



Placer County, Environmental Coordination Services
Community Development Resources Agency
3091 County Center Drive, Ste. 190
Auburn, CA 95603

April 28, 2014

Subject: Martis Valley West Area Plan/Notice of Preparation

Dear Ms. Wydra:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments regarding the Martis Valley West Area Plan (MVW AP) Notice of Preparation (NOP). FOWS is extremely concerned with the proposed MVW AP and the proposed rezone to a Resort Recreation District (RRD) associated with the noticed project. This new Area Plan would place over a hundred new homes on the ridgeline of the Tahoe Basin. There is no question that there will be negative environmental impacts to numerous natural resources with new development built on undeveloped forest land. The project is also an extremely dangerous idea from a public safety point of view given the wildfire threats in such an area. Concerns include:

- Development on Tahoe's ridgeline will be seen from almost anywhere in the northern half of the Basin where one can currently look up and see natural mountain ridgelines. Nighttime lights, reflections, headlights, etc., will also make it likely this development can be seen from well beyond the northern portion of Lake Tahoe. **The project proponent's potential financial interests should not outweigh the interests of the public in protecting the scenic beauty of Lake Tahoe - a National Treasure.**
- This project will be precedent-setting if allowed; there are many undeveloped ridgelines that could be developed following this one, and the Regional Plan does not preclude additional Area Plans on the basin's surrounding ridgelines. Such development runs counter to the Compact's required protection, and the EIR/S must note that ridgeline projects violate the views of Tahoe's natural scenic resources.
- The large project will create more traffic and VMT on roadways within the Basin, more air, water, noise, and night sky light pollution, damage to wildlife habitat, and numerous other threshold impacts. The EIR/S must carefully examine all impacts to the Basin's natural resources.
- The EIR/S must discuss the extent of the potential ridgeline developments that could be approved in the future years based on this project setting a clear precedent.

We are also concerned with the way this has been presented to the public and associated public process thus far, and what appears to be a project-driven RPU amendment, rather than Plan-driven. Detailed comments follow below, and we also herein incorporate all comments submitted by Ellie Waller, the North Tahoe Preservation Alliance, and the Sierra Club.

Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net if you have any questions.

Sincerely,

Susan Gearhart,
President,
Friends of the West Shore

Jennifer Quashnick
Conservation Consultant
Friends of the West Shore

I. Project Area and EIR/S Range of Alternatives:

This project is proposed for a currently undeveloped, mostly conservation-zoned area of the Basin. Although the project has been presented on a larger scale, FOWS is focused on the impacts *within* the Lake Tahoe Basin, which have seemingly been presented as minor by the project proponent preparing the Area Plan (e.g. at the 4/24 presentation to the TRPA RPIC and GB, the applicant seemingly minimized the impact of the Tahoe-portion of the project by stating it was just over 1% of the ‘entire project area’). Given the extra protections that apply to Lake Tahoe, a federally-designated Outstanding National Resource Water and National Treasure, including the Compact’s requirements to achieve and maintain TRPA’s environmental thresholds, this project – and its proposed Area Plan – must be examined separately from those parts outside of the Tahoe Basin. **Impacts within the Tahoe Basin cannot be mitigated by measures applied outside of the Tahoe Basin.** It is also unclear how this proposed Area Plan would meet the goals of the RPU, as required by Code Chapter 13.1.2.¹

FOWS requests the EIR/S include a separate analysis of the project’s impacts within the Lake Tahoe Basin (as also requested by TRPA’s Regional Plan Implementation Committee on 4/24/2014). This analysis should, itself, evaluate various alternatives, including but not limited to:

- The no project alternative for all in-Basin acreage; (*no project*)
- A project which would represent the allowable development under the current RPU zoning for those areas (within the Basin), which are currently zoned primarily conservation (with limited areas zoned for recreation); (*minimal development*)
- A project which would represent the allowable development associated with an RPU amendment that would convert some portion of the conservation-zoned areas to recreation (*some development*);
- A project similar to that proposed, but limited to only the 112 acres in the Upper West Parcel where development is proposed, excluding the other acreage currently included in the project area, presumably included for gaining more coverage (*variation of proposed project*).

The project’s impacts within the Lake Tahoe Basin must be assessed on their own merits.

II. Amendments to RPU versus Proposed Project:

We are concerned with what appears to be a project-driven plan amendment as opposed to a threshold-driven plan amendment. The proposal to add over 100 units to undeveloped forested area is contradictory to the TRPA RPU’s stated goal to focus development in already developed areas in Town Centers. Without this proposed project, it seems highly unlikely that a TRPA review of thresholds or Regional Plan impacts would have ever suggested a need to develop this area. In fact, such development runs counter to the thresholds and Regional Plan. Therefore, it is clear that the proposed project is the driver for this Plan amendment.

¹ http://www.trpa.org/wp-content/uploads/TRPA_Code_of_Ordinances.pdf

The EIR/S must, in its separate analysis of the in-basin portion of the project area, clearly identify the RPU amendments necessary for each alternative, and explain the environmental benefits which would call for such an amendment within the Lake Tahoe Basin.

III. Public Project Presentation and Process information:

We are extremely concerned with the public process associated with this proposed project/Area Plan thus far. This is the first Resort Recreation District (RRD)-related Area Plan to come forward since the RPU adoption, which designated two RRD areas with specific locations and boundaries. This third RRD was not contemplated in any fashion by the RPU EIS. It was never advertised to the public as a possible future project stemming from the RPU's new RRD land use and Area Plan regulations. The first hint of another location emerged just one month prior to the RPU's adoption, when language was slipped into the 208 Water Plan that inexplicably allowed another 320 acres of RRD without any amendment or analysis associated with the 208 Plan. Although we raised extensive concerns,² the RPU and 208 Water Plan amendments were adopted with essentially no public outreach regarding additional RRD locations. In fact, this 13th hour amendment also came months after California and Nevada representatives agreed to limit new RRD zoning to the two parcels currently specified in the Regional Plan.³

Confusing, unclear process for Tahoe Basin approvals:

This proposed Area Plan and RRD land use will set a new precedent for Tahoe, both in terms of development and the process associated with its approval. TRPA and the County must be extremely diligent in the outreach, ensuring adequate public notice and input, and that the environmental analysis will be done objectively and comprehensively, with intensive, separate focus on the Lake Tahoe Basin. The process for the *Project* approval, versus the *Area Plan*, versus the *zoning change to RRD*, must all be very clear and laid out for the public in advance. Thus far, this has not been the case. Although we appreciate the TRPA Board's request on 4/24 for this information to be presented at TRPA's May Board meeting, the deadline for comments is today, therefore the schedule will come weeks after comments are due.

Questions include, but are not limited to:

- When will the draft Area Plan be released, and what will be the public process?
- When, and which agency, will initiate and perform the environmental analysis associated with the zoning change to RRD?
- What order will this be done in?
- How can the public comment on the scope of the project when this information is not available?
- Will another scoping period occur once the draft Area Plan is released?
- Who will be the lead on the Area Plan analysis?
- Given this project is not adjacent to an existing Area Plan or Town/Regional/High Density Center, how will the findings for conformity with the RPU be made?
- When will the public process, as required by Code Chapter 13, be initiated?
 - o The applicant noted during the 4/16/2014 hearing that residents of North Shore had not been contacted to participate in the Area Plan development

² 12/11/2012 Comments to TRPA are attached.

³ We refer to the CA-NV Bi-State Consultation Agreement, dated July 25th, 2012 (attached).

process because their communities did not immediately border the proposed Area Plan. However, Code section 13.6.2 states:

13.6.2. Initial Approval of Area Plan by Lead Agency

A. When TRPA is Not the Lead Agency

If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff. [Emphasis added].

According to what criteria are residents of Kings Beach, Tahoe Vista, and other North Shore communities NOT "local residents or stakeholders" with regards to this proposed Area Plan?

- When was the Initial Statement of Intent to Develop an Area Plan, as required by Code Chapter 13.4.2, submitted to TRPA? Where is the schedule that is required to be part of this Initial Statement? Why has the Initial Statement not been made public as part of the NOP documents?

Scoping process (NOP) deadline is premature:

It is clear that the public does not have the information necessary to provide informed comments on the NOP for the project because the project, its process, and how it relates to the Lake Tahoe Basin, have not been clearly laid out. When requested at the 4/16/2014 in-Basin scoping meeting, the applicants and their consultants also seem confused regarding the Tahoe-related planning processes. We were informed the draft Area Plan may be released in about two weeks (around the end of April). When asked why the scoping period could not be extended by a mere matter of weeks so the public would have the chance to also see the draft Area Plan, the response was a confusing and vague reference to CEQA process timelines. No clear responses were provided to explain why this process could not be delayed. Further, responses regarding how the Area Plan and RRD changes would be assessed were not clear, as represented in comments submitted by Ellie Waller since that hearing.

Public outreach has been minimal; more attention is needed:

In addition, the lack of public attendance (other than members who typically follow all in-Basin planning processes) indicates a failure in the County and TRPA's public outreach process. This is too important to stick in the back of a newspaper, or place on a meeting list online. If need be, the agencies need to be contacting the public directly, HOA representatives, Area Plan Teams, including but not limited to going door to door to all North Shore communities who will be affected by this project. This precedent is simply too important to leave to the bare legal minimum requirements for public notice. Rather, the agencies need to step up efforts to **engage** the public.

Public presentation was misleading regarding in-Basin issues:

As noted in our comments at both the 4/16 scoping meeting in Kings Beach, and to the TRPA Board on 4/24, environmental groups within the Basin have not been 'collaborating' on this project. We were surprised to hear one of the presenters imply otherwise based upon the participation of two non-Tahoe groups, the Sierra Watch and Mountain Area Preservation Foundation. These two groups are focused only on the

preservation of land outside of the Lake Tahoe Basin (we note that preserving land in Martis Valley does not mitigate for developing natural land within the Lake Tahoe Basin). This distinction between in-Basin and out-of-Basin participation by all stakeholders must be clearly explained and clarified in all future presentations and associated documents.

In addition, presentations have seemingly minimized in-Basin impacts through references to the percent of project area within the Lake Tahoe Basin (over 1%); however, this is irrelevant. TRPA's Compact-designated role is to protect Lake Tahoe's environment. This is another reason that a separate analysis for the Lake Tahoe portion is necessary.

Misrepresentation of baseline information for entire Project Area:

We also note that the representation that the entire Project would (without this conservation agreement/swap between the East and West parcels) be allowed approx. 1,360 units and 6.6 acres of commercial (NOP, p. 7) is misleading, as there have been no specific project approvals for such development. The EIR/S must clearly explain what approvals are already in place and make comparisons to a true and accurate baseline condition which complies with CEQA, NEPA, and the TRPA Compact.

IV. Environmental Impacts:

Scenic Resources:

One of the most glaring and unmitigatable impacts that would result from the proposed project would be related to Tahoe's famed scenic natural resources. No amount of forestry-colored paint or careful landscaping can mitigate the loss of what is currently a natural forest view unimpeded by lights and glare. Nighttime lights, reflections, headlights, etc., will make it likely this development can be seen from well beyond the northern portion of Lake Tahoe. TRPA's Compact⁴ specifically requires the protection of natural scenic resources, as do the thresholds. This development will not only impact views of this forested area, but it will also set a precedent that would open the door for developers to propose such developments along Tahoe's ridgeline in other areas. Both the project's individual and potential future impacts run counter to TRPA's responsibility to protect Tahoe's natural scenic resources.

The EIR/S must include an extensive analysis of the scenic impacts of this development from all locations it can be seen in the Basin (on the Lake, on the beach, from communities, homes, other mountain ridgelines and peaks, the Pacific Crest Trail, the Tahoe Rim Trail, roadways, and other recreational areas). This analysis must include the project during both daylight and nighttime hours, including an assessment of the impacts to night sky. Scenic assessments must also acknowledge that trees will be cut down to accommodate this development. If landscaping will be used to mitigate the impacts, scenic assessments must analyze the near term (immediately after construction), five years out, ten years out, etc., as it takes a long time for trees to grow as tall as a building. Mitigation that doesn't mitigate until thirty years or more in the future is unacceptable. Mitigation must be effective within five years.

⁴ Attached.

Vehicle Impacts:

The project will collectively draw 1,000's more to areas within and around the North Shore. People who may live or visit Northstar are expected to drive over Brockway Summit into Lake Tahoe, as demonstrated by the new Martis Camp Beach Shack advertisement.⁵ This will result in new traffic impacts within the Lake Tahoe Basin, including congestion, air pollution, water pollution, noise, and other impacts.

The EIR/S must carefully analyze the in-Basin transportation impacts associated with all alternatives of the project, with special emphasis on North Lake Tahoe, as State Route 267 will be the primary route people will use to drive to and from the project into Lake Tahoe.

According to TRPA's requirements for RRD land uses, the proposed project will be required to transfer existing development from within the Basin. The EIR/S must examine where these transfers will come from, and compare the impacts associated with the transfer. For example, the distance to drive from the ridgeline homes to Town Centers with amenities like grocery stores, pharmacies, gas stations, etc., will be on the order of several miles. With this in mind, the impacts of a TAU currently located near the South Tahoe Y or South Stateline are far less than the proposed ridgeline area. Visitors in South Tahoe or at Stateline can walk to several amenities, or drive short distances to them, whereas residents or visitors in the new development would have to drive several miles for those same amenities. There are also more transit options in the more developed centers. What will be the required transit availability from these ridgeline homes?

Other Threshold Impacts:

The EIR/S must carefully and thoroughly analyze the environmental impacts of transferring 112 TAUs, ERUs, etc., from elsewhere in the Basin to this location. Differences in unit size (and expansion, such as from a 300 foot old motel room to a 1,200-1,800 sq. foot condo or home), number of tenants and vehicles, etc., must also be included in the analysis. Further, Placer County's current plans to examine allowing CFA to be converted to TAUs poses the removal of yet another protective measure, and the impacts of such a conversion must be examined.

The EIR/S must analyze the project/Area Plan's impacts to all other TRPA environmental thresholds, including wildlife habitat, recreation (including the impacts of bringing more people into the area and their subsequent use of the Tahoe Basin for recreation), and forestry/vegetation.

Zoning Changes must be clearly identified, tallied, and mapped:

Although the NOP states the in-Basin project area includes three Plan Area Statements (PAS), the NOP does not show specifically which portions of the project are in each PAS, nor the extent of acreage in each PAS. In a comparison between the applicant's

⁵ <http://www.martiscamp.com/martis-camp-beach-shack/>; e.g. "Situated only 12 miles from Martis Camp. The Beach Shack encompasses over an acre of property on the shores of Lake Tahoe. This private setting and sandy beach will enable Martis Camp members to enjoy convenient access to one of the nation's most treasured natural settings – Lake Tahoe. The Beach Shack adds another dimension to the Martis Camp lifestyle by simplifying member access to the Lake..."

maps and TRPA's PAS maps,⁶ it appears very little, if any, of the project falls within the PAS 015 North Star (zoned recreation), but rather most of the in-Basin portion of the project is proposed on currently conservation-zoned lands. The EIR/S must clearly identify what portions of the project existing in each PAS, including acreage. Further, the NOP erroneously states the existing zoning for this area:

“A portion of the West Parcel is located within the Lake Tahoe Basin and is therefore under TRPA's jurisdiction. These 112.8 acres are currently located within three different TRPA Plan Area Statements – 013 Watson Creek (Conservation), 015 North Star (Recreation), and 019 Martis Peak (Conservation) and would be redesignated from Forest to Resort Recreation” (NOP, p. 3)

The current zoning under TRPA's Regional Plan is primarily conservation. Therefore, the proposed Area Plan would seek to change the zoning from primarily Conservation to Resort Recreation – a substantial change in use. This must be clarified, and the no action alternative must clearly reflect what development could be allowed on these parcels *without a change in zoning*.

In addition, the NOP states that approximately 1 million cubic feet of earth will be moved for this project (p. 13); how many cubic feet of earth will be moved for the in-Basin portion of the project area?

V. Cumulative and Reasonably Foreseeable Impacts:⁷

In recent years, major new projects and plans have descended upon the north and west shores of Lake Tahoe, and in adjacent areas, which collectively will add more traffic, pollution, crowding, noise, and other impacts within the Lake Tahoe Basin. The new residents and visitors drawn by the proposed development, both on Tahoe's ridgeline and throughout the rest of the project area, will be expected to drive to Lake Tahoe. As required by the TRPA Compact, CEQA, and NEPA, the EIR/S must clearly and comprehensively assess the impacts of this project in addition to the cumulative impacts of the following projects and plans:

- Kings Beach Commercial Core Improvement Project;
- Kings Beach Area Plan (aka North Tahoe East and North Tahoe West Plan Areas);
- CalPeco Electrical Line expansion Project;
- Martis Valley Beach Shack (which will, in fact, specifically draw people from Northstar to the Basin);
- Tahoe City Golf Course (as it is currently undergoing land capability challenges to increase allowable coverage, and proposals to include the Golf Course in the Tahoe City Town Center – which would allow more development – have been made);
- Tahoe City Area Plan (aka Placer Tahoe Basin Community Plan update);
- Homewood Mountain Resort expansion;
- Boulder Bay Project;
- Northstar Expansions (more residents and visitors will drive to Tahoe);
- Squaw Valley expansions (more residents and visitors will drive to Tahoe);

⁶ <http://www.trpa.org/regional-plan/plan-area-statements/>

⁷ CEQA section 15064: http://resources.ca.gov/ceqa/docs/2014_CEQA_Statutes_and_Guidelines.pdf;
NEPA 40 CFR 1508: <http://ceq.hss.doe.gov/nepa/regs/ceq/1508.htm>; TRPA Compact (attached).

In addition, as this project will set a precedent that allows development on natural areas of Tahoe's ridgeline currently zoned conservation and recreation, the EIR/S must discuss the extent of the potential ridgeline developments that could be approved in the future years based on this precedent.

Further, what are the growth-inducing impacts of the project?

VI. Public Health and Safety:

Building houses on top of a ridge in fire prone areas, as the proposed project would do, is an **extremely dangerous idea from a public safety point of view**. In the project's location, wildfires pose a serious risk. Not only would the project place homes and buildings in fire prone forested areas – a dangerous development in itself,⁸ but making matters worse, fire tends to move 'up.' Hot embers from *any* large fire below the area will blow up and easily ignite these buildings, no matter how many trees are cut down or how well defensible space practices may be followed. One misplaced pine needle or broom on a deck, one dry crook in the building, and one blowing ember, is it all will take for a home to be ignited.

Further, it appears there would be one evacuation route – the proposed access on the Northstar side of the ridgeline development. What are the emergency evacuation plans for the project? Are current evacuation plans sufficient for the existing population – without adding more people to the area? What are the cumulative impacts of adding more people to this already fire prone area?

The EIR/S must examine the potential fire danger associated with the development, as well as what evacuation routes will be available in the event of a wildfire, the likelihood people could evacuate in time, recognizing that with this ridgeline development, fire danger comes from everywhere around the project and fires will move up fast.

Further, other natural hazards exist which must be examined in the EIR/S. For example, what are the wind-related impacts to ridgeline development in this area? What avalanche or land slide dangers will exist?

⁸ See attached report: Dangerous Developments, by Sierra Nevada Alliance, 2007.