



Date: July 10, 2014
To: Maywan Kratch
Stacy Wydra, Placer County Staff Planner
CC: Kurt Krieg, East West Partners
Lewis Feldman, Feldman, McLaughlin Thiel, LLP
From: The League to Save Lake Tahoe
Re: **Comments on the draft Martis Valley West Parcel Area Plan and Specific Plan**

Dear Maywan Kratch,

As a member of the Bi-State Working Group, the League to Save Lake Tahoe appreciates the continued opportunity to work with Placer County and East West Partners to guide the implementation of the Regional Plan Update (RPU), development of the Martis Valley West Parcel Area Plan (Area Plan) and ensure minimal environmental impacts associated with the Martis Valley West Parcel Specific Plan (Specific Plan).

In this letter, the League has provided comments pertaining to the Area Plan as well as the Specific Plan. Because the adoption of this Area Plan will require land use reclassification to Resort Recreation, safeguards must be in place to prevent the expansion of the urban boundary elsewhere and environmental analysis must focus on the impacts to the Tahoe basin associated with this change in land use. This letter addresses the following concerns:

Environmental Review of the Specific Plan and Area Plan Requires Extensive Review

1. The Area Plan Resort Recreation Designation Was Not Assessed in the RPU;
2. The Area Plan is required to make threshold gain;
3. The Resort Recreation Designation Allows for Uses Not Assessed in the RPU;

RPU Conformance

4. The Area Plan needs to set SEZ/Coverage targets and goals
5. Potential restoration and retirement of development on sensitive land associated with the Resort Recreation Designation should be identified and described;

Scenic

6. Design Standards and Guidelines Should Ensure Height Does Not Impact Viewsheds
7. Night Time Lighting needs to be addressed in the Specific Plan; and

Transportation

8. Enhancement of travel modes and development of walkable bikeable experiences should be detailed in a specific transportation plan.

Background:

Adoption of the proposed project will bring environmental benefits to the Martis Valley area through the change in land use designation and consequential conservation of open space. However, the development would require significant amendments to the RPU and associated map. These amendments include change in land designation from recreation and conservation to Resort Recreation.

It is critical that the associated environmental documentation assess impacts to the Lake Tahoe Basin and how those impacts relate to the TRPA environmental thresholds. The Bi-State Working group worked through the contentious issue of converting lands in the Basin to the recreation designation. A compromise in these negotiations was the creation of a new land use designation called Resort Recreation, and applying it to specific Edgewood Mountain and California Base of Heavenly Ski Resort parcels. The RPU's EIS analyzed the impacts of applying a Resort Recreation designation to those two areas. In addition, the 208 Plan, a required water quality document by the Environmental Protection Agency, potentially allows up to one additional area within the Basin to be designated as Resort Recreation.¹ The West Parcel of the Martis Valley Specific Plan and Area Plan includes 112.8 acres within the Lake Tahoe Basin.² This area will need to be designated as Resort Recreation which requires an Area Plan to do so. Because the Martis Valley Area was not analyzed in the RPU's EIS, it is imperative that the new designation is processed accordingly to TRPA code and has any impacts critically analyzed.

Environmental Review of the Specific Plan and Area Plan Requires Extensive Review

1. The Area Plan Resort Recreation Designation Was Not Assessed in the RPU

Adoption of this Area Plan constitutes an amendment to the RPU and its associated code and map. The Area Plan contains a new Resort Recreation designation. Unlike other plans that have been approved under implementation of the RPU, this Area Plan cannot be tiered off the RPU environmental impact statement (EIS) because it was not analyzed in the RPU. The TRPA Compact requires that, "when acting upon matters that may have a significant effect on the environment, to prepare and consider a detailed EIS before deciding to approve or carry out a project."³ This Area Plan and associated Resort Recreation designation will have significant effects on the environment. Significant impacts include the removal of forested land, displacement of wildlife, an increase in vehicle miles travelled, and scenic impacts. The environmental assessment will have to analyze how both the Area Plan and Specific Plan relate to the RPU on a regional level, how they will impact the environmental thresholds, and how the amendment will help achieve regional environmental goals.

2. The Area Plan is Required to Make Threshold Gain

TRPA code requires specific findings for individual projects and any amendments to the RPU. Chapter four of the code outlines procedural and environmental thresholds required for any project.⁴ Any amendment to the RPU also requires "TRPA shall find, in addition to the findings required pursuant to subparagraphs 4.4.1.A and 4.4.1.B, subsection 4.4.2, and sections 4.2.and 4.3, that the Regional Plan, as amended, achieves and maintains thresholds."⁵ The same is required for amending the TRPA code and RPU Map.⁶ The actual Area Plan and Resort Recreation need an analysis based on the amendment to the RPU and findings that demonstrate the amendment will achieve and maintain thresholds.

3. The Resort Recreation Designation Allows for Uses Not Assessed in the RPU

The new Resort Recreation Designation allows for new uses that are currently not permitted and will need to be assessed. The Area Plan will replace three different TRPA Plan Area Statements (013, 015, 019) that are designated as recreation and conservation.⁷ This change will allow for residential, tourist

¹ TRPA Lake Tahoe Water Quality Management Plan, Final June 19, 2013. 10.2 (c), pg. 41

² NOP of EIS/EIR Martis Valley West Parcel Specific Project, Project Description. 1.2.1, pg. 3

³ TRPA Compact Article VII(a)(2).

⁴ TRPA Code of Ordinances, Adopted December 12, 2012. Chapter 4 (4.1-4.4), pgs 4-1, 4-2

⁵ TRPA Code of Ordinances Adopted December 12, 2012. Chapter 4, 4.5, pg. 4-2

⁶ TRPA Code of Ordinances Adopted December 12, 2012. Chapter 4, 4.6, pg. 4-3.

⁷ Draft Martis Valley Specific Plan, Chapter 1, Introduction Section 1.5 page 15.

accommodation, linear public facilities, and recreational uses that were never allowed in that area previously. The environmental analysis should evaluate all associated impacts with these changes.

Area Plan will Require restoration and retirement in the Basin

4. The Area Plan needs to set SEZ/Coverage targets and goals

While the Specific Plan and Area Plan will obtain major conservation goals for Martis Valley, the Area Plan itself lacks coverage reduction and Stream Environment Zone (SEZ) restoration targets. The intent of Area Plans is to realize RPU goals while streamlining permitting. This Area Plan is unique as it has been created to allow for development and is unrelated to local jurisdiction delegation. While it may conform to RPU development standards, it does not recognize a coverage mitigation system or protect and direct development away from SEZ as required by both the RPU and TRPA Code.⁸ If TRPA finds this plan to be in conformance to the RPU the Area Plan must provide actual environmental benefits to the Lake Tahoe Basin. These targets will help assess the Area Plan during the annual review process as well as determine the effectiveness of the Regional Plan in hitting benchmarks and the four year review.

5. Potential restoration and retirement of development associated with the Resort Recreation Designation should be identified and Described

The Area Plan indicates that this project will result in the retirement of development in the Basin and should facilitate restoration. For Development on Resort Recreation parcels, chapter 13.5.3.C.3 TRPA code requires that, "in addition to recreation uses, an Area Plan may allow the development and subdivision of tourist, commercial, and residential uses on the Resort Recreation District parcels depicted on Map 1 of the Regional Plan and subject to the following conditions: ... c. development shall be transferred from outside the area designated as Resort Recreation; and d. transfers shall result in the retirement of existing development."⁹ The Area Plan should identify potential development that could be retired for the Resort Recreation land.

The Area Plan should identify areas for restoration and give priority to North Shore parcels. Vision and Principles of the MVWPAP outlines the principles intended to achieve the Regional Plan Goals and Policies. Principle 8. "Transfer of existing substandard development from outside the Area Plan within the Basin with priority for retirement on environmentally sensitive sites and restoring the sending sites to a natural condition"¹⁰ is an important goal. The Area Plan should detail how this will be accomplished, identify potential sensitive land which to retire. Priority should also be giving to parcels located locally on the North Shore.

The Specific Plan and Area Plan Must Mitigate Scenic Impacts

6. Design Standards and Guidelines Should Ensure Height Does Not Impact Viewsheds

The Specific Plan and Area Plan must incorporate standards to protect scenic viewsheds. While both outline height limits and basic design guidelines, they do not go far enough in detailing what will be done for these viewsheds. The TRPA Code requires that, "Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height."¹¹ The environmental

⁸ TRPA Code of Ordinances Adopted December 12, 2012. TRPA Code of Ordinances Adopted December 12, 2012. Chapter 4, 4.5, pg. 4-2

⁹ TRPA Code of Ordinances Adopted December 12, 2012. TRPA Code of Ordinances Adopted December 12, 2012. Chapter 13.5.3.C.3

¹⁰ Draft Martis Valley West Parcel Area Plan, Area Plan Principles, Section 2.B #8

¹¹ TRPA Code of Ordinances Adopted December 12, 2012. Chapter 13, 13.5.D.2.

assessment for both plans will have to identify potential scenic impacts. The Area Plan must then detail where the transitional limits or buffers should be to mitigate these impacts.

7. Dark Sky Views Must Be Protected

The Area Plan will need to provide protection from the impacts to nighttime skies that could be associated with the Specific Plan. The future project on the ridgeline of the Specific Plan will allow for night time lights that could be seen from both Martis Valley and Lake Tahoe. Area Plans are required by TRPA Code to have exterior lighting minimized to protect dark sky views and to utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.¹² Preserving community character is another requirement of the RPU and Code.¹³ Protecting nearby communities from the potential impact of nighttime lighting should be a requirement for the Specific Plan and accompanying Area Plan. Areas that could be used as shields and other development guidelines should outline how dark skies will be protected.

8. Transportation

Enhancement of travel modes and development of walkable bikeable experiences should be detailed in a specific transportation plan.

The Area Plan indicates in Section 4 under Parking Standards that “the project *may* commit to offering transportation options to residents, visitors or guests that will reduce or eliminate the need for onsite parking, “ In order to reach goal 8 of the plan principles, the project should be required to provides such alternatives as listed in Section 4.B.3.a and a detailed transportation plan should accompany the Area Plan. Section 5 has a component of transit (Section 5.C.). This section should be expanded and the HOA-operated transit shuttle should be associated with more targets and goals to indicate how residents will reduce VMTs.

Recommendations

Because the Martis Valley West Parcel Area Plan will be the first Area Plan with a specific project proposal on Resort Recreation designated landuse, it is imperative that environmental impacts are minimal and overall threshold gain to the basin is identified and realized. Environmental Review of the Specific Plan and Area Plan Requires Extensive Review. The League recommends that the final Area Plan and associated documents address the following:

1. The Resort Recreation Designation needs to be assessed;
2. The Area Plan must show how it will make threshold gains;
3. The environmental analysis needs to look at changes in use from the current PAS;
4. The Area Plan needs to set SEZ/Coverage targets and goals;
5. Potential restoration and retirement of development on sensitive land associated with the Resort Recreation Designation should be identified and described;
6. Design Standards and Guidelines should ensure height does not impact viewsheds;
7. Night Time Lighting needs to be addressed in the Specific Plan; and
8. Enhancement of travel modes and development of walkable bikeable experiences should be detailed in a specific transportation plan.

Sincerely,

¹² TRPA Code of Ordinances Adopted December 12, 2012. Chapter 13, 13.5.D.5.

¹³ TRPA Code of Ordinances Adopted December 12, 2012. Chapter 13, 13.6.5.A.6.

Darcie Goodman Collins, PhD
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