TRPA
APC
PACKETS

FEBRUARY
1981
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on February 11, 1981 at
10:00 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.

Dated: February 2, 1981

By: Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency
PRELIMINARY AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. DISPOSITION OF MINUTES

IV. PLANNING MATTERS

A. Lake Tahoe Basin Water Quality Management Plan
   1. Status of Proposed Amendments
   2. Proposed Work Program to Implement Amendments

B. Project Review and EIS Process
   1. Activities Exempt from TRPA Review (Definition of a Project)
   2. Projects Exempt from EIS Requirements
   3. Documentation of Environmental Impacts of Proposed Exemptions
   4. Draft Ordinances Implementing Exemptions
   5. Memorandum of Understanding with Public Agencies Regarding Project Review

C. Draft Ordinance Defining Requirements for General Plan Amendments

D. Environmental Threshold Carrying Capacity Study

E. Implementation of Growth Limitations

V. REPORTS
   A. Public Interest Comments
   B. APC Members

VI. RESOLUTIONS

VII. CORRESPONDENCE

VIII. PENDING MATTERS

IX. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

January 14, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I  CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order by TRPA Executive Director Phil Overeynder at 10:10 a.m. It was noted that the meeting had been properly noticed as required by State law. The membership on the Advisory Planning Commission under the amended Tahoe Regional Planning Compact was briefly discussed and new members were introduced. In view of the pending appointment by the Governing Body of two Nevada and two California lay members to the APC, it was agreed that Phil should serve as chairman until a full complement of APC members was seated.

APC Members Present: Mr. Milam (El Dorado County Planning), Mr. Renz (Douglas County Planning), Mr. Combs (Placer County Planning), Mr. Hoole (Carson City Planning), Mr. Young (Washoe County Planning), Ms. Bogush (City of South Lake Tahoe Planning), Mr. Hoefer (U.S. Forest Service), Ms. Smith (Lahontan Regional Water Quality Control), Mr. Dodgion (Nevada Division of Environmental Protection), Mr. Randolph (California Air Resources), Mr. Meder (Nevada Department of Conservation and Natural Resources)

APC Members Absent: Four Lay Members (vacant)

The APC was advised that a special organizational meeting of the new TRPA Governing Body was scheduled for January 16, and it was hoped that representatives from the two state legislatures will attend to briefly explain the Compact amendments. The APC members were invited to attend that meeting.

II  APPROVAL OF AGENDA

MOTION by Mr. Meder with a second by Mr. Milam to approve the agenda as presented. The motion carried unanimously.

III  DISPOSITION OF MINUTES

MOTION by Mr. Hoefer with a second by Mr. Young to approve the December 10, 1980 APC meeting minutes. The motion carried unanimously.

IV  ELECTION OF OFFICERS

The staff suggested and the APC concurred that election of an APC chairman and vice chairman should be continued at the February meeting so that the full APC could be present. Selection of the four additional APC members mandated in the Compact is scheduled for Board action on January 16.
APC REGULAR MEETING MINUTES JANUARY 14, 1981

V  PLANNING MATTERS

A. Lake Tahoe Basin Water Quality Management (208) Plan

1. Public Comments

2. Proposed Amendments

3. Work Program for 208 Grant

Staff explained that the amendments to the TRPA 208 Plan are scheduled for a joint public hearing before TRPA and the Nevada Department of Conservation and Natural Resources on January 28, at which time the public comment period will close. To date only verbal comments have been received. The California Water Resources Control Board (CWRCB) has set a hearing on February 10 regarding designation of the 208 planning agency. Options at that time are de-designation or designation of TRPA as the water quality management planning agency. The outcome of that meeting depends somewhat on the actions of the APC and Governing Body on its 208 Plan.

In the proposed amendments, staff has included three options for each element previously considered by the APC in November of 1980. So far as the relationship between the TRPA work program and Lahontan's work program, the TRPA plan recommends a limited construction ban on sensitive environmental lands and on new subdivisions consistent with APC recommendations, and provides that during this limited construction ban on high hazard and SEZ lands an intensive management plan for each of these areas be prepared. Basically what the proposed work plan would accomplish is funding of the planning effort to develop management plans for each of the sensitive areas. If approved by the Governing Body and certified by both states, the work program would be submitted to EPA. If the plan as proposed is not certified, the work program of course would not be necessary.

Bob Young commented that Washoe County was concerned about the Truckee River and felt that the proposed plan was highly certifiable and therefore supported by Washoe County.

Lynne Smith questioned the inclusion throughout the proposal of the May 1, 1983 expiration date for temporary controls. If the new TRPA General Plan is not adopted by that date (as directed in the Compact) but at a later date, there will be a period of time when neither the temporary controls nor the new General Plan will be in effect. Phil explained that the May, 1983 date was used as an incentive to complete the planning for and adoption of a revised General Plan in a timely manner rather than having an open-ended situation. Staff agrees that there is a problem with the May date in that it falls in the middle of a construction season and changes the rules in mid-stream. Staff would be receptive to changing the date. Lynne suggested that October 15, 1983 would be a more appropriate date for expiration of the temporary controls. Phil explained that the environmental threshold carrying capacity analysis is to be completed within 18 months from the effective date of the revised Compact, or June 19, 1983, and the revised General Plan is to be adopted 12 months from that date.
Apo Regular Meeting Minutes January 14, 1981

EPA has advised the staff that a 30 day notice period is needed for the work program and staff intends to place the matter on the February 11, APC agenda. What the work program would accomplish is to complete the work envisioned under the plan amendments, i.e. management plan for SEZ's and high erosion lands, evaluation of transfer of coverage rights, acquisition programs.

Andy Sawyer, from the CWRCB, advised that the issue of the February 10 hearing is designation of TRPA as the water planning agency should TRPA adopt an adequate plan. It is hoped that one plan can be implemented for the entire Tahoe Basin. Staff's proposal goes a long way towards meeting the State's requirements necessary for certification, but there are several minor points in which the proposal does not line up with what is outlined in the CWRCB's October 29 resolution. This resolution specified conditions necessary for the State's approval of a TRPA 208 Plan. The most critical point in the proposal is the May, 1983 date for expiration of interim controls; it seems calculated to have the system fall apart. Although this may be a deadline for adoption of the plan, deadlines are often not met. The second issue is the lack of a regulatory program for remedial control projects; the resolution calls for certain elements of the plan to be enforced by regulatory programs. TRPA's proposal states that after adoption of the interim controls TRPA will review the progress of implementation of erosion control and will adopt a regulatory control program if progress is not completed in accordance with the schedule. The CWRCB would prefer and the resolution calls for adoption of a regulatory program at the outset. Specifically, page 15 should be corrected to show that a regulatory program requiring implementation of remedial erosion control projects "will" (not may) be instituted "if" (not providing) commitments for remedial measures lag behind the proposed schedule. Also, there is nothing in the staff's proposed amendments that states one has to do the minimum required by the State Board. The CWRCB would prefer TRPA to adopt permanent controls; the facts are present to support adoption of Alternative 3 of the proposed controls and set them in effect permanently.

With regard to the offset schedule, the State's schedule requires complete offset in the sense that the development allowed under the plan is tied to the completion of all remedial erosion controls. The staff's offset proposal merely offsets additional erosion caused by that permitted development. The State's offset schedule is more effective as a means of ensuring that at the completion of the allowed development water quality standards are met. The State will, however, accept a lesser kind of proposal although it is TRPA's independent duty to protect water quality and to go as far as the State Board's policy.

Chuck White, Lahontan staff engineer, stated the staff's proposal was an important step for TRPA in putting together an adequate package for protection of water quality. Lahontan is supportive, however, of permanent prohibitions in SEZ's. There is information on the record to show that such controls are necessary. Lahontan would like to see October 29, 1980 as the effective date for implementation of temporary controls. The expiration date should be tied to the formal adoption, whenever it occurs, of the revised General Plan rather than a specific date. On another matter, the land capability coverage constraints and transfer of land coverage from noncontiguous lands or from adjacent capability districts should be clarified. The State proposes a lot-by-lot application of land capability coverage and prohibits transfer of coverage from noncontiguous lands. As stated previously, the TRPA's 208 Plan ties remedial control programs to offsetting new development; the State's water quality plan

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ties the package of all development to the complete remedial program over a 20 year period.

On more specific items which should be included in TRPA's Plan, Lahontan and the State feel stream crossings should be limited to 5% of the SEZ's in ski areas and CTRPA's criteria for review of ski area expansion should be included. The State's plan requires a program for minimizing fertilization on existing golf courses and that no fertilizers be allowed for expanded courses in the Basin. No permanent soil disturbance is allowed in SEZ's or on high erosion hazard lands and only helicopter or balloon logging is permitted. The State would like to see ordinances put in place to implement measures to retrofit existing development. There should be provisions for snow disposal facilities on driveways, private roads and in campgrounds. Lahontan will work with staff on these items and on inclusion of prohibition of industrial waste discharge, prohibition of pier construction in significant areas, prohibition on vessel pumpout except in marinas. In addition to previously itemized discrepancies between the State's plan and TRPA's plan, there is a concern that the management plans tied to SEZ's and high hazard lands and land coverage constraints would open up the issues previously settled. With regard to some of the minor differences, they can be handled with a conditional certification.

It was stressed by APC members that it was essential to know exactly what was needed by the State to allow TRPA's plan to be certified so that last minutes problems can be avoided.

Larry Hoffman, attorney representing the Tahoe Sierra Preservation Council, suggested that emphasis should be changed from regulation to acquisition; the Council takes vigorous exception to the approach that everything can be solved by pure regulatory action. In spite of the Burton-Santini bill, there is a money shortage to carry out the remedial program; and although the evidence indicates there is a lot of sediment going into the Lake, permanent constraints prohibiting use of private property and the disregard of manmade solutions is not the proper approach. The best way to proceed is to undertake more refined planning to determine what lands should not be built on, to prioritize them, and to start acquiring them. Hard decisions must be made on what will be done with properties that are not purchased. The primary concern of the Council is permanent controls. Although California's goal is to extend the moratorium which exists on the California side to Nevada, the intent of the Compact negotiations between the two states clearly indicates that the moratorium is to be avoided in Nevada. Should the permanent controls be imposed, the Forest Service would have to consider their impact in its acquisition program, since land is valued at the level of its use. If there are three different entities imposing a moratorium, an appraiser can't help but consider them in setting a price on the property.

Mr. Hoffman advised that the Council favored Alternative 2 as set forth in the staff's proposed amendments and commented on specific points in the amendments, i.e. blind adherence to the land capability coverage constraints, the necessity for the ability to make or change decisions and the ability to review lots singly, the cost-effectiveness of the remedial erosion control program over a 20-year period, a requirement to have commitments from local governments prior to permitting individual use of private property. There is no water quality justification for saying a person cannot build until some other entity completes its part of a program. The growth control issue should not be taken up in this document.
Dennis Winslow, CTRPA Executive Director, commented that the revised Compact did allow for considerable development in the interim before adoption of a new plan by setting forth numbers of permissible building permits to be issued each year. What is being attempted is to direct that permitted development into the most suitable areas. If a permit is obtained for class 1, 2, or 3 lands, it can be transferred. CTRPA is generally supportive of the restrictions on development in levels 1, 2, and 3 with transfer of permits to higher capability areas. CTRPA would like clarification of the transfer of coverage provisions and of the application of man-modified environment regulations as outlined in staff's proposal. The TRPA plan references state and federal plans but there is a lack of recognition of CTRPA efforts.

There was general agreement among the APC members that action on TRPA's proposed amendments was critical and that the APC should submit its recommendations as soon as possible; technical details could be handled in the certification process with conditions. Discussion followed on specific recommendations.

MOTION by Ms. Smith that the May 1, 1983 date for expiration of temporary controls be deleted but that the temporary control measures remain in effect until the revised General Plan is adopted. Second by Mr. Randolph. The motion carried unanimously.

The APC members next discussed temporary vs. permanent controls. California's position is that there is adequate documentation to justify permanent controls. The question is whether or not further study is warranted. Staff's feeling is that there is still some question whether or not all SEZ's are significant for protection of water quality or whether some can be developed under certain controls. The work program would propose to study these SEZ areas further. If permanent controls are imposed, it would not make sense to encourage further study. Staff recommends temporary controls be imposed and that more study be done. Mr. Meder suggested that, recalling the land value impacts resulting from adoption of the 1971 General Plan and placement of certain lands in General Forest, it would be best to leave the matter as open as possible so that future options are not closed off. Ms. Smith commented that, while she did not insist on permanent controls, she did not actively support temporary controls. Mr. Pyle, from the audience, suggested that "interim" might be a more appropriate concept. The adoption of the new General Plan would supersede any interim controls.

The APC recessed for lunch and reconvened at 1:20 p.m.

Mr. Randolph asked that each alternative for improved management be taken up individually because on some he favored permanent controls and on others "interim" controls until adoption of the new General Plan. Specifically he questioned adding coverage over and above that which is allowed in a particular area through transfer of development coverage from an SEZ. Mr. Winslow suggested taking up transfer of development rights and coverage in the General Plan update rather than in the 208 document. There was general agreement that subdivision was defined as creation of any new parcels. Mr. Dodgion commented that the Compact puts a temporary prohibiton on new subdivisions until development of the threshold analysis. For the APC to recommend a permanent control would be contrary to the bistate Compact.
Mr. Sawyer asked that TRPA's proposal revise its limited offset schedule from 18 months to 12 months to coincide with the State's plan and to eliminate two offset schedules. Staff concurred with this suggestion.

MOTION by Mr. Randolph with a second by Mr. Hoole to recommend adoption of Alternative 2 for management of stream environment zones but to change the language to provide for "interim" (rather than temporary) prohibition of SEZ encroachment and further study of plans for SEZ management. The conditions as stated in this alternative would be in effect until the new General Plan is adopted. (The May, 1983 date is to be deleted.) The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Young, Ms. Bogush, Mr. Hoole, Ms. Smith, Mr. Dodgion, Mr. Randolph, Mr. Meder
Nays: None
Abstain: Mr. Hoefer
Absent: None

MOTION by Mr. Meder with a second by Mr. Randolph to recommend approval of Alternative 2 for management of high hazard lands (interim prohibition on development of high erosion and high runoff hazard lands) with the language amendments as stated in the previous action (delete "temporary" and the May, 1983 date and include "until General Plan adoption"). The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Young, Ms. Bogush, Mr. Hoole, Ms. Smith, Mr. Dodgion, Mr. Randolph, Mr. Meder
Nays: None
Abstain: Mr. Hoefer
Absent: None

MOTION by Ms. Smith with a second by Mr. Randolph to recommend approval of Alternative 2a for interim controls imposing land capability system on individual parcels with language amendments as previously noted and with reference to transfer of land coverage being deleted and taken up instead as part of the General Plan update. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Young, Ms. Bogush, Mr. Hoole, Ms. Smith, Mr. Dodgion, Mr. Randolph, Mr. Meder
Nays: None
Abstain: Mr. Hoefer
Absent: None
MOTION by Ms. Smith to recommend approval of Alternative 2 on the regulatory program for on-site runoff. Second by Mr. Randolph. The motion carried unanimously.

MOTION by Mr. Meder to recommend adoption of Alternative 2 on temporary prohibition on construction of new subdivisions deleting reference to the May 1, 1983 date. Second by Mr. Dodgion. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Young, Ms. Bogush, Mr. Hoole, Mr. Hoefer, Mr. Dodgion, Mr. Meder
Nays: Ms. Smith, Mr. Randolph
Abstain: None
Absent: None

Ms. Smith commented that she would prefer seeing a permanent prohibition on subdivisions. The staff was asked to make it clear that reference to subdivisions means "new construction".

Staff suggested modifications of the time period for TRPA review of offset commitments from 18 months to 12 months in order that there be consistency with the Lahontan schedule.

MOTION by Mr. Randolph to recommend approval of Alternative 3 for a regulatory program tied to a full 20-year implementation program.

Mr. Randolph explained that this alternative had a regulatory program at the outset for management of erosion and drainage problems. Alternative 2 did not. Mr. Dodgion opposed this alternative stating it would require an NPDES permit rather than keeping it as an option. Staff indicated that it still preferred Alternative 2 since it was more in line with the understandings in effect with both states. Staff did concur, however, that a regulatory program will be instituted if commitments for remedial measures lag behind the proposed schedule.

Second by Ms. Smith. The motion failed on the following vote:

Ayes: Ms. Smith, Mr. Randolph
Nays: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Young, Ms. Bogush, Mr. Hoole, Mr. Hoefer, Mr. Dodgion, Mr. Meder
Abstain: None
Absent: None

MOTION by Mr. Meder to adopt Alternative 2 for remedial measures constructed on a phased 20-year implementation schedule for management of erosion and drainage problems with the language previously discussed. Second by Mr. Hoole. The motion carried unanimously.
APC REGULAR MEETING MINUTES JANUARY 14, 1981

Staff suggested that modifications to the forest practices amendments be handled with conditions on plan certification and that Alternative 2 to implement the handbook of best management practices be approved.

MOTION by Mr. Young with a second by Mr. Milam to recommend adoption of Alternative 2 on forest practices management. The recommendations in this category are to be compared to the California requirements. Second by Mr. Milam. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Renz, Mr. Combs, Mr. Young, Ms. Bogush, Mr. Hoole, Ms. Smith, Mr. Dodgion, Mr. Randolph, Mr. Meder

Nays: None

Abstain: Mr. Hoefer

Absent: None

MOTION by Mr. Meder with a second by Mr. Combs to approve the deletion of the May 1, 1983 date in the institutional and regulatory actions portion of the proposed amendments. The motion carried unanimously.

MOTION by Mr. Meder with a second by Mr. Young to recommend the proposed amendments to the TRPA 208 Plan on to the Governing Body as stated and to incorporate the CTRPA documents by reference. The motion carried unanimously.

Phil advised that he would report back to the APC on the Governing Body's action on the 208 work program.

B. Ordinances

1. Activities Exempt from Agency Review - Article VI(a)

2. Activities/Projects Categorically Exempt from EIS Requirements - Article VII(f)

Senior Planner Gordon Barrett explained the staff's approach to the Compact requirements for ordinances identifying the extent of TRPA's involvement in reviewing projects in the Tahoe Basin. Staff has broken down the types of activities into four levels, from no local or TRPA review to a permit issuance by the TRPA Governing Body with full environmental documentation. The Environmental Impact Statement spoken of in the revised Compact is strictly a TRPA document and does not fall under the guidelines for either NEPA or CEQA. The staff briefly described the flow chart identifying what levels of review would be required for residential, tourist residential/timesharing, commercial, public and quasi-public, recreation resource management, land division, grading and demolition activities in the Tahoe Basin.
Dennis Winslow, CTRPA Executive Director, voiced concern with staff's proposal pointing out that TRPA was required to implement the CTRPA ordinances and review criteria for the California portion of the Basin. What is proposed here for "ministerial" action (allowed by right) does not exist in California and is therefore not a proper heading. The basic concept that a permit issued by the local government under TRPA standards that complies with all regulations can be signed off by staff is acceptable, but the term "ministerial" does not relate to CEQA. Also not all staff actions will require negative declarations or environmental documentation; many can get away with categorical exemptions. To require a negative declaration for all staff actions creates too great a work load.

Further discussion followed on the extent of TRPA review of single family dwellings, of previously approved subdivisions, and on CTRPA approved subdivisions and projects. Phil advised that many of these concerns would be addressed by the Governing Body at the January 16 meeting.

C. Proposed Rules and Regulations

Gordon Barrett briefly outlined the proposed rules and regulations of practice and procedure. What the APC received is a document which combines both the old TRPA and CTRPA rules and regulations so that one set of rules can be applied for the entire Basin. Major changes from the old TRPA rules include a semi-annual review of General Plan amendments, specific requirements for application submittal, a 180 day review requirement, issuance of an actual permit, EIS requirements, the increased role of the APC, and conflict of interest statements for the staff and Governing Body and APC members. There was considerable discussion on the conflict of interest requirements and a feeling by some APC members that the intent of staff's proposal was good but there was no flexibility.

MOTION by Mr. Young to recommend that "meals" in section 8.1 of Article VIII of the proposed Rules and Regulations be deleted.

Mr. Milam suggested that the sentence in question be amended to read that "no member or employee of the Agency shall knowingly accept any gift from any applicant, representative of an applicant, or other person having an economic interest in a project."

Mr. Young's motion died for lack of a second.

Mr. Hoffman suggested that the conflict of interest regulations and the rules and regulations in general not be as specific as proposed by the staff but that the Agency be guided by the Compact.

Staff advised that the Governing Body was scheduled to review these rules and regulations on January 16 and that APC members should suggest any modifications as soon as possible.

VI CLEARINGHOUSE

A. City of South Lake Tahoe, Notice of Intent, Small Cities Community Development Block Grant Program, U.S. Department of Housing and Urban Development

Ann Bogush, planning director for South Lake Tahoe, explained that the City was applying for a $400,000 grant for use as follows: $200,000 for low interest home improvement loans; $185,000 for the 25% local matching funds for the state water
quality grants for erosion and runoff control; and $20,000 for public facility energy conservation programs. The former two amounts will be focused into the Sierra and Al Tahoe Tracts.

MOTION by Mr. Meder with a second by Mr. Milam to support the City's HUD small cities grant. The motion carried unanimously.

B. California Water Resources Control Board, Clean Lakes Grant

Staff explained that the California Water Resources Control Board has applied for $4.2 million for 28 erosion control and drainage projects. Staff recommends support of the request assuming that the granting of a portion of these monies will not affect any proposed Nevada projects. The project list was compiled by the Lahontan Regional Water Quality Control Board taking into account the applications submitted by the local governments.

MOTION by Mr. Meder with a second by Mr. Young to support the CWRCB's request of EPA for Clean Lakes grant funds. The motion carried unanimously.

VII REPORTS

A. Public Interest Comments - none

B. APC Members

Stan Randolph questioned the extent of the Agency's involvement in clearinghouse (A-95) review. Staff explained that, although a lot of time was not spent in this area, there did need to be an early warning on upcoming projects so that TRPA input could be given early in the project planning stages. In the past, TRPA has been brought into the planning process at a point when modifications were impractical if not impossible. With the Tahoe Federal Coordinating Council in place, it does not appear that a lot of federal activities in the Basin are going on unscreened.

Ken Milam suggested that TRPA be prepared to receive a large amount of transportation planning funds should CTRPA cease to exist as called for in the Compact. Stan Randolph advised that there were planning as well as implementation funds available.

VIII RESOLUTIONS - none

IX CORRESPONDENCE - none

X PENDING MATTERS - none

XI ADJOURNMENT - The meeting adjourned at 3:50 p.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

[Signature]

Julie D. Frame
Administrative Assistant
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: February 3, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Lake Tahoe Basin Water Quality Management (208) Plan

Status of Proposed Amendments

Staff presented the proposed amendments including the APC's recommendations to TRPA's 208 Plan at a public hearing held on January 28, 1981. Based on the public testimony and staff and APC recommendations, the Governing Body directed the staff to prepare an Environmental Impact Statement and an ordinance to implement the proposed amendments to the 208 Plan. A draft Environmental Impact Statement on the proposed amendments will be released for public comment in February. Consideration of adoption of the plan amendments and an implementing ordinance is scheduled for the April, 1981 Governing Body meeting. Staff will be prepared to discuss the significant testimony presented at the public hearing and the Governing Body direction for amendments to the 208 Plan at the February APC meeting.

Proposed Work Program to Implement 208 Plan Amendments

Staff included a draft work program to implement the proposed amendments to the 208 Plan in the January APC mailing. Staff will be prepared to discuss the proposed work plan along with modifications suggested by the State of Nevada and the Environmental Protection Agency.
TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Proposed TRPA Project Review and EIS Process

The following reflect the TRPA Governing Body's direction and Agency staff's latest thinking in regards to implementing the project review requirements of the new Compact. The attached drafts are:

A. Proposed Levels of Review

This diagram displays the overall concept that is proposed for TRPA review and relates this review to the level of environmental documentation. This has been modified from previous drafts to consolidate Levels I and II review procedure in accordance with Governing Body direction.

B. Activities Exempt from TRPA Review and Approval List

This list is a detailed list of activities that would be exempt from TRPA permit requirements and also would be exempt from any EIS requirements. This list is drafted as a preliminary step to preparing an ordinance to satisfy the requirements of Articles VI(a) and VII(f) of the amended Compact. This list must be substantiated with environmental documentation prior to adoption of the ordinance.

C. Definitions

This is a list of definitions that would be incorporated into the required ordinances to explain terms in the above list.

D. Environmental Check List

This is a check list the TRPA staff is utilizing to test the categories of activities listed above.

TRPA staff requests that the APC members review the above-referenced documents and be prepared to comment on them at the meeting. Also, staff would request the APC members review the activities listed in the exempt list (B) with the check list (D) to confirm that there would be no significant impact on the environment from those activities listed as exempt from TRPA review and EIS procedures.
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<th>LEVEL</th>
<th>EIS STATUS</th>
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<tr>
<td>I*</td>
<td>Exempt</td>
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<td>II</td>
<td>Finding of no significant impact</td>
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<td>III</td>
<td>EIS or a finding of no significant impact</td>
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* All activities listed by ordinance as required by Article VI(a) and Article VII(f) of the Tahoe Regional Planning Compact, as amended
LEVEL I

EIS - Exempt
TRPA Permit - Exempt

ACTIVITIES EXEMPT FROM TRPA REQUIREMENT OF REVIEW AND APPROVAL

I. Residential Activities

A. Existing Residential Activities

The following activities shall be considered exempt if they do not result in any additional land coverage, do not result in an increase in structure size, do not result in a change in use or increase in density, or the cost of such improvement does not exceed 50% of the replacement value of such facility. This includes but is not limited to the following:

1. Repairs and ordinary maintenance which may include:
   a. Replacement of parts of structures but no structural parts in nonconforming structures
   b. Overlays and repairs to conforming driveways
   c. Replacement of existing utility lines
   d. Repairs and replacement of fences
   e. Replacement of landscaping

2. Interior/exterior remodel within the limits listed above
   a. All modifications to existing conforming structures
   b. Nonstructural modifications to nonconforming structures

3. Nearshore and foreshore facilities
   a. Repair and ordinary maintenance on conforming structures not to exceed $500

B. New Residential Activities

The following activities shall not require a permit issued by TRPA if they are located in noncritical areas or in a TRPA subdivision approved after February 10, 1972 and if it is verified by TRPA staff or Governing Body that the project conforms to TRPA standards and land coverage according to land capability. If it is found by TRPA not to conform, it will be considered a project and not exempt. The exemptions include but are not limited to the following:

2/4/81
1. Repairs, exterior/interior remodel and reconstruction of existing facilities

Facilities whose reconstruction cost is more than 50% of the replacement value and are to be constructed in conformance with TRPA standards

2. Additions and accessory structures

Minor construction that does not increase the density of the primary use and conforms to TRPA standards

3. New construction, conversions or change in use

Construction in conformance with TRPA standards that does not create or convert more than one single family dwelling

4. Placement of mobile or modular homes

Placement of one mobile or modular home on a site other than an approved mobile home park

II Tourist Residential Activities

The following activities shall not require a permit issued by TRPA if they do not result in any additional land coverage, do not result in an increase in structure size, do not result in a change in use or increase in capacity, the cost of such improvement does not exceed 20% of the replacement value of such facility or land, and the project conforms to TRPA standards and is so verified by TRPA staff or Governing Body. This includes but is not limited to the following:

A. Repairs and ordinary maintenance, which may include:

1. Replacement of parts of structures but no structural parts in nonconforming structures

2. Overlays and repairs to conforming driveways

3. Replacement of existing utility lines

4. Repairs and replacement of fences

5. Replacement of landscaping

6. Replacement of conforming signs

2/4/81
B. Interior/exterior remodel within the limits listed above:

1. All modifications to existing conforming structures
2. Nonstructural modifications to nonconforming structures
3. Timesharing projects consisting of one single family dwelling

III Commercial Activities

The following activities shall not require a permit issued by TRPA if they do not result in any additional land coverage, do not result in an increase in building height, do not result in a change in use, or increase in capacity, the cost of such improvement does not exceed 20% of the replacement value of such facility and the project conforms to TRPA standards and is so verified by staff or the Governing Body. This includes but is not limited to the following:

A. Repairs and ordinary maintenance which may include:

1. Replacement of parts of structures but not structural parts in nonconforming structures
2. Overlays and repairs to conforming driveways
3. Replacement of existing utility lines
4. Repairs and replacement of fences
5. Replacement of landscaping
6. Replacement of conforming signs

B. Interior/exterior remodel within the limits listed above:

1. All modifications to existing conforming structures
2. Nonstructural modifications to nonconforming structures

C. Nonsignificant change in use of an existing facility

IV Public and Quasi-Public

A. Existing Public and Quasi-Public Activities

The following activities will be considered exempt from TRPA permit requirements if they do not result in any additional land coverage, do not result in an increase structure size, do not result in an increase in service capacity, or the cost of such improvement does not exceed 20% of the replacement value of such facility. A list of specific projects to be exempt may be
submitted by public entities, which, if approved by the Governing Body, may supersede the general requirements of this section.

1. Repairs - ordinary maintenance which would include:
   a. Replacement of existing parts of conforming structures

2. Interior/exterior remodel
   a. All modifications to existing conforming structures
   b. Nonstructural modifications to nonconforming structures

3. Ordinary administrative and operational functions of governments and agencies operating in the Region

B. New Public and Quasi-Public Activities

The following activities shall require only a permit issued by the local government of jurisdiction if they are located in noncritical areas and are verified by TRPA staff or the Governing Body that the project conforms to TRPA standards and land coverage limitations of the land capability system. This includes but is not limited to the following:

1. Repair and interior/exterior remodel and reconstruction (facilities whose reconstruction cost is more than 20% of the replacement value, are to be constructed in conformance with TRPA standards, and do not increase the service capacity)

2. Construction of additions and accessory structures that does not increase the service capacity.

V Recreation Activities

The following activities shall not require a permit issued by TRPA if they do not result in any additional land coverage, do not result in an increase in structure size, do not result in a change in use or an increase in capacity or density, the cost of such improvement does not exceed 20% of the replacement value of such facility and the project conforms to TRPA standards and is so verified by staff or the Governing Body. This includes but is not limited to the following:

A. Repairs and ordinary maintenance which may include:

1. Replacement of parts of structures but no structural parts in nonconforming structures

2. Overlays and repairs to conforming driveways

3. Replacement of existing utility lines

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4. Repairs and replacement of fences
5. Replacement of landscaping

B. Interior/exterior remodel within the limits listed above
   1. All modifications to existing conforming structures
   2. Nonstructural modifications to nonconforming structures

VI Resource Management Activities

A. Existing Resource Management Activities

The following activities shall be considered exempt if they do not result in
any additional land coverage, do not result in an increase in structure
size, do not result in a change in use, or otherwise require review under
another provision of the Agency. This includes but is not limited to the
following:

1. Operation of existing farms and ranches
2. Operation and administration of existing
   resource management programs

B. New Resource Management Activities

The following projects shall not require a permit issued by TRPA if they are
located in a noncritical area and it is verified by TRPA staff or Governing
Body that the project conforms to TRPA standards and land coverage
limitations of the land capability system. This includes but is not limited
to the following:

1. Permits to remove trees of more than 6" DBH on single family
   dwelling lots
2. Confinement of livestock

VII Land Divisions

The following land divisions shall not require a permit issued by
TRPA if the proposed modification conforms to TRPA standards and
is so verified by TRPA staff or Governing Body.

A. Lot line adjustments which create no new building sites or
   nonconforming land coverage as per the land capability system

B. Modifications to setback standards on subdivisions
   approved by TRPA

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VIII Grading Projects

The following projects shall not require a permit issued by TRPA if they are located in noncritical areas and it is verified by the TRPA staff or Governing Body that the project conforms to TRPA standards.

A. Minor grading

B. Replacement or construction of mechanical slope stabilization devices

IX Demolition Projects

Demolition of existing structures, except historical structures, shall not require a permit issued by TRPA.
Definitions

Conforming - Within the standards set forth in the adopted TRPA plans, ordinances and approvals.

Critical area - Areas within the Tahoe Basin that are of such sensitivity that any activity may substantially affect the resources of the region. Such areas are designated on official Agency maps as follows:

1. High hazard land capability - districts la, lb, lc, 2, and 3.
2. Stream environment zones - as mapped on the TRPA 208 maps.
3. Shorezone - as described in the TRPA Shorezone Ordinance.
4. Other critical areas when suitably mapped as follows:
   a. High hazard geomorphic areas
   b. Historical and archaeological sites
   c. High natural hazard areas - high hazard areas and areas of probable inundation from floods
   d. Critical habitats
   e. Critical public service areas - areas that have been identified as at or near capacity in regards to sewer, water, transportation, etc.
   f. Visually sensitive areas

Public and quasi-public projects - to include but not limited to:

1. Airports, heliports, and landing strips
2. Educational facilities
3. Electric power plants and substations
4. Overhead and underground utilities (except service connections)
5. Highways, roads and structures

2/4/81
6. Sewage treatment plants
7. Water treatment plants
8. Water storage tanks and reservoirs
9. Radio, TV and telephone relay stations and transmission facilities
10. Solid waste transfer stations
11. Religious facilities
12. Lodges, club facilities, cultural facilities
13. Hospital and medical facilities
14. Transportation facilities
15. Post offices
16. Government buildings and complexes

**Minor grading - All grading, filling or clearing of vegetation when:**

1. The excavation does not exceed four (4) feet in vertical depth at its deepest point measured from the original surface, does not exceed two hundred (200) square feet in area, and does not create a slope greater than two (2) horizontal to one (1) vertical in unconsolidated material;

2. The fill does not exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface, does not cover more than two hundred (200) square feet, does not create a slope steeper than three (3) horizontal to one (1) vertical, and is not placed within a stream environment zone;

3. The work is an exploratory excavation under the direction of a soils engineer or engineering geologist not to exceed an aggregate area of two hundred (200) square feet;

4. The work is an excavation below finished grade for basements, footings of a building, or driveways authorized by a valid building permit. This exception does not affect the requirement of a grading permit for any fill made with the material from such excavation;

5. The work is the clearing of vegetation for landscape purposes which does not exceed one thousand (1,000) square feet in area and there is sufficient prevention of erosion;

6. The work does not involve the removal of trees of 6" DBH;
7. The work is by a public agency in accordance with plans approved by TRPA; or

8. The work is not occurring in land capability districts 1-4 during October 15 to May 1 or in a stream environment zone.

Major grading - All grading other than minor grading.

Recreation Projects - Include but not limited to:

1. Campgrounds
2. Recreation vehicle parks
3. Ski facilities
4. Public and private beaches
5. Hiking trails
6. ORV trails and areas
7. Recreation camps
8. Riding trails, corrals, stables, etc.
9. Outdoor recreation concessions
10. Day use areas
11. Golf courses

TRPA Standards - The requirements set forth in the TRPA plans, ordinances and rules (includes July 1, 1980 CTRPA ordinances, plans and rules)
II. ENVIRONMENTAL IMPACTS
(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

1. Earth. Will the proposal result in:
   a. Unstable earth conditions or in changes in geologic substructures? YES MAYBE NO
   b. Disruptions, displacements, compaction or overcovering of the soil? YES MAYBE NO
   c. Change in topography or ground surface relief features? YES MAYBE NO
   d. The destruction, covering or modification of any unique geologic or physical features? YES MAYBE NO
   e. Any increase in wind or water erosion of soils, either on or off the site? YES MAYBE NO
   f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? YES MAYBE NO
   g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? YES MAYBE NO
2. **Air.** Will the proposal result in:
   
   a. Substantial air emissions or deterioration of ambient air quality?  
      
   b. The creation of objectionable odors?  
      
   c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?  

3. **Water.** Will the proposal result in:
   
   a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?  
      
   b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?  
      
   c. Alterations to the course or flow of flood waters?  
      
   d. Change in the amount of surface water in any water body?  
      
   e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?  
      
   f. Alteration of the direction or rate of flow of ground waters?  
      
   g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?  
      
   h. Substantial reduction in the amount of water otherwise available for public water supplies?  
      
   i. Exposure of people or property to water related hazards such as flooding or tidal waves?
4. Plant Life. Will the proposal result in:
   a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?
   b. Reduction of the numbers of any unique, rare or endangered species of plants?
   c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
   d. Reduction in acreage of any agricultural crop?

5. Animal Life. Will the proposal result in:
   a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?
   b. Reduction of the number of any unique, rare or endangered species of animals?
   c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
   d. Deterioration to existing fish or wildlife habitat?

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

7. Light and Glare. Will the proposal produce new light or glare?

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

   a. Increase in the rate of use of any natural resources?

   b. Substantial depletion of any non-renewable natural resource?

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

11. **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?

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

13. **Transportation/Circulation.** Will the proposal result in:

   a. Generation of 100 or more vehicle trips or in excess of 1% of the remaining road capacity?

   b. Effects on existing parking facilities, or demand for new parking?

   c. Substantial impact upon existing transportation systems?

   d. Alterations to present patterns of circulation or movement of people and/or goods?

   e. Alterations to waterborne, rail or air traffic?

   f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?
14. **Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

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<tr>
<th></th>
<th>YES</th>
<th>MAYBE</th>
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<tbody>
<tr>
<td>a. Fire protection?</td>
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<td>b. Police protection?</td>
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<td>c. Schools?</td>
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<td>d. Parks or other recreational facilities?</td>
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<td>e. Maintenance of public facilities, including roads?</td>
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<td>f. Other governmental services?</td>
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15. **Energy.** Will the proposal result in:

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<th>YES</th>
<th>MAYBE</th>
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<tr>
<td>a. Use of substantial amounts of fuel or energy?</td>
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<td>b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?</td>
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16. **Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

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<th>YES</th>
<th>MAYBE</th>
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<tbody>
<tr>
<td>a. Power or natural gas?</td>
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<td>b. Communications systems?</td>
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<td>c. Water?</td>
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<tr>
<td>d. Sewer or septic tanks?</td>
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<td>e. Storm water drainage?</td>
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<td>f. Solid waste and disposal?</td>
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17. **Human Health.** Will the proposal result in:

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<th>YES</th>
<th>MAYBE</th>
<th>NO</th>
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<tr>
<td>a. Creation of any health hazard or potential health hazard (excluding mental health)?</td>
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<td>b. Exposure of people to potential health hazards?</td>
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18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to the public view?

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

20. Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?


a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

d. Does the project have environmental effects which will cause substantial adverse effects on human being, either directly or indirectly?
III. DISCUSSION OF ENVIRONMENTAL EVALUATION

IV. DETERMINATION

On the basis of this evaluation:

_____ The Agency finds the proposed class of activities or projects will not have a substantial effect on the land, air, water, space, or any other natural resource of the region and, therefore, will be exempt from Agency review and approval.

_____ The Agency finds the proposed class of activities or projects will not have a significant effect on the environment and, therefore, will be exempt from the requirement for the preparation of an environmental impact statement (EIS) under Article VII of the amended compact.

_____ The Agency finds the proposed class of activities or projects may have a significant effect on the environment and environmental documentation and Agency review will be required.
MEMORANDUM

DATE: February 4, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Memoranda of Understanding with Public Agencies Regarding Project Review

The staff's proposed outline for defining the requirements for activities exempt from TRPA review and the EIS requirements indicates that public entities may submit a more detailed list of specific activities to be exempted. The Governing Body has directed that the staff work with individual public agencies such as cities, counties, and state departments to develop memoranda of understanding to contain more detailed lists of exempt activities. One example of this type of agreement is the Agency's existing agreement with Caltrans regarding exemptions from Agency review for minor transportation improvements.

Recommendation

Agency staff recommends that each public entity wishing a more detailed description of exemptions submit for TRPA review and approval such a detailed list.
MEMORANDUM

DATE: February 4, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Consideration of Ordinance Defining Requirements for General Plan Amendments

Article V (a)(2) of the amended bistate Compact requires TRPA to set forth standards for a complete General Plan amendment application in ordinance form. As discussed at the January APC meeting under the topic of proposed rules and regulations, TRPA staff is proposing to revise the General Plan amendment process to a semi-annual screening process which will require a modification of the current information requirements. The process, as Agency staff envisions it, would require an initial information report of enough substance to provide the basis for analysis at the January or July screening hearings without creating undue cost or burden to the applicant. If the application is approved for further consideration, more detailed information will then be required for the scheduled public hearings for first reading.

At this time, Agency staff is requesting your comments on the process and the information that might be required at each step. Any comments on practical experience with such a procedure will be helpful as staff begins to prepare the necessary ordinance and rule changes.
TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Environmental Threshold Carrying Capacity Study

Under separate cover, each APC member will receive a copy of a work plan prepared by the Tahoe Federal Coordinating Council for preparation of the environmental threshold determinations. TRPA staff and local planning staffs participated in a workshop session which outlined the approach for preparation of environmental thresholds as required under both the Federal Executive Order for Lake Tahoe and the Tahoe Regional Planning Compact, as amended. TRPA staff and Glenn Smith, acting project director for the Federal threshold study, will be prepared to lead a discussion of the scope of work based on the work plan. TRPA staff recommends that the work plan prepared by the Federal Coordinating Council be utilized as the focus of discussion for preparation of the TRPA program required under the Compact.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: February 4, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Implementation of Growth Limitations

Article VI(c) of the revised Compact (copy attached) sets forth growth limitations for the Region until the new General Plan is adopted, or May 1, 1983. The Compact provides for general growth limitations (i.e. building permits, commercial floor space, no subdivisions, etc.). The Compact is not specific, however, on the method under which permits are to be issued.

With respect to residential permits, for example, the following questions arise:

1. Should low and moderate income housing compete with standard residential housing for permits?

2. Should apartments in general have a separate allocation?

3. How many units within new subdivisions (planned unit developments) should be allowed when they compete with existing subdivided lots?

Regarding commercial, it is possible for some projects to use an entire year's allocation for a county and thereby foreclose all other options. Also some activities may be of greater community importance than others. In such cases, the first come/first served methods may not optimize the available options.

In attempting to manage the requirements of the revised Compact, these questions will need to be addressed in one of three ways:

1. Agency Monitoring of Permit Issuance - No additional management of the system will occur by TRPA other than to make sure that the numbers stipulated in the Compact are complied with.
Memo to the APC
Implementation of Growth Limitations
2/4/81 page two

2. Individual Systems - The local jurisdiction in coordination with TRPA adopts a growth control strategy specifying how the distribution of permits will occur. This option would allow each jurisdiction to adopt its own strategy.

3. TRPA Growth Management System - TRPA adopts a basinwide growth management strategy to guide the issuance of permits in compliance with the Compact.

Agency staff would appreciate input and comment from the APC regarding these options. This will assist staff in providing recommendations to the Governing Body on project processing procedures.
1 title V. Such findings shall be based on substantial evidence in
2 the record.
3 Before adoption by the agency of the ordinances re-
4 quired in subdivision (g) of Article V, the agency may ap-
5 prove a project in the region only after making written find-
6 ings on the basis of substantial evidence in the record that
7 the project is consistent with the regional plan then in effect
8 and with applicable plans, ordinances, regulations, and stand-
9 ards of federal and state agencies relating to the protection,
10 maintenance and enhancement of environmental quality in
11 the region.
12 (c) The legislatures of the states of California and
13 Nevada find that in order to make effective the regional plan
14 as revised by the agency, it is necessary to halt temporarily
15 works of development in the region which might otherwise
16 absorb the entire capability of the region for further develop-
17 ment or direct it out of harmony with the ultimate plan. Sub-
18 ject to the limitation provided in this subdivision, from the
19 effective date of the amendments to this compact until the
20 regional plan is amended pursuant to subdivision (c) of Arti-
21 cle V, or until May 1, 1983, whichever is earlier:
22 (1) Except as otherwise provided in this para-
23 graph, no new subdivision, planned unit development,
24 or condominium project may be approved unless a
25 complete tentative map or plan has been approved
before the effective date of the amendments to this
compact by all agencies having jurisdiction. The subdi-
vision of land owned by a general improvement dis-
trict, which existed and owned the land before the ef-
fected date of the amendments to this compact, may
be approved if subdivision of the land is necessary to
avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apart-
ment building may be erected unless the required per-
mits for such building have been secured from all agen-
cies having jurisdiction, prior to the effective date of
the amendments to this compact.

(3) During each of the calendar years 1980, 1981
and 1982, no city or county may issue building permits
which authorize the construction of a greater number
of new residential units within the region than were
authorized within the region by building permits issued
by that city or county during the calendar year 1978.
For the period of January through April, 1983, build-
ing permits authorizing the construction of no more
than one-third of that number may be issued by each
such city or county. For purposes of this paragraph a
"residential unit" means either a single family resi-
dence or an individual residential unit within a larger
building, such as an apartment building, a duplex or a
condominium.

The legislatures find the respective numbers of residential
units authorized within the region during the calendar
year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 252
2. Placer County ........................................ 278
3. Carson City ........................................... 0
4. Douglas County ....................................... 330
5. Washoe County ........................................ 739

(4) During each of the calendar years 1980, 1981
and 1982, no city or county may issue building permits
which authorize construction of a greater square footage
of new commercial buildings within the region
than were authorized within the region by building per-
mits for commercial purposes issued by that city or
county during the calendar year 1978. For the period
of January through April, 1983, building permits
authorizing the construction of no more than one-third
the amount of that square footage may be issued by
each such city or county.

The legislatures find the respective square footages of
commercial buildings authorized within the region during cal-
endar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 64,324
2. Placer County ........................................ 23,000
3. Carson City ........................................... 0
4. Douglas County ....................................... 57,354
5. Washoe County ........................................ 50,000
(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District #1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion prob-
lens which may be caused by such modifications
or alterations and the measures which the district
proposes to take to mitigate or avoid such prob-
lems.

The moratorium imposed by this subdivision does not
apply to work done pursuant to a right vested before the
effective date of the amendments to this compact. Notwith-
standing the expiration date of the moratorium imposed by
this subdivision, no new highway may be built or existing
highway widened to accommodate additional continuous
lanes for automobiles until the regional transportation plan is
revised and adopted.

The moratorium imposed by this subdivision does not
apply to the construction of any parking garage which has
been approved by the agency prior to May 4, 1979, whether
that approval was affirmative or by default. The provisions of
this paragraph are not an expression of legislative intent that
any such parking garage, the approval of which is the subject
of litigation which was pending on the effective date of the
amendments to this compact, should or should not be con-
structed. The provisions of this paragraph are intended solely
to permit construction of such a parking garage if a judgment
sustaining the agency's approval to construct that parking
garage has become final and no appeal is pending or may
lawfully be taken to a higher court.