TRPA
APC
PACKETS

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

NOTICE IS HEREBY GIVEN that on May 13, 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: May 1, 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. Land Capability Challenges
      1. Considerations Relative to Geomorphic Units
      2. Requirements for Minimum Size
      3. Creation of Planning Team to Evaluate Land Capability

   B. Assessment of Environmental Impact of Case-by-Case Review of Development on Lands in Land Capability Levels 1, 2 and 3

   C. Air Quality Impact Analysis and Development of an Ordinance for Review and Approval of New and Modified Sources of Air Pollution

   D. Ordinance Interpreting Article VI(c) of the Compact Limiting Works of Development Within the Region Until May 1, 1983, or Until the Regional Plan is Amended

   E. California Department of Transportation List of Specific Activities Exempt from Agency Review and Approval

V. Environmental Impact Statement
   South Tahoe Public Utility District/Community College Well

VI. Reports
   A. Public Interest Comments

   B. APC Members

VII. Resolutions

VIII. Correspondence

IX. Pending Matters

X. Adjournment
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

April 8, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman John Meder called the meeting of the Advisory Planning Commission to order at 10:08 a.m. and welcomed Lois Shellhammer to the APC as the new lay member from California. Lois explained that, although she had spoken for the League of Women Voters at previous meetings, she was not representing them during her tenure on the APC.

Executive Director Phil Overeynder explained that the Tahoe Transportation District will be asked to recommend a person to sit on the APC.

APC Members Present: Mr. Renz (Douglas County Planning), Mr. Combs, Ms. Bogush, Mr. Smith, Mrs. Smith, Mr. Dodgion, Mr. Schlumpf, Mr. Young, Ms. McMorris, Mr. Bidart, Ms. Shellhammer, Mr. Pyle (present at 10:30 a.m.), Mr. Randolph, Mr. Meder

APC Members Absent: Mr. Milam, Mr. Hoole, Mr. Hansen

II APPROVAL OF AGENDA

Ann Bogush asked that the City of South Lake Tahoe's request for HUD 701 funds be added to the agenda as a clearinghouse review item. Staff explained that this item was not placed on the APC's agenda because the newly constituted Governing Body has not as yet delegated clearinghouse review responsibility to the APC. The item will be scheduled for Governing Body comment this month. Ms. Bogush asked that, while the item could not be acted on by the APC, she would like to have it added to the agenda as a discussion item only.

MOTION by Mr. Bidart with a second by Mr. Dodgion to approve the agenda as presented with the addition of a discussion on the City's request for HUD 701 funds. The motion carried unanimously.

III DISPOSITION OF MINUTES

Lois Shellhammer asked why the APC in its February 11, 1981 discussion on the 208 Plan amendments did not recommend in favor of pier construction prohibitions in prime fish habitats. Mr. Overeynder explained that, while the APC members had commented that pier construction could have an adverse impact on fishery resources, pier construction was not directly related to water quality. Further, it was not appropriate to have a fishery element in the water quality plan but rather to address the matter in a shorezone plan or open space, recreation plan. The APC previously indicated this was not a water quality issue.

MOTION by Ms. Smith with a second by Mr. Bidart to approve the minutes of the February 11, 1981 APC meeting as submitted. The motion carried with Ms. Bogush abstaining.
IV  PLANNING MATTERS

A. Review of Plan of Study for Development of Environmental Threshold Carrying Capacities

Phil Overeynder explained that the starting point for the environmental threshold carrying capacity study mandated by the new Compact was to be the work program developed by the Tahoe Federal Coordinating Council in cooperation with local, regional, state and federal entities. The intent at this point is to update this preliminary work plan and to look at a degree of coordination with other required planning activities. The Federal Government has made a commitment to aid TRPA by providing a project director through the Forest Service as well as contractual assistance for $225,000 to cover the first year's work program. Public involvement will be a major element in completing the work program.

Glenn Smith, APC member from the Forest Service, explained the threshold level concept and stressed the importance of public input in the establishment of thresholds. The aim of the study is to determine the intensity of uses which can be accommodated while still maintaining a particular element's characteristics. Those elements being studied are air quality, water, terrestrial environments, visual resources and quality of life. Through mitigation, one may show that less of a particular element will be threatened. The study will address the level of activity which can take place without violating any set standards. The technicians with public input will be evaluating the different elements and coming up with models to simulate the thresholds. Following this will be a balancing of the various elements to achieve the best blend to serve the populace in establishing and maintaining the threshold levels. Following that comes the establishment of the carrying capacities. Different areas of the Basin may have different thresholds for the same element; this may be particularly true in the case of water quality. The final product must be scientifically valid but will leave room for some professional judgment.

Mr. Overeynder explained that the newly selected project director would hopefully be present in May to start working with the APC to refine the work program and to present the final program in June. The project director is being selected with the help of the Forest Service; his salary will be paid from Federal funds although he will be considered a TRPA employee and answerable to TRPA. Phil suggested reading the Environmental Assessment report prepared by the Western Federal Regional Council in 1979 as a good background document on the threshold concept for the Tahoe Basin.

To a question posed by Stan Randolph on the timing of the threshold study and the ability to complete the full year visibility study in time to meet the June 1982 completion date, staff responded that the first 2 to 3 months of the program really don't contain a lot of new information and some work has already been completed. To meet the time deadline, there will be an effort to compress 18 months into 13 months which will mean a more accelerated timeline and probably reliance on consultants. Staff has recommended to EPA that work be concentrated in those areas which can be used in the study. The visibility study should be completed to obtain the scientific data to aid in establishing visibility values, Stan explained that the California Air Resources Board was coordinating the visibility study with EPA and would be picking up much of the work with a $30,000 to $50,000 expenditure on it from this year's budget.

Glenn Smith advised that the TRPA Governing Body in continued cooperation with Federal agencies has asked that a workshop session be set up between TRPA and Federal agency leaders in June to discuss appropriate roles and coordinated efforts in the Tahoe Basin. Marc Petty of the Forest Service will be putting this together.
C. California Department of Transportation List of Specific Activities Exempt from Agency Review and Approval

Gordon Barrett, Senior Planner, explained that the newly adopted Ordinance No. 81-1 permits public entities to put together lists of minor activities which will be exempt from the preparation of an EIS and TRPA review due to their insignificant environmental effect. Previously TRPA had such an agreement with Caltrans which is now being amended due to the new Compact requirements. The Forest Service is also working on an exemption list. Bob Skidmore, from Caltrans, explained that the recently adopted Ordinance No. 81-1 speaks primarily to building activities in the Basin and is not applicable to Caltrans for many of its activities. The previous MOU between TRPA and Caltrans, although not in all cases applicable to the types of projects undertaken in the Basin, was drafted to meet legal requirements for Federal A-95 review by TRPA, the area-wide clearinghouse. The remainder of the MOU in the APC packet outlines the specific projects which previously were exempt from TRPA review.

Phil Overeynder suggested that there was no problem with recertifying the old agreement with regard to A-95 clearinghouse review because what the Agency is looking at from a federal policy standpoint are decisions on the environment. The Agency should, however, carefully screen the projects themselves to insure that any activity in the agreement will not have a significant environmental effect. This kind of a decision is different from a federal policy on funding.

The appendix of Categorical Exemptions included in the APC members' packets was discussed page by page and modifications to the old MOU were discussed and agreed upon. Staff indicated the exemption list would be brought back to the APC in May with final suggestions as recommended by the APC.


The 208 Plan amendments have been assessed in an EIS which has been circulated for public comment. The Governing Body is scheduled to take final action on certification of the EIS this month and APC comments are requested on the adequacy of the document. The addendum to the EIS which addresses the case-by-case review on land capability levels 1, 2, and 3 concludes that: 1) retention of coverage overrides in levels 1, 2, and 3 would have a significant cumulative effect on water quality which cannot be adequately mitigated; and 2) should the Governing Board choose a case-by-case review on lands in levels 1-3 as opposed to only on a level 3, there would have to be some form of additional mitigation measure or pollution offset required. Prior to the Board's certification of the EIS, a finding must be made that the requirements under the Federal non-degradation policy for water quality are being met. The action to be taken by the APC at this point is to conclude that the document circulated for the last 45 days is or is not technically accurate; and, if it has deficiencies, to enumerate those for the Board so they can be rectified. An appropriate action would be to find that the document is technically adequate with the exception of addressing the case-by-case review and, further, that the APC has not had adequate time to address the supplement.
Dick Pyle advised that page 77 of the 208 EIS was not technically accurate as pointed out to the staff in a March 5 letter. The listing of extremely high erosion hazard soil types cannot be supported. These soil types may be high hazard as identified in Dr. Bailey's land capability report, but they are not so identified in the soils report. The Soil Conservation Service would like to see this corrected. Concurring with the mechanics of a case-by-case review of lots in poor capability classes as outlined on pages 22 and 23 of the addendum, Bill Combs suggested that the Governing Body would need to meet more than once a month to handle the work load of a case-by-case review. If the members approve this kind of a procedure, they should be aware of the staff and Board time necessary to complete the task. (Germaine McMorris pointed out that the four lay members from California and Nevada had not been appointed at the time the APC took specific action on the 208 Plan amendments, January 14, 1981.)

Stan Randolph pointed out that the redesignation of the California portion of the Basin for attainment of the ozone standard (as spoken to in the last paragraph on page 67 of the EIR) has been approved and is official as of March 3, 1981 (Federal Register 546 #41). The figure on page 68 showing the Nevada standard for oxidant (ozone) should be amended from 0.12 ppm (parts per million) to 0.10 ppm.

Lew Dodgion asked what physical proof was available to substantiate the statements on pages 21 and 61 of the EIS that the DCSID unlined oxidation ponds were leaking nutrients into the Lake. If proof cannot be given, these references should be qualified with the word "suspected" or taken out altogether. There was general agreement among the APC to amend the reference to read "...these include possible migrations of nutrients from the unlined Douglas County Sewer Improvement District No. 1 oxidation pond, ...". Lew Dodgion commented that this modification would be sufficient to clear up the reference on page 61.

Andy Sawyer, representing the California Water Resources Control Board, advised that any mitigation measures implemented as a result of approving case-by-case review would have to be over and above the suggested remedial program already in play because of the additional nutrient input. There still has to be a net reduction, since maintaining the current levels of nutrient input will not improve the situation. Because Lake Tahoe is "like a sink", nutrients are first deluded and the effects of development are not seen with the first impact. The State Board feels that development in these sensitive and high erosion hazard areas cannot be mitigated. Case-by-case review is not acceptable to the State Board. The draft plan suggests as a means of mitigating economic impacts of not developing in these areas creation of a transfer of development system.

MOTION by Mr. Randolph to recommend the TRPA Lake Tahoe Basin Water Quality Management Plan Draft Environmental Impact Statement for certification with the modifications as discussed (p. 21, p. 67, p. 68, and p. 77). This action does not pass judgment on the supplement (Addendum dated April 1981) since adequate time was not available for proper review. Second by Mr. Pyle. The motion carried unanimously.

D. Discussion of City of South Lake Tahoe Request for Clearinghouse Review of HUD 701 Funds

Ann Bogush explained that the City was applying for 701 funds in the form of a comprehensive planning grant from the Federal Government administered through HUD. The project is
for planning money to carry on the mitigation program which the City committed to for the South Tahoe PUD plant modifications. Although the funding may not be included in President Reagan’s budget, the request is being completed in case future funding becomes available. Phil advised that the matter would be on the Board’s agenda this month.

V REPORTS

A. Public Interest Comments - none

B. APC Members

Stan Randolph advised that the California Air Resources Board was considering redesignation of TRPA as lead agency for air quality planning for the California portion of the Basin. Should no adverse comments be received during the public comment period, this will become effective on May 17. Because of time constraints on the threshold study and the required update of the Nonattainment Air Quality Plan, there will have to be some way to extract information from the threshold planning process to use in the Nonattainment Plan. These revisions will be incorporated into the States’ Implementation Plans for submittal to EPA by July 1982. There is a 58 day notice period prior to this date so the plan must be completed by this time next year. The first nine chapters need only minor changes, but chapter 10 needs evaluation of control measures, and this will be complicated by TRPA’s other ongoing planning processes. ARB is in the process of passing through $33,000 to TRPA to continue the planning work for this year. It was pointed out that TRPA’s work on air quality should address the more stringent of the federal and state air quality standards as outlined in the bistate Compact.

Dick Pyle advised that funding constraints have eliminated all critical area treatment monies for the Soil Conservation Service.

Phil Overeynder suggested that the APC and Governing Body might consider holding a joint workshop session to define the role of the APC in the Agency’s planning program. To date the Board has been reluctant to delegate responsibilities to the APC.

VI RESOLUTIONS - none

VII CORRESPONDENCE - none

VIII PENDING MATTERS - none

IX ADJOURNMENT - The meeting adjourned at 12:50 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.
MEMORANDUM

DATE: May 5, 1981

TO: The TRPA Advisory Planning Commission

FROM: The Staff

SUBJECT: Land Capability Challenges

Due to the potential application of adherence to the land capability system in determining land coverage allowances, the Agency will be dealing with a greater number of land capability challenges in the future.

Considerations Relative to Geomorphic Units

In the past, the Agency had allowed land capability challenges in all areas of the Basin. A more intensive review of the land capability classification system by Robert Bailey indicates that this approval has been misdirected. The land capability system separated land in the Basin into three geomorphic units: Geomorphic Unit 1 designates high hazard lands and includes approximately 61% of the Basin. This land is primarily located in the mountainous backdrop of the Basin. These high hazard geomorphic units are then directly classified as land capability level 1. Geomorphic Unit 2 and 3 lands were further subgrouped into land capability districts from 1 through 7. The land capability designation of these areas is then based on soils, hydrology, and other natural characteristics of the property. Those lands that lie outside of a high hazard geomorphic classification have been allowed to proceed with a land capability challenge based upon an analysis of slope, soils and hydrologic characteristics. This analysis is not applicable to lands in a Geomorphic Unit 1 as long as the property remains so classified. Any modification to this designation should be based upon the analysis of the geomorphological characteristics and should be based upon an aggregate area generally larger than a single piece of property. Land capability challenges for properties in Geomorphic Unit 1 require a complete geomorphic analysis indicating that an area has been misclassified, and the Agency has formerly approved the geomorphic unit classification change as part of the land capability challenge.

Dr. Bailey pointed out this problem to the Agency and the Governing Body directed that a more detailed geomorphic unit map be prepared to identify Geomorphic Unit 1 areas in more detail. This map has been prepared and has guided staff's review of land capability challenges since. At this time, the Agency has approved one application which relocated the boundary line between a Geomorphic Unit 1 and 2. No applications have been processed to change a Geomorphic Unit 1 to a Unit 2 when the property is entirely surrounded by other Geomorphic Unit 1 land. Staff is requesting reaffirmation of this procedure by the new Governing Body.
Considerations Relative to Minimum Size

Also relative to land capability challenges is a question regarding recognition of small areas as separate land capability districts. The Agency has allowed reclassification of land based only on a detailed analysis of the particular property making application. This procedure has been used on small lots and on large parcels. In some cases, this procedure was allowed on such small lots that the separate land capability districts identified in the submitted reports were less than 5,000 square feet in size. As such, these areas cannot be realistically considered as separate land capability districts but more as inclusions (or pockets).

The original designations of land capability districts were based on 20 to 40 acre grids and were not meant to be responsive to small areas of variation. Land capability challenges take on two general forms. One seeks an adjustment of a capability district boundary where the placement of the boundary line has included a property in the wrong district. These applications, based upon topographical maps and soils reports, request the Agency to recognize the correct characteristics and to reclassify the property by adjusting a capability boundary. The Agency can determine if the boundary has been misplaced and approve or deny the request based upon review of the specific site.

The second type of application is called an inclusion, and requests the Agency to recognize areas of higher capability on a specific property. These requests are not based upon challenging the specific boundary line placement but seek reclassification based upon the identification of smaller areas which may have the characteristics of higher land capability classifications. In these cases, the Agency is being requested to recognize what may be minor land variations that are not wholly separate and distinct land capability districts.

The Soil Conservation Service had indicated that recognition of small areas (or inclusions) of soil types is not consistent with the criteria utilized in mapping soil classifications. Under the National Cooperative Soil Survey Guidelines, the smallest separate soil unit that is recognized is 5 acres. This is considered to be a minimum area upon which a determination of uniform natural characteristics, erosion hazard, and runoff potential can be based. Dr. Bailey's report also concludes that the final designation of a property should be based upon a site analysis and not strictly on its mapped designation. He further recommends that the analysis include an analysis of the area surrounding the property and not be solely based on individual properties.

Application of a 5 acre minimum would substantially alter the current procedure for processing land capability challenges and would require a much larger area to be analyzed. It would also eliminate recognition of small pockets of higher capability land based only on a microscale analysis with no investigation of the entire land capability unit.
A corollary to this discussion is the designation of stream environment zones (SEZ's). As has been discussed in reviewing SEZ projects, the Agency's land capability maps do not delineate SEZ's in a land capability district 1B in all areas, although the text of the land capability system indicates this as the proper procedure.

Below is an excerpt from Dr. Bailey's report:

"...because of the small scale of the map and the maps from which it was compiled, land capability levels within individual map units may not be uniform. For example, flat valley floors locally contain riparian zones along stream courses that meet the criteria for class 1b, although shown on the map as class 7. It is therefore necessary that the final land capability classification for individual parcels be based on detailed site evaluation and more detailed application of the classification criteria."

In the past the Agency has attempted to direct development away from SEZ's but has not considered the SEZ portion to be reclassified to level 1b thereby reducing the allowed land coverage to 1%. In reviewing projects prior to the Compact revisions, the Agency allowed the existing land capability designation to remain and permitted this coverage to be aggregated and used in areas outside the SEZ. This has allowed development to occur utilizing land coverage transferred from environmentally sensitive areas that are inaccurately designated under the land capability system.

On all properties containing an SEZ, the Agency requires an accurate delineation of the SEZ boundaries. The Governing Body could require that these areas be classified as land capability level 1b and the permitted land coverage established accordingly; or, as is the current policy, recognize only those level 1b areas that are currently delineated on the Agency's land capability maps.

Creation of a Planning Team

Agency staff is requesting authorization from the Governing Board to form a planning team of paid consultants to review land capability challenges. This team would include consultants with expertise in soils, hydrology, vegetation and geology. It would be their duty to review applications from individuals and prepare reports with a recommendation for the Board's consideration. The cost would be assumed by the applicants via a filing fee. This process would eliminate the various reports now required from the applicants unless special circumstances would require a more extensive analysis. This process would be consistent with the process being utilized by the CTRPA and could be combined with that process if the Governing Body so desired.
Figure 7. Geomorphic groups are related to land capability in the Lake Tahoe basin in this map. Areas where natural features or processes pose varying degrees of hazard based on either geologic, soil, or geomorphic conditions are indicated. Darkest pattern shows land most restrictive to use and development.
MEMORANDUM

DATE: May 6, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Case-by-Case Review Assessment

The Governing Body held the 208 EIS public hearing in April and listened to substantial public input requesting a case-by-case review. The Governing Body directed that the staff respond to the public input and develop an alternative which would permit a case-by-case review and still achieve water quality standards. A meeting has been scheduled for May 6 to develop the elements of a case-by-case review consistent with this objective. Staff will report on the results of the meeting on May 13.

The Governing Body is requesting the APC's comments and recommendations prior to its consideration of the amendments and a case-by-case review alternative.
The 1979 Lake Tahoe Air Quality Plan, approved by the TRPA Governing Body in March 1979, provided for an ordinance to review new and modified sources of air pollution as a control strategy for maintaining the carbon monoxide air quality standard. The Governing Body did not adopt an ordinance at that time. The CTRPA adopted an ordinance and has been implementing it on the California side of the Basin.

In February, 1981, TRPA approved for use an initial environmental report setting forth criteria for determining if a proposed facility must complete an EIS for transportation and air quality. TRPA has not developed an ordinance to implement Articles VI(a), VI(b), and VII(d) of the revised bistate Compact. The intent of the staff in proposing an ordinance such as this one is to implement these articles, to adjust the review criteria for different geographic areas based on the current air quality levels, and to develop one ordinance that can be implemented for the entire Basin.

Staff will be prepared to discuss the proposed ordinance in both concept and detail with the APC and will be soliciting comments and direction at the meeting on the 13th.
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO.

AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR THE REVIEW AND APPROVAL OF NEW AND MODIFIED 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 The Governing Body further finds that to implement the 1979 nonattainment area plan that was adopted by the Tahoe Regional Planning Agency, the State of California, and the State of Nevada, it is necessary to determine the potential impact of proposed new and modified sources on air quality, and provide for the mitigation of significant air quality degradation which may result from such activities.

1.50 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
Articles VI(a), VI(b), and VII(d) of the Tahoe Regional Planning Compact, it is necessary to determine the potential impact of proposed new and modified sources 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

No permit shall be approved for any new or modified source as defined in Section 4.00 Definitions, 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.

New 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 5.00 Applicability of this ordinance.

Modified Source - Any physical change, change in use, change in hours of operation to a source that requires review by the Tahoe Regional Planning Agency pursuant to Section 5.00 Applicability of 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. For the purposes of this
ordinance, vehicle trips shall be calculated by using the document "Trip Generation by Land Use, Part I, A Summary of Studies Conducted" (April 1974), at a minimum.

Section 5.00 Applicability

TRPA shall review any new source that generates _______ vehicle trips. TRPA shall also review any modified source that generates _______ vehicle trips. For a modified source, vehicle trips shall be calculated by adding the increase in trips from the date of this ordinance or the date of the last permit issued under this ordinance. TRPA shall also review any new source or modified source that generates the following vehicle trips in those areas listed below:

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<th>Area</th>
<th>New Source Vehicle Trips</th>
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5.20 The applicant must commence construction within 6 months from the date the permit is issued or the permit becomes invalid.

Section 6.00 Permit Procedures

6.10 Any proposal for which new or modified 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 information 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 9.00 Mitigation.

6.20 TRPA may charge the applicant a filing fee sufficient to cover the cost of analysis of the Applicant's Air Quality Evaluation. TRPA may further charge and collect a reasonable fee from the applicant to cover the cost incurred by TRPA in preparing the air quality report required by this ordinance.

6.30 Upon receipt of any application requiring review, the TRPA shall forward notice of such application to the Nevada Division of Environmental Protection, California Tahoe Regional Planning Agency, and the California Air Resources Board, plus any local air pollution control district within whose boundary the project is to be located. In addition, 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 a review is required under the terms of this ordinance shall submit 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, and the general types of activities to be performed at the proposed source.
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 entrances and exits at the site and its associated parking areas, and the location and height of buildings on the site.

f. An estimate of additional residential, commercial, and industrial development which may result from the construction of the proposed source (secondary growth).

g. Any additional information or documentation that TRPA deems necessary to determine the air quality impact of the proposed source.

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) before the review can begin.

Section 8.00 Exemptions

8.10 The proposed source shall be exempt from the requirements of Section 9.00 Mitigation if the air quality analysis shows that the source will not cause a violation of the federal or state ambient air quality standards or contribute to a violation of these standards.

8.20 Any source or modification 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 in this ordinance.
Section 9.00 Mitigation

9.10 TRPA shall not approve any proposal if the air quality evaluation documents that the project will interfere with the attainment or maintainence of the 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 mitigation measures which TRPA determines can reasonably be anticipated to reduce emissions by an amount sufficient to preclude any contribution by the proposed project to the violation of the subject state or national ambient air quality standards.

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 12.00 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:

Roland D. Westergard, Chairman
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: May 6, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Caltrans/TRPA Memorandum of Understanding (MOU)

Attached is a list of Caltrans activities which are proposed to be exempt from TRPA project review and EIS requirements pursuant to Ordinance No. 81-1. The modifications recommended by the APC in April are incorporated into this exemption list.

Also attached for the APC's review is an MOU between TRPA and Caltrans to exempt these same projects from a requirement for the areawide clearinghouse review under the A-95 procedure.
EXEMPTIONS FROM TAHOE REGIONAL PLANNING AGENCY
REVIEW AND ENVIRONMENTAL IMPACT STATEMENT (EIS) REQUIREMENTS

Certain classes of categorically exempt projects or programs do not have a significant effect on the environment (see the Public Resources Code, Section 21084 and the Tahoe Regional Planning Agency (TRPA) Ordinance No. 81-1). The following classes and typical examples thereof are appropriate to the activities of Caltrans and therefore are exempt from the review provisions of the Memorandum of Understanding (MOU) between Caltrans and the Clearinghouse.

EXISTING FACILITIES

Projects consisting of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use or land coverage beyond that previously existing, including but not limited to:

- Interior or exterior alterations such as interior partitions, plumbing and electrical conveyances to such structures as office buildings, maintenance and shop buildings, employee housing, State-owned rental units, pump houses, roadside rests, weighing and inspection stations, ferry boats, toll collection facilities;

- Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewage or other public utility services;

- Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including but not limited to: a stand of trees, a rock outcropping, or an historic building.

Included is work such as:

- Pavement or runway skid treatment by overlay or grooving;
- Maintenance of the highway and appurtenant facilities including repair and replacement of damaged facilities;
- Transportation permits issued pursuant to Section 35780 of the Vehicle Code;
- Removal and/or replacement of distinctive roadway, runway, or taxiway markings such as painted stripes, raised pavement markers, thermoplastic, and tape or raised bars;
- All work in connection with snow and removal operations for all highways (except for deicing chemicals and abrasives) and all work required for spring opening of roads that are normally allowed to close for the winter;
Bridge maintenance painting when performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction;

Encroachment permits issued for such items as land surveys, vehicle salvage operations, roadside cleanup, minor road encroachments, longitudinal and transverse utility encroachments, and chain installers.

Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood, and there is an option to relocate. The general work includes facility replacement for the health, welfare, and safety of the public, including drainage facilities, runways and taxiways, traffic control systems, roadways, bridges, guard rails, energy attenuators, office and equipment buildings, and State-owned rentals.

Additions of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features, including the following:

- Pavement striping;
- Replacement of devices such as fencing, guard rail, safety barriers, energy attenuators, guide posts, markers, safety cables, ladders, lighting, hoists, signs, and pavement grooving;
- Elimination of hazards within the operating areas or the operating right of way.

New copy of existing on and off premise signs.

Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agriculture Code).

Work on such items as treatment, maintenance and replacement of all vegetative material, native or planted, on State- or publicly-owned property, including rights of way, airports, building sites and rental units is also included. In addition, such items as watering, weed control by hand or mechanical means, trimming and cutting by hand or mechanical means, trimming and tree removal should be required for safety or because of disease infestation or pest control.

Demolition and removal of individual small structures and single family residences, except where the structures are of historical, archaeological or architectural significance.
Rentals, leases and sales of State-owned improvements.

Lease of an existing building, or buildings, or space within an existing building for utilization as offices, storage, garage, warehouse, shop, or residence.

REPLACEMENT OR RECONSTRUCTION

Projects consisting of replacement or reconstruction of existing structures and facilities when the new structure will be located on the same site as the structure replaced and where TRPA and local planning and zoning provisions will not be violated, including:

Minor pavement reconstruction.

MINOR ALTERATIONS TO LAND

Projects consisting of minor grading in noncritical areas or existing roadways and minor public or private alterations in the condition of land, water and/or vegetation, which do not involve removal of mature, scenic trees except for forestry and agricultural purposes, including but not limited to:

Work on such items as additions and revisions to existing landscaping, landscaping of excess lands, landscaping of building sites such as offices, equipment and warehouses;

Filling of earth into previously excavated land with material compatible with the natural features of the site;

Minor trenching and backfilling provided the surface will be restored.

ALTERATIONS IN LAND USE LIMITATIONS

Projects consisting of minor alterations in land use limitations, except zoning, including but not limited to:

Minor lot-line adjustments, side yard and set back variances not resulting in the creation of any new parcel nor in any change in land use or density;

Issuance of minor encroachment permits. Permits include those for items such as longitudinal and transverse utility encroachments, mail boxes, flags, signs, banners, decorations, and other similar encroachments.

UMTA FORMULA OPERATING ASSISTANCE PROJECTS AND DISCRETIONARY AND FORMULA CAPITAL ASSISTANCE PROJECTS

Projects consisting of replacement of capital equipment that do not change the use, scale, or intensity of such facilities or require additional right of way.
Experimental studies or operational tests of techniques or concepts, such as those in the annual statewide Highway Planning and Research (HPR) Program and those under UMTA Section 6, Demonstration Grants, that are as yet unproven and which require further study or demonstration.

INFORMATION COLLECTION

Projects consisting of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

NEW ACCESSORY STRUCTURES

Projects consisting of construction or placement of minor structures accessory to existing Caltrans facilities, provided they do not change the service capacity of the entity owning or operating same, are not located in a critical area, and it is determined in writing by the TRPA Governing Body or TRPA staff that the activity, including the site upon which it is to be undertaken, is conforming and in compliance with the land coverage limitations of the land capability system.

SURPLUS GOVERNMENTAL PROPERTY SALES

Projects consisting of sales of surplus government property, except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Environmental Goals and Policy Report prepared pursuant to Government Code, Sections 65041, et seq. However, if the surplus property to be sold is located in those areas identified in the report, its sale is exempt if:

The property does not have significant values for wildlife habitat or other environmental purposes; and

Any one of the following conditions exists:

. The property is of such size or shape that it is incapable of independent development or use, or

. The property to be sold would qualify for an exemption under any other class of categorical exemption in this list, or

. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

EXCEPTION LOCATION

The above exemptions are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these otherwise exempt projects are considered to apply in all instances, except where the project may impact on those
environmental resources or hazards designated in Environmental Goals and Policy Report issued by the Governor pursuant to Chapter 1434, Statutes 1980; or an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, State or local agencies.

CUMULATIVE IMPACT

All exemptions in these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant - for example, annual additions to an existing building.
MASTER MEMORANDUM OF UNDERSTANDING

(A-95 Review Process)

Related to Coordination of the California Department of Transportation Projects and the Tahoe Regional Planning Agency, Areawide Clearinghouse With the California Office of Planning and Research, State Clearinghouse

This is a Master Memorandum of Understanding (MOU) by and between the California Department of Transportation (Caltrans) and the Tahoe Regional Planning Agency, hereinafter called the Areawide Clearinghouse (ACH), and the California Office of Planning and Research, State Clearinghouse (SCH). This MOU is applicable to transportation-related projects for which Federal Aid Transportation Funds will be sought from the Federal Highway Administration (FHWA), the Federal Urban Mass Transportation Administration (UMTA), and the Federal Aviation Administration (FAA). This MOU covers ACH and SCH review responsibilities for the area of jurisdiction of the ACH.

This MOU supersedes all previously executed MOU's and supplements thereto, pertaining to the Circular A-95 review process, between Caltrans, the ACH, and the SCH.

Reference to ACH shall mean the ACH acting either on behalf of itself or in behalf of local agencies from within its jurisdiction in submitting transportation-related programs for processing by the Federal agencies.

Reference to Caltrans shall mean Caltrans acting either on behalf of itself or on behalf of local agencies in submitting transportation-related projects for processing by the Federal agencies.

PURPOSE

This MOU sets forth procedures to implement the Federal Office of Management and Budget, Circular A-95. The Circular A-95 process responds to the need for coordination of planning and development activities within and among Federal, State and local governmental agencies.

As there are overlapping laws, regulations and policies at all governmental levels, this MOU addresses the need to reduce duplication without sacrificing service to the public.

To the extent that coordination, cooperation and resolution of differences is achieved among all levels of government via the Circular A-95 process, Federally assisted transportation programs are likely to result in more effective use of the public investment.

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AUTHORITY

It is the intent of this MOU to establish both an efficient process of inter-governmental coordination and the review of transportation-related projects in compliance with existing governmental policies and procedures. The early warning and continuing coordination provisions of Circular A-95 are applicable to the ACH, the SCH and to all governmental agencies requesting Federal financial assistance.

This MOU is based on the following laws, regulations, procedures and policies:

- Intergovernmental Cooperation Act of 1968, Public Law No. 90-577;
- National Environmental Policy Act of 1969 (NEPA);
- Council of Environmental Quality Regulations for Implementation of the National Environmental Policy Act, November 29, 1978;
- Office of Management and Budget Circular A-95;
- Title 23, United States Code;
- Title 23, Code of Federal Regulations;
- Federal Highway Administration Federal-Aid Highway Program Manual (FHPM) 4-1-4, and FHPM 6-3-2-2;
- Catalog of Federal Domestic Assistance;
- California Environmental Quality Act of 1970 (CEQA);
- Caltrans Policy and Procedure Memorandum 80-7;
- Caltrans Local Programs Manual, Volume 1;
- Tahoe Regional Planning Compact of 1980, Public Law No. 96-551

APPLICABILITY

The provisions of this MOU are applicable to the Federal Department of Transportation programs listed in Attachment-D to Circular A-95 or Appendix-I of the Catalog of Federal Domestic Assistance, whichever bears the later date.
EXEMPTIONS

It is agreed that certain classes of highway and public transportation projects are exempt from Circular A-95 review.

Such exemptions include:

- Projects listed in FHPM 4-1-4;
- Projects which are categorically excluded from the provisions of NEPA;
- Projects which are categorically exempt from the provisions of CEQA;
- Projects which are exempt by Ordinance No. 81-1 as required by the Tahoe Regional Planning Compact, as amended.

Examples of exempt projects are included in the attached list of exemptions from Agency review and EIS requirements.

PROCEDURES

CALTRANS--

For applicable Federally assisted highway and public transportation projects, Caltrans will submit a Standard Federal Form 424 (SF424) to the ACH and the SCH when undertaking highway or public transportation planning or improvement activities. All SF424 submittals to the ACH or the SCH for review will include Federal-Aid application information as required by Circular A-95.

SCH--

It is the responsibility of the SCH to assign an SCH number to each SF424 upon receipt and to notify the applicant of the SCH number for future identification. The SCH will circulate the SF424 with attachments among appropriate State agencies and ACH's. The SCH will arrange meetings between Caltrans and the reviewing agencies to resolve any conflicts.

The SCH will have a period of 30 days in which to circulate, review and respond to the SF424. However, the SCH may elect, with the concurrence of the reviewing agencies, to shorten the 30-day review period when requested to do so by Caltrans. The SCH also may have an additional 30-day period to complete its review with concurrence of Caltrans.

The SCH will notify the applicant at the completion of its review of all projects covered by this MOU.

ACH--

The State Transportation Improvement Plan (STIP) and Transportation Improvement Plan (TIP) will be subject to an annual review by the ACH to ensure proper prioritization of plans and programs and to ensure the incorporation of elements of adopted air and water quality programs as elements of each proposed project.
CIRCULAR A-95--

Provisions of Circular A-95 require that the SCH and ACH be notified of actions taken by the applicable Federal agency concerning each project or program of projects for which an SCH number has been assigned.

In lieu of a completed Section III on the SF424, a copy of the Federal agency's project authorization document attached to the SF424 will be accepted by the SCH as the agency's notification of action.

TERMINATION/AMENDMENT

This MOU may be terminated by Caltrans, the ACH, or by the SCH, by written notice from either party. The MOU may be amended by written agreement among the parties in the form of a Supplemental MOU.

Date__________________________  Director of Caltrans

Date__________________________  District Director, Caltrans

Date__________________________  Executive Officer of ACH

Date__________________________  Executive Officer of SCH

Date__________________________  Caltrans Attorney
MEMORANDUM

DATE: May 5, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Environmental Impact Statement - STPUD Community College Well

Included in the May APC mailing is a Draft Environmental Impact Statement for the South Tahoe Public Utility District Community College Well project. Pursuant to the Agency's Rules and Regulations of Practice and Procedure, comments are being requested from the APC on the adequacy of this document.