TRPA
APC
PACKETS

FEBRUARY
1979
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY
AND
NOTICE OF SPECIAL MEETING OF THE
GOVERNING BODY OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on February 14, 1979 at 9:00 a.m.
at the hearing room of the Tahoe Regional Planning Agency located at 2155 South
Avenue, South Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for said meeting is
attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on the same day at 1:00 p.m. in the
same location the Governing Body of said agency will conduct a special meeting
in conjunction with the Advisory Planning Commission to consider the adoption
of a Plan for the Attainment of Federal Air Quality Standards.

Dated: February 2, 1979

By: James J. Jordan
Executive Director
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

February 14, 1979
9:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC WORKS

A. Douglas County School District Additions to Zephyr Cove Elementary School, Kingsbury Middle School and Whittell High School

B. Nevada Department of Highways, Mt. Rose Highway (Rt. 27) Improvements, Washoe County

V CLEARINGHOUSE

U.S. Forest Service, Lake Tahoe Basin Management Unit, Three Acquisitions Totaling 153.6 Acres, Placer County

VI GENERAL PLAN AMENDMENT PUBLIC HEARINGS

A. 2.26 Acres Owned by Ancel Casentini, Douglas County, Nevada, Fronting Kingsbury Grade, From General Commercial to Medium Density Residential

B. Property Known as Fairway Pines Located at the Northeast Corner of Village Boulevard and Harold Drive, Washoe County, Nevada, From Low Density Residential and High Density Residential to Medium Density Residential

VII JOINT PUBLIC HEARING WITH TRPA GOVERNING BODY - 1:00 p.m.

To Consider Adoption of a Plan for the Attainment of Federal Air Quality Standards

VIII ORDINANCES

Ordinance Establishing Indirect Source Review Standards and Procedures

IX REPORTS

A. Public Interest Comments

B. APC Members

X RESOLUTIONS

XI CORRESPONDENCE

XII PENDING MATTERS

XIII ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Nevada Highway Department
Widening of Mt. Rose Highway (SR 27)
Washoe County

Project Description

The Nevada Department of Highways proposes to widen and repave 2.8 miles of the Mt. Rose Highway (SR 27). The currently proposed project begins at the intersection of SR 28 at Incline and connects an already improved section of SR 27 at Panoramic Point overlook, (see attached). Upon completion of the currently proposed project, roadway widening and resurfacing will be completed on SR 18 within the Tahoe Basin. The project is funded with Forest Highway Funds and incorporates substantial erosion and drainage controls which have been successfully demonstrated in the improvement of the adjoining section of highway.

Summary

The existing roadway on the 2.7 mile section of SR 27 will be widened from the present 26 foot paved surface to a 38 foot paved surface providing two 12 foot travel lanes with 7 foot paved shoulders. In addition, a 5 foot paved roadway ditch on a 6:1 slope will be constructed adjacent to cut and fill slopes. Extensive slope stabilization and drainage facilities conforming to the intent of the 208 Handbook of Best Management Practices are an integral part of the project. The project will utilize improved methods for slope stabilization and drainage developed during construction of an adjacent section of SR 27 which have been proven as effective management practices. The widening will closely follow the existing alignment and all work will be within the existing 200 feet right of way. A major benefit of the widening will be improved motorist safety. The project will also benefit water quality by stabilizing existing unstable slopes and correcting existing erosion problems within the highway right of way.

The proposed project includes two contracts. The first contract is for widening and repaving the existing highway, installing drainage structures and slope stabilization. A second contract will be in effect the year following initial construction for further slope stabilization, revegetation and providing for additional drainage facilities necessary to correct any drainage problems resulting from the project.

Slope Stabilization

A variety of methods are proposed to stabilize cut and fill slopes including:

1. 6" riprap with hydroseeding on 2:1 cut slopes
2. Fiberglass roving, 2" surface duff and hydroseeding on 3:1 and flatter cut slopes and on 6:1 fill slopes
3. Rock-filled gabions on 1-1/2:1 cut slopes
4. A concrete barrier curb placed at the toe of 1-1/1:1 cut slopes
5. Cut slopes with wire mesh treatment and concrete barrier curbs with and without underdrains.

6. Hydroseeding with fiberglass roving on 2:1 fill slopes

7. Gabion bench sections on cut slopes with and without concrete barrier curbs and underdrains.

8. Reinforced earth walls in limited areas of new earthen fill.

Previous Agency Action

An adjacent section of the Mt. Rose Highway (SR 27) was reviewed by TRPA in December, 1976. The APC provided favorable comment on the project and additionally recommended that the Nevada Highway Department pursue the commitment of annual Forest Highway Funds to help solve erosion control problems in the Tahoe Basin. The project currently under review by the Agency appears to contain the commitment sought by the APC since a substantial portion of the project cost is for erosion control and correction of drainage problems which result from the existing highway as well as new construction.

The Governing Body also forwarded favorable comments on the project with certain stipulations. All of the applicable stipulations of the earlier project have been incorporated into the design of the current project or otherwise provided for.

The Governing Body also recommended that a Public Hearing be conducted in the Incline area in its December 17, 1976 comment letter on the previous project. According to the Nevada State Highway Department, the Incline Village and Crystal Bay Advisory Committee have been involved in the current design phase and support the project.

Staff Recommendation

TRPA staff recommends that favorable comments be transmitted on the project with the following condition which has been agreed to by the applicant:

1. Final construction plans should indicate the precise areas of erosion controls and "v" ditches or other means to divert runoff away from cut slopes.
Clearinghouse
U.S. Forest Service
Acquisitions: 83.5 Acres 1/2 Mile West of Tahoe City, Placer County
69.8 Acres 1/2 Mile North of Tahoe Vista, Placer County
.34 Acre 1 Mile North of Tahoe Pines, Placer County

Summary

The U.S. Forest Service is proposing to acquire approximately 154 acres of land in Placer County in three separate transactions. The acquisitions include 83.5 acres of land immediately adjacent to Tahoe City; 69.8 acres of land adjacent to the North Tahoe Public Utility District Regional Park in Tahoe Vista; and .34 acre parcel just north of Eagle Rock being donated to the Forest Service.

Tahoe Vista Property

This proposed acquisition abuts the North Tahoe Public Utility District Regional Park on the northerly and westerly boundaries of the park, with National Forest lands immediately to the east of the proposed acquisition. The subject property consists of approximately 13 acres of General Forest land, 14 acres of Recreation land, and 42 acres of Low Density Residential land. The property is relatively flat, with the exception of the General Forest section at the northwest corner of the property which is steep. The property is covered with native fir and pine trees.

TRPA Plans: The urban uses possible under the TRPA Land Use Plan would allow up to 170 units on the subject property, principally on the Low Density Residential land. This potential is reflected in the adopted Recreation Element, as well, which includes the subject property in the "Urban" classification, rather than the "Natural Environment Area" classification that would be more reflective of the intended dispersed recreation uses contemplated by the Forest Service. The adjacent Regional Park is identified as a day use recreation area on the adopted Recreation Plan, however, and the proposed uses under the Forest Service acquisition would compliment the day uses of the park by offering more extensive ski touring opportunities and similar pursuits.

Present Limitations on the Property: Although the TRPA Land Use Plan would permit approximately 170 units on the subject property, present sewer capacity limitations and the regulations on subdivision of land being imposed by the California Tahoe Regional Planning Agency severely constrain the practical development potential of the property.
Tahoe City Property

This proposed acquisition abuts California State Park land to the north and National Forest land along a portion of the westerly property boundary. The subject property includes approximately 64 acres of land designated General Forest by the TRPA General Plan, and approximately 19 acres of Low Density Residential land. The property is moderately sloped with steeper terrain along the westerly boundary. The vegetative cover is primarily second growth pine and fir trees.

TRPA Plans:  The Low Density Residential portion of the subject property would be allowed up to 76 residential units under the TRPA Land Use Ordinance, and is recognized as within the Tahoe City Urban Area under the adopted Recreation Element. The remainder of the property is identified on the Recreation Plan as being appropriate for maintenance as a natural environment area. The intended dispersed recreation use contemplated by the Forest Service is consistent with that identification.

Present Limitations on the Property: As with the Tahoe Vista property, present sewer capacity constraints and the regulations of the CTRPA combine to severely limit the potential for development of the subject property in the foreseeable future.

Tahoe Pines Property

This acquisition is a single General Forest parcel bounded on two sides by National Forest land, and is being donated to the Forest Service.

TRPA Plans:  The subject property is designated General Forest on the TRPA General Plan, with a potential for one single family residence. The property is near both the Kaspskian Day Use Area and the Blackwood Canyon Area, both of which are recognized as intensive recreation areas in the TRPA Recreation Plan. The subject property is identified as being appropriate for maintenance as a natural environment area.

Recommendation

TRPA staff recommends support of all three proposed acquisitions.
General Plan Amendment
Property Owned by
Ancel Casentini
Douglas County

Amendment Request

The applicant is requesting an amendment to the TRPA Land Use District Map to reclassify 1.75 acres of a 2.26 acre parcel from General Commercial to Medium Density Residential. The remaining half acre of this parcel is currently classified Medium Density Residential and the applicant proposes to maintain this use designation.

The General Plan amendment is proposed by the applicant in order that he may construct a condominium project of up to 18 units on the property instead of a commercial project as now permitted.

Property Location and Description

The subject parcel is located adjacent to Kingsbury Grade approximately 1.2 miles above the Kingsbury and Highway 50 intersection. The 2.26 acre parcel is currently undeveloped and abuts Kingsbury Grade on the south, Kingsbury Heights Subdivision on the west, undeveloped General Forest lands on the north and apartments and undeveloped commercially zoned lands on the east. (See attachment)

Local Zoning

The Douglas County zoning for the property is R-3 and C-1 in the same configuration as the TRPA land use districts.

Land Capability

The land capability maps indicate the soils on this property to be Cagwin with the majority of the slopes less than 15% which would permit 20% land coverage. The front portion of the property contains a low knoll and the rear portion of the property drops off steeply. There are no identified stream environment zones on the property, but there is a drainageway identified on the property which runs parallel to Kingsbury Grade.

The current General Commercial use designation on the 1.75 acres would permit land coverage up to 70%. The proposed classification would permit land coverage as per land capability which would not exceed 20% for this portion of the parcel. The site is currently undisturbed with a mixture of mature trees and scrub vegetation.

Impacts

The proposed amendment would change the potential uses on the site from commercial to residential. This would be a change in type of permitted use and, depending on the project, a change in intensity of use.

Public Utilities:

The applicant has submitted the proposed use classification to the Kingsbury Improvement District, Kingsbury Fire Protection District and Southwest Gas Corporation for consideration. These utilities indicate the proposed reclassification will not adversely affect their ability to serve the property.
Traffic:

If the condominium project were constructed to the maximum permitted density of 18 dwelling units, the project would generate approximately 126 vehicle trips per day. Depending on the type of commercial development utilized for comparison, the proposed amendment would generally reduce the trip potential from the site. This could be a critical factor since access to the property is from a very tight curve of Kingsbury Grade.

Visual Impact:

The proposed amendment would reduce the permitted height and land coverage hence preserve the natural amenities of the site. It should be noted that the construction of any project on this site will affect the view of Lake Tahoe for neighbors to the east of the project site.

Environmental Impact:

The reduction in permitted coverage from 70% to 20% will permit a majority of the existing trees and low story vegetation to be maintained.

Regional Plan:

The loss of commercially zoned lands in the middle Kingsbury area will reduce the supply of strategically zoned commercial lands. To date, two other parcels of land in this area have been reclassified from General Commercial to Medium Density Residential. The only existing commercial use located in this area was recently reclassified from Medium Density Residential to General Commercial which may be inconsistent with the trend toward residential uses. The most recent analysis under the General Plan Update indicates the parcel should be reclassified to Medium Density Residential, but this would assume the remaining spot of General Commercial property to the east would be reclassified to Medium Density Residential.

Recommendation

Agency staff recommends the subject General Plan amendment be approved with the applicant to submit a legal description delineating the 1.75 acre portion of the property being reclassified to Medium Density Residential.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY AND RECOMMENDATION

Fairway Pines
General Plan Amendment
Washoe County

Property Description

The applicant, Rutgers Mortgage, represented by William F. Pillsbury, Inc. is requesting approval of a General Plan amendment on a 6.1 acre parcel (Washoe County Assessor Parcel No. 124-203-08). The subject parcel is located on the northeast corner of the intersection of Village Boulevard and Harold Drive. (See attachment #1) The applicant proposes to construct a 48 2- and 3-story wood frame condominium units and all the necessary improvements including a 24 foot wide private access road through the project.

Existing Zoning

The property is zoned R-3 by Washoe County which allows multiple residential developments. Under Washoe County zoning, the maximum number of allowable units is 54. The northerly 3.9 acres of the parcel is classified Low Density Residential and the southerly 2.2 acres is classified High Density Residential (see attachment #1). The maximum number of units allowed by the Agency is 49 under current land use classifications. The applicant is requesting approval of Medium Density Residential classification on the property which would allow a maximum of 48 units on the property.

Existing Land Use

The entire parcel is currently undisturbed. The proposed General Plan amendment will reduce the allowed unit density on the site. It will also resolve the problem of having two different land use districts on the same property. The project will provide a buffer of intermediate density development between the high density areas surrounding the central core area of Incline Village and the low density residential subdivisions that are the residential backdrop of Incline.

Previous Agency Action

At the July 26, 1972 meeting, the Governing Board approved a tentative map for a 54 unit condominium subdivision on the subject parcel. However, Section 4.31 of the Subdivision Ordinance provides that Agency approval of tentative maps shall lapse unless the applicant records a final map of the subdivision within eighteen months of such Agency approval. It is the opinion of Agency staff and legal counsel that the eighteen month provision operated on the approved tentative map and that the tentative map has lapsed. The applicant submitted an application to the Agency for approval of 48 condominium units in December, 1978. The submitted project is in excess of the allowed density in the Low Density Residential portion of the property. The Governing Board at the January 24, 1979 meeting continued the project application pending action on the General Plan amendment requesting that the property be reclassified Medium Density Residential.

Land Capability

The entire project site is identified as IsC, Inville stony, coarse, sandy loam, land capability level 6 with 30% allowable coverage. There is a stream environment zone located on the southwest corner of the property. No construction is proposed within this area. The proposed land coverage is under the 30% allowed.
Surrounding Uses

Attachment #2 illustrates the surrounding land uses. To the south of the proposed project is a large undeveloped zone of high density land; to the east is a substantially built out section of High Density Residential lands; also portions of the Incline Village golf course form part of the proposed development's eastern boundary. To the north is mostly Low Density Residential development built around the golf course. To the west is the Incline Village High School. The land is classified to allow residential uses. Its best use is for infilling with a use compatible with the surrounding uses. The surrounding uses are primarily residential of varying allowable densities and the high school which services local residential development. A residential development of medium density would be compatible with the currently existing uses.

Open Space

The allowable coverage on the site will not be altered by the requested amendment. The proposed amendment will result in more uniform spacing of the units than the existing classifications. This will reduce the visual disruption and crowding of units within the high density portion of the site. The units are proposed to be constructed along the proposed access road which will bisect the site from the northwest corner to the southeast corner. This will result in an open space buffer zone along the corner of Harold Drive and Village Boulevard. The units proposed to be constructed along the north side of the access road will abut portions of the golf course.

Public Services

The proposed General Plan amendment is anticipated to have a minimal effect on the remaining capability of public services. A project with approximately the same overall density could be proposed utilizing a combination of the existing land use classifications.

Traffic

The requested amendment will not increase the number of vehicle trips generated from the site over that resulting from the existing classification. However, it is estimated that the construction of 48 condominium units will generate approximately 336 vehicle trips per day. The project is located adjacent to Village Boulevard which is a major collector street connecting Country Club Boulevard and the central core area of Incline. The estimated capacity of Village Boulevard is estimated to be approximately 510 vehicles per hour. The estimated current utilization of Village Boulevard is 154 vehicles at the 30th highest hour. The proposed project is anticipated to generate approximately 62 vehicle trips at the 30th highest hour. The 30th highest hour represents 80% of the peak hour flows that would be generated on the peak day. The addition of the estimated 62 trips from the project to those currently generated results in an estimation of 216 vehicle trips during the 30th highest hour. This total anticipated generation represents a 45% utilization of the estimated design capacity of Village Boulevard. Most vehicle trips from the site will travel over Village Boulevard. This collector street will then distribute the trips along other local streets depending on destination. It is estimated that Village Boulevard will accrue the greatest number of generated trips and that the increase in traffic on Village Boulevard will not significantly affect design capacity or traffic movements.

Recommendation - Agency staff recommends that the requested General Plan amendment be approved.

2/6/79
MEMORANDUM

DATE: February 6, 1979

TO: TRPA Advisory Planning Commission and Governing Board

FROM: Agency Staff

SUBJECT: Nonattainment Plan

At the February 14th joint meeting of the Advisory Planning Commission and Governing Board, staff will be prepared to discuss the extent of the air quality problem which must be mitigated in order to comply with the Federal requirements and possible strategies for such mitigation. We hope to have written documentation to distribute at the February 14th meeting. The following is a brief summary of recent developments that will be reflected in that written material:

1. Oxidant: The Tahoe Basin was designated as a nonattainment area for oxidant based upon maximum recorded levels of .11 parts per million at monitoring sites within the Tahoe Basin. This was well above the Federal standard of .08 parts per million. Projections developed through the nonattainment planning process indicate that the oxidant levels within the Basin are likely to remain relatively constant at approximately the .10 - .11 level through at least 1987.

On January 26, 1979, the U. S. Environmental Protection Agency announced that the Federal oxidant standard is being increased to .12 parts per million. Based upon this action, the Nevada Division of Environmental Protection has indicated its intent to request reclassification of the Tahoe Basin into an "attainment" status for oxidant. Regardless of the action of EPA pursuant to this request, it appears that the evaluation performed to date can document compliance with the revised Federal standard without recourse to any new regulations within the Region.

2. Carbon Monoxide: The preliminary results of the carbon monoxide projections indicate that violations of the Federal 8-hour carbon monoxide standard will occur along several stretches of Highway 50 within the South Lake
Tahoe city limits. These preliminary findings indicate that additional control strategies will be necessary for attainment of the standard in these areas. Modeling is under way to provide some indication as to the relative gains to be made through various strategies. The results are not yet available.

Similarly, modeling to determine the projected air quality at various locations on the Nevada side along the North Shore are nearing completion, but are not yet available. Preliminary indications are that the problems in these areas are not nearly as severe as they are along the Highway 50 corridor.

3. The Ad Hoc Committee met February 5th to discuss control strategies and came to some preliminary consensus on certain strategies which are not likely to be of significance on the nonattainment plan, and identified several others as deserving further consideration. Staff will be prepared to discuss their preliminary conclusions at the February 14th meeting, but the written summary of the Ad Hoc meeting is not yet available.
TO: TRPA Advisory Planning Commission and Governing Board
FROM: Agency Staff
SUBJECT: Proposed Indirect Source Review Ordinance

DATE: February 6, 1979

The following is a draft Indirect Source Review Ordinance reflecting the comments and recommendations provided at the December 13, 1978 meeting of the Advisory Planning Commission. Please note that the principal modification of the ordinance is in Section 4.00 where indirect source has been defined in terms of Section 7.12 of the Land Use Ordinance (Type "B" permits). It is the opinion of Agency staff, after considering recommendations of the Advisory Planning Commission, that this is an appropriate modification; however, we believe consideration should be given to modification of Section 7.12 of the Land Use Ordinance to provide for Agency review of certain commercial projects under three acres which are likely to have significant traffic generation impacts.

We will discuss this further at the Special Board meeting of February 14th.
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO.

AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR THE REVIEW AND APPROVAL OF INDIRECT SOURCES OF AIR POLLUTION

The Governing Body of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 The Governing Body of the Tahoe Regional Planning Agency ("Agency") finds that the Tahoe Region, as defined in the Tahoe Regional Planning Compact ("Tahoe Region"), has been designated by the State of Nevada, the State of California and the Environmental Protection Agency as a nonattainment area for carbon monoxide.

1.20 The Governing Body further finds that there is evidence that increased use of vehicles contributes to the degradation of air quality by directly contributing to this pollutant.

1.30 The Governing Body further finds that there is, and likely will continue to be, serious traffic congestion upon major arterial highways and roads in the Tahoe Region.

1.40 In view of the foregoing, the Governing Body further finds that in order to properly effectuate and implement the adopted Regional Plan of the Tahoe Regional Planning Agency and still provide for the maintenance of air quality in the region as mandated by Article VI(a) of the Tahoe Regional Planning Compact, it is necessary to determine the potential impact of proposed land use activities on air quality, and provide for the mitigation of significant air quality degradation which may result from such activities.

Section 2.00 General Provisions

2.10 Compliance

Construction, alteration and use of any structure within the Region shall be in compliance with the terms of this ordinance. Permits shall be granted or denied in conformity with the provisions of this ordinance.

2.11 The provisions of this ordinance establish the minimum standards applicable within the Region to the subject matters of the ordinance. Any political subdivision may enforce equal or higher standards within its territory and this ordinance shall not be deemed a limitation or repeal of any other powers granted to the governments of the Tahoe Region by the United States or the respective states.
2.20 Interpretation and Severability

The provisions of this ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 3.00 Permit Standards

3.10 No permit shall be approved for any new or modified indirect source as defined in Section 4.00, or any portion thereof unless:

(1) The source or applicable portion thereof complies with the provisions of this rule and all other applicable local, state, and federal air quality rules and regulations.

Section 4.00 Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a directory meaning is intended.

Indirect Source - For purposes of this ordinance any facility, building, structure, installation, real property, road or highway which attracts or may attract mobile sources of pollution (motor vehicles), or serves as a trip end for motor vehicles and requires review by the Tahoe Regional Planning Agency pursuant to Section 7.12 of the TRPA Land Use Ordinance shall be considered an indirect source requiring compliance with this ordinance.

Nonattainment Designation - A designation made by either the State of California or the State of Nevada which is ratified by the U.S. Environmental Protection Agency identifying the Region or a portion thereof as an area which does not meet federal ambient air quality standards for a specified pollutant(s).

Vehicle Trips - A vehicle trip shall be considered to be a single vehicle movement from one point to another.

Vehicle Trip Generation - For purposes of calculation, trip generation from residential or tourist residential units shall be considered to be the total number of vehicle trips anticipated from persons occupying such units. For Commercial and other uses, trip generation shall be considered to be the total number of vehicle trips to and from the project site.
Section 5.00 Applicability

5.10 Exemptions

TRPA shall exempt from indirect source review:

a. Any single family residence or modification thereof on any legal lot or parcel.

b. Any source or modification thereof which has received formal approval and necessary building and construction permits by the effective date of this ordinance. In the event that such a proposed source which received formal approval is substantially modified with the result of increased trip generation potential, or is not constructed in conformance with the approved plans, the proposed source is no longer exempt and must undergo review pursuant to the criteria set forth hereinafter.

Section 6.00 Permit Procedures

6.10 Any proposal for which an indirect source review is required under the terms of this ordinance must be reviewed and approved by the Governing Board of the Tahoe Regional Planning Agency.

6.11 For such review, the process prescribed in the TRPA Land Use Ordinance shall be followed, with the addition that the applicant shall provide the evaluation required pursuant to Section 7.00 (Traffic and Air Quality Evaluation) and the TRPA action on such proposal shall conform to the requirements of Section 8.00 (Mitigation).

6.20 TRPA may charge the applicant a filing fee sufficient to cover the cost of analysis of the Applicants Air Quality Evaluation.

6.30 Upon receipt of any application requiring an indirect source review, the TRPA shall forward notice of such application to the Nevada Division of Environmental Protection and the California Air Resources Board; plus any local air pollution control district within whose boundary the project is to be located. Additionally, the TRPA shall make available to any agency so notified any additional information supplied regarding the subject application. The notice forwarded by TRPA pursuant to this section shall specify the proposed date of Governing Board action on the subject application and shall specify a final date for receipt of comment upon the subject application. Such date shall be not less than two weeks prior to the scheduled date of action.
Section 5.00 Applicability

5.10 Exemptions

TRPA shall exempt from indirect source review:

a. Any single family residence or modification thereof on any legal lot or parcel.

b. Any source or modification thereof which has received formal approval and necessary building and construction permits by the effective date of this ordinance. In the event that such a proposed source which received formal approval is substantially modified with the result of increased trip generation potential, or is not constructed in conformance with the approved plans, the proposed source is no longer exempt and must undergo review pursuant to the criteria set forth hereinafter.

Section 6.00 Permit Procedures

6.10 Any proposal for which an indirect source review is required under the terms of this ordinance must be reviewed and approved by the Governing Board of the Tahoe Regional Planning Agency.

6.11 For such review, the process prescribed in the TRPA Land Use Ordinance shall be followed, with the addition that the applicant shall provide the evaluation required pursuant to Section 7.00 (Traffic and Air Quality Evaluation) and the TRPA action on such proposal shall conform to the requirements of Section 8.00 (Mitigation).

6.20 TRPA may charge the applicant a filing fee sufficient to cover the cost of analysis of the Applicants Air Quality Evaluation.

6.30 Upon receipt of any application requiring an indirect source review, the TRPA shall forward notice of such application to the Nevada Division of Environmental Protection and the California Air Resources Board; plus any local air pollution control district within whose boundary the project is to be located. Additionally, the TRPA shall make available to any agency so notified any additional information supplied regarding the subject application. The notice forwarded by TRPA pursuant to this section shall specify the proposed date of Governing Board action on the subject application and shall specify a final date for receipt of comment upon the subject application. Such date shall be not less than two weeks prior to the scheduled date of action.
Section 7.00 Traffic and Air Quality Evaluation

7.10 Any proposal for which an indirect source review is required under the terms of this ordinance shall submit as a minimum the following information:

a. The name and address of the applicant.

b. The name, address, and location of the source.

c. A description of the proposed source, including the normal hours of operation of the facility, the general types of activities to be performed therein, and anticipated trip generation.

d. A map showing the location of the source and the topography of the area, including existing principal streets, roads, and highways, and traffic control facilities within three miles of the source.

e. A site plan showing the location and amount of associated parking, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

7.20 If TRPA staff determines on the basis of the above information that a potential exists for significant impacts as a result of vehicle trips associated with the proposed project, the applicant may be required to submit any of the following additional information:

a. An identification of the principal roads, highways, and intersections both within the region and leading to the region that will be utilized by traffic generated by the proposal, and an estimate of the traffic volumes contributed to the roadways, highways and intersections by the proposal.

b. An estimate of the summer and winter peak month traffic volumes, maximum traffic volumes for 1-hour and 8-hour periods, average travel speeds at the locations identified in Sub-section a, for the first year after the substantial completion and operation of the proposed project.

c. An estimate of the nature and amount of the total vehicular emissions which may contribute to pollutant(s) for which the region has been designated nonattainment, and for such other pollutants as may be required by the Agency. Such estimate shall reflect the total traffic generated by the proposal (as defined in Section 4.00) and shall provide identification of emissions associated with the traffic assessments contained in a and b, above.
d. Information pertaining to the location, design, construction, and operation of the facility.

e. An estimate of additional residential, commercial, and industrial development which may occur as a result of such construction or modification (secondary growth).

f. The availability of existing and projected mass transit to service the site.

g. Any additional information or documentation that the TRPA deems necessary to determine the air quality impact of the source, including the submission of measured air quality data at the proposed site prior to construction or modification, air quality impacts of construction, or an identification of the cumulative effect of the proposed project or any similar projects.

7.20 Where a proposal is to be constructed in phases, the information required by this section shall be submitted for the entire project (all phases) to facilitate assessment of the project as a whole.

Section 8.00 Mitigation

8.10 TRPA shall not approve any proposal if the air quality evaluation documents that the project will interfere with the attainment or maintainence of applicable state or national ambient air quality standards for any pollutant for which the region has been designated as a nonattainment area, or for which the Agency has required an air quality evaluation of the applicant; unless the applicant agrees as a permit condition to provide and/or contribute to the provision of mitigation measures which TRPA determines can reasonably be anticipated to reduce indirect emissions from the proposed source or from an existing source by an amount sufficient to preclude any contribution by the proposed project to the violation of the subject state or national ambient air quality standard, and may include, but shall not be limited to:

a. Supporting the provision of public transit (i.e., financial assistance, providing public transit passes to customers or employees, providing sheltered bus stops or bus turn-out lanes).

b. Provision of private mass transit for employees or customers.

c. Provision or expansion of telephone order and delivery services.

d. Traffic flow improvements which have the ability of improving or decreasing emissions at or adjacent to the site of the proposed construction or modification.
Section 9.00 Variances

Variances from the terms of this ordinance may be granted by the Agency Governing Board only if it is found that because of special circumstances applicable to the property involved a strict application deprives such property of privileges or safety enjoyed by other similarly situated property, or where it is found that there exists overriding concerns of public health, safety or welfare which warrant exemption from strict application of this ordinance.

Section 10.00 Violation of Ordinance

Violation of any provision of this ordinance shall be a misdemeanor. Upon notification of such violation, each day's violation subsequent to notification shall constitute a separate offense.

Section 11.00 Effective Date

This ordinance shall be effective sixty (60) days after its adoption.

FIRST READING:

SECOND READING:

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Jim Henry, Chairman