected 2004 CIP Projects in El Dorado County
El Dorado County (EIP# 713.2) Rubicon Meeks Bay Residential BMP / $954,533
El Dorado County (EIP# 188.1) Tahoe paradise Washoan / $5,537,997
El Dorado County (EIP# 985) Angora Ck. Subdivision SEZ restoration / $3,185,000

Projected 2004 CIP Projects in the City of SLT
CSLT (EIP# 699) Gardner Mt. West “Y” and 10 Street / $4,012,980
CSLT (EIP# NA) Lyons and Rufus Allen / $535,000
CSLT (EIP# NA) North Ditch Improvements / $354,175

Definitions
100% Complete / TRPA final inspection given
Nearly Complete / 70 - 99% Completed
Construction Likely 2004 / Project > 70% complete or construction likely in 2004.
Total Project Cost / Total Cost of project per EIP database. Yearly cost data could not be separated out.

Note: El Dorado County has addressed its Priority 1 and 2 water quality CIP projects as listed in the 208 Plan although there remains substantial additional work to be done.

CIP/SEZ BENCHMARK ALTERNATE FINDING (Finding #2): The 1996 benchmark for CIP expenditures (established in the 1996 Evaluation Water Quality Compliance Form WQ-2-A) were $3.0 million for El Dorado County. The 1996 SEZ restoration target for El Dorado County is from the 1996 interim target 40 acres. The local jurisdiction targets were stricken from the 2001 Evaluation for the overall target of
624 acres by 2006. The EIP has 40 acre general SEZ restoration projects for each local jurisdiction. TRPA did not set fiscal targets in the 2001 Evaluation, but for the period January 1, 2001 to December 31, 2006, we said: Project applications will include the units of benefit identified for the EIP, and will be evaluated on a yearly basis as part of the water quality scores update process. There will be no less than 50% EIP implementation in each jurisdiction for the next evaluation period.

Because the amount of restored SEZ acreage up to 1991 was approximately 80-100 acres, this finding cannot be made for El Dorado County. The amount of SEZ restoration which has occurred since 1991 is not sufficient to change this situation.

TRPA staff recommends making Finding #1 and not Finding #2 for El Dorado County.

FINDING 5. COMPLIANCE WITH PROJECT CONDITIONS

A "satisfactory level of compliance" with conditions of project approvals, within the jurisdiction, is the last required finding for lowering the line. The four criteria listed in the 208 Plan are used as indicators of the level of compliance within a jurisdiction. The Governing Board has set numerical performance standards for the four criteria in Resolution 93-19 (see Exhibit B).

TRPA's Compliance Division prepared a report (Attachment B) which demonstrates that for 2003 El Dorado County has maintained the numerical standards set forth in Resolution 93-19. Staff therefore recommends making the compliance finding for El Dorado County.

MOVING THE LINE: El Dorado county is the only jurisdiction which has met all of the required findings, staff requests the APC recommend moving the line from down to ____ in El Dorado County.

If there are any questions regarding this staff summary, please contact Tim Hagan at 775-588-4547 (x 275).
TRPA 208 Plan, Volume I

TRPA shall rate all vacant residential parcels numerically and rank them from most suitable to least suitable, by jurisdiction. TRPA shall also establish a level in the ranking immediately above the most sensitive parcels, based on recommendations from the IPES technical committee. Only parcels above this level, as it may be subsequently adjusted, comprise the “top rank” and may pursue a building permit (Goals and Policies, p. VII-6).

The numerical level defining the top rank for any jurisdiction shall be lowered annually by the number of allocations utilized in that jurisdiction during the previous year, provided that the following conditions are met: (Goals and Policies, pp. VII-6, -7)

- All parcels in the top rank are otherwise eligible for development under state water quality plans and other legal limitations,

- A monitoring program for that jurisdiction is in place as set forth in the Monitoring and Evaluation Subelement of the TRPA Goals and Policies,

- Demonstrable progress is being made on the Capital Improvements Program for water quality within that jurisdiction,

- There is a satisfactory rate of reduction in the inventory of vacant parcels; the IPES line shall not move down in any jurisdiction unless the number of parcels below the line in that jurisdiction, compared to the number deemed sensitive on January 1, 1986, does not exceed 20 percent in El Dorado and Placer Counties, or 33 percent in Washoe and Douglas Counties, and

- The level of compliance with conditions of project approvals within that jurisdiction is satisfactory.

With respect to the requirement that a monitoring program be in place in a given jurisdiction, the Goals and Policies require TRPA to monitor representative tributaries to provide a basis for evaluation the relative health of the watershed within which development is contemplated and progress toward meeting thresholds. The monitoring program will monitor stream flows and concentrations of sediments and dissolved nutrients to determine annual pollutant loads. This monitoring program shall be in place in a local jurisdiction, and shall establish baseline water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered (Goals and Policies, p. VII-25). The term “in place” means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected...
tributaries, and samples have been collected and analyzed for a least one representative water year.

The location of sampling sites, frequency of sampling, and financial responsibilities for monitoring will be set forth in TRPA’s Monitoring Program pursuant to the Goals and Policies (p. VIII-25) and the TRPA Code of Ordinances (section 32.10), based on the recommendations of the TRPA Monitoring Committee. The objectives of the monitoring program are to:

1. Characterize the water quality of streams drainage affected residential areas in relationship to the overall water quality observed in the watershed.

2. Identify short-term changes in water quality from affected residential areas, and

3. Ensure that TRPA and state water quality standards are being attained and maintained.

The monitoring program will include quality control and quality assurance (QA/QC) procedures to ensure that the data accurately represent the actual water quality conditions.

Monitoring will normally occur no only at the mouths of streams, but also at locations in closer proximity to residential subdivisions. While the stream mouth monitoring will generally cover the entire year, monitoring at other locations higher in the watershed will be geared toward the spring snowmelt period and the fall storm season to contain costs. In addition to the presently established monitoring stations, TRPA estimates that 30 to 40 additional stations will be required throughout the Region to support the IPES conditions.

With regard to the requirement that demonstrable progress is being made on the Capital Improvements Program within a given jurisdiction, TRPA’s evaluation will be based on the programs adopted in Volumes III and IV of the 208 plan, including lists of SEZ restoration and capital improvement projects for erosion and runoff control, with priority designations, for each jurisdiction. Pursuant to the Goals and Policies, TRPA has established benchmarks against which the progress can be evaluated (Goals and Policies, pp. VII-26). These benchmarks are found in Section I, Chapter VII of this volume, Plan Evaluation and Revision.

To make a finding of demonstrable progress in a local jurisdiction, TRPA will review the progress of that jurisdiction over a three-year period covering the previous year, the current year, and the upcoming year. For the demonstrable progress criteria to be met, TRPA must make one of the following findings: (1) funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year, or (2) the performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks.
established on pp. 183 and 184. In this context, the term “high priority project” means a project with a substantial water quality benefit.

To determine whether the level of compliance in a jurisdiction is satisfactory, TRPA will evaluate: (1) the percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices, (2) the number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule, (3) the number of projects which required TRPA’s issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected, and (4) the number of projects on which violations remain unresolved, compared to the number resolved. TRPA will review compliance data at the end of the 1989 building season, and will then set specific numerical performance standards for the four criteria above. The specific numerical performance standard shall reflect TRPA’s goal of achieving a very high level of compliance with conditions of project approval.

Since it is possible (though unlikely) that individual appeals of IPES scores may result in a significant shift in the number of single-family parcels eligible to pursue construction permits by virtue of being in the top rank, TRPA shall, in a given local jurisdiction, and provided that IPES appeals increase the size of the top rank in that jurisdiction by three percent or more, subtract the number of parcels added to the top rank by appeals during the first year from the number of parcels which would be added to the top rank any year that the IPES line is lower, until the number of parcels added to the top rank by appeals equals the number of parcels which would have been added to the top rank due to the lowering of the IPES line.

For TRPA to approve a project on a parcel rated and ranked by IPES, the parcel must be served by a paved road, water service, sewer service, and electric utility. However, Chapter 27 of the TRPA Code of Ordinances sets forth provisions for waiver of the paved road requirement, as provided for in the Goals and Policies (p. V11-8).
MEMORANDUM

February 2, 2004

To: TRPA Governing Board

From: Brian Judge, Principal Environmental Specialist

Subject: Compliance Data Associated with Lowering of the Individual Parcel Evaluation System (IPES) Line For El Dorado County

The following compliance data pertains to Finding 5., “Compliance with Project Conditions”, of the required findings for lowering of the IPES line. The type and sources of data are consistent with those which have been used to establish the compliance criteria numerical standards, and evaluate lowering of the IPES line in previous years. A "satisfactory level of compliance" with conditions of project approvals, within any jurisdiction, is one of the required findings for lowering the line.

The sources utilized in compiling this data include: TRPA/El Dorado County permit database’s, project files, reading files, previous compliance activity summaries, TRPA securities database, TRPA MOU tracking database, and the TRPA compliance activity database. El Dorado County has met the standards for the four compliance criteria, demonstrating a satisfactory level of compliance within that jurisdiction!

**Criteria #1**: The percentage of projects which commenced construction three or more years earlier, but which have not had their securities returned for water quality related practices, shall not exceed 30 percent of the number of project securities which were posted within that calendar year.

El Dorado County issued 160 security bonds in fiscal year 2000. This includes New Single Family Dwellings and additions that required a security. There are 22 securities that have not been returned. This is 14% of the securities received for the year.

**Criteria #2**: The percentage of BMP retrofit plans behind approved schedules shall not exceed 30 percent of the number of projects with BMP retrofit schedules as a condition of project approval and have reached either the five-year or ten-year deadlines set in Chapter 25.
The Code requires 50% completion within five years and 100% completion within ten years. A total of 21 projects within the two jurisdictions have reached the five or ten year date for completion of phase 1 or phase 2 of BMP retrofits as of June 30, 1999.

**Jurisdiction**

El Dorado County: October 2003 target = 422 (5% completion year 2)  
October 2002-2003 = 211 (BMP completion certificates issued).

City of So. Lake Tahoe: October 2003 target = 607 (5% completion year 2)  
October 2002-2003 = 161 (BMP completion certificates issued).

**Criteria #3:** The percentage of projects which required TRPA issuance of CEASE AND DESIST ORDERS for failure to observe conditions of approval shall not exceed 20 percent of the number of projects which were inspected the previous fiscal year.

The data for the number of projects inspected is based on the number of pre-grade inspections completed.

El Dorado County posts Stop Work Orders rather than Cease and Desists Orders; the function is the same. El Dorado County issued approximately 120 TRPA project permits in 2002. The El Dorado County Building Department posted 10 Stop Work Orders relating to TRPA permit Conditions of Approval in that same period. This means less than 10% of projects were issued Stop Work Orders.

**Criteria #4:** The percentage of projects which were issued notices of violations, or identified as alleged violations, and which remain unresolved at the end of the fiscal year shall not exceed 20 percent of the number of projects which were issued notices of violation or identified as alleged violations within the fiscal year. Noticed or alleged violations which are resolved within 90 days of being reported as an alleged or noticed violation shall not be counted as unresolved, even if the resolution occurs in the next fiscal year. Alleged or noticed violations for which litigation has been filed shall be deemed resolved for purposes of this finding.

The data includes the number of notices of violations and pre-notice of violation settlements requiring Governing Board approval.

In 2002 and 2003 there were 22 code compliance cases opened for alleged Tahoe Regional Plan violations. All these cases were resolved and are closed.

Questions regarding this report should be directed to Brian Judge, Principal Environmental Specialist, Compliance Division, (775) 588-4547 extension 262.