TRPA
APC
PACKETS

AUGUST
1984
NOTICE OF MEETING OF THE  
ADVISORY PLANNING COMMISSION OF THE  
TAHOE REGIONAL PLANNING AGENCY  

NOTICE IS HEREBY GIVEN that on August 8, 1984 at 9:30 a.m. in the TRPA Office 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: June 4, 1984

By: [Signature]  
Gary D. Midkiff  
Acting Executive Director  
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III ADMINISTRATIVE MATTERS

IV PUBLIC HEARING

A. Draft Water Quality Ordinance, Chapter 7

B. Draft Transportation/Air Quality Ordinance, Chapter 8
(Sections 8.00 to 8.05 only)

C. Washoe County Plan Area Statements

V PLANNING MATTERS

A. Regional Plan Status Report
   1. Litigation
   2. Progress of Plan Area Statements
   3. Progress of Ordinances

B. Presentation: TTD Short Range Implementation Plan

C. Proposed Amendments to TBAG MOU Regarding Projects Subject to the Allocation System

VI REPORTS

A. Staff

B. Legal Counsel

C. Public Interest Comments

D. APC Members

E. Other

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT
MEMORANDUM

August 1, 1984

To: The Advisory Planning Commission

From: The Staff

Subject: Draft Water Quality Ordinance, Chapter 7

Attached for your review is an August 1 redraft of the water quality and water resources provisions of the code of ordinances. This draft is complete and incorporates changes made in response to comments from the water quality committee, Caltrans, and TRPA staff. For your convenience, new material is underlined and deleted material is dashed out.

The staff asks that the APC, after holding a public hearing and making appropriate revisions, recommend this draft of Chapter 7 for Governing Body consideration.

Attachment
CHAPTER 7

7.00.00.0 WATER QUALITY AND WATER RESOURCES PROVISIONS: Along with portions of Chapters 2 and 4, this chapter carries out, as appropriate, the water quality subelement and portions of the Public Services and Facilities element of the Regional Plan. This chapter also implements, in part, the Agency's programs to attain and maintain federal, state, and local water quality standards, under Article V(d) of the Tahoe Regional Planning Compact.

7.01.00.0 WATER POLLUTION CONTROL:

7.01.01.0 Discharge Limitations: The intent of this Section is to set forth standards (environmental thresholds) for the discharge of runoff water from properties in the Tahoe region, and to prohibit the discharge of domestic, municipal, or industrial wastewaters in the region. These standards and prohibitions apply to discharges to both surface waters and groundwaters. The Agency presumes that compliance with the requirements of the Regional Plan, including requirements for the application of "best management practices" (or "BMP's") will allow all persons to meet the runoff thresholds, until and unless monitoring tests prove otherwise. State water quality agencies will also issue discharge permits in the region under state and federal law, in accordance with the water quality management plan.

7.01.01.1 Applicability: All discharges to the waters of the region shall not exceed the following standards:

a. Surface Runoff: Pollutant concentrations in surface runoff shall not exceed the following readings at the 90th percentile:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissolved Inorganic Nitrogen as N</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Dissolved phosphorus as P</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Dissolved Iron as Fe</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>2.0 mg/l</td>
</tr>
<tr>
<td>Suspended Sediment</td>
<td>250 mg/l</td>
</tr>
</tbody>
</table>

1) If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters should meet the quality level listed above prior to discharge from the site.
2) If the constituent levels of waters entering a site do not meet the above, there should be no more than a 10% increase in the concentrations of these constituents in water discharged from the site, based on a 24 hour average.

b. Discharges to Groundwaters: Waters infiltrated into soils should not contain excessive concentrations of nutrients which may not be effectively filtered out by soil and vegetation and shall not exceed the following maximum constituent levels:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Nitrogen as N</td>
<td>5 mg/l</td>
</tr>
<tr>
<td>Total Phosphate as P</td>
<td>1 mg/l</td>
</tr>
<tr>
<td>Iron</td>
<td>4 mg/l</td>
</tr>
<tr>
<td>Turbidity</td>
<td>200 JTU</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>40 mg/l</td>
</tr>
</tbody>
</table>

Where there is a direct and immediate hydrologic connection between ground and surface waters (i.e., saturated flow conditions), discharges to groundwater shall meet the standards for surface runoff. This part includes maximum turbidity values to protect infiltration devices from siltation. Persons shall utilize sediment traps consistent with the Handbook of Best Management Practices upstream of infiltration devices which may be subject to excessive levels of siltation.

c. Prohibition of Wastewater Discharge: The discharge of domestic, municipal or industrial wastewater to Lake Tahoe, its tributaries, the groundwaters of the Tahoe region, or the Truckee River within the Tahoe region is prohibited, except for existing discharges under alternative plans for wastewater disposal approved by the state agency of appropriate jurisdiction.
1) **Holding Tanks and Other No-Discharge Systems:** To avoid a discharge of wastewater that is prohibited under Subsection 7.01.01.0, holding tanks or other no-discharge systems may be used, only in the following instances:

i. As a temporary measure associated with a temporary use, including but not limited to sporting events, community events, and construction.

ii. As a permanent measure associated with remote public recreation sites, including but not limited to trailheads and undeveloped walk-in campgrounds.

7.01.02.0 **Runoff Controls:** To meet the runoff discharge standards of Subset 7.01.01.1(a) and (b), all persons who own or manage land within the region shall apply best management practices as generally set forth in the Handbook of Best Management Practices. BMP's consistent with the Handbook shall specifically be applied to all compacted areas, denuded areas, cut slopes, and fill slopes. In cooperation with other agencies, such as the Conservation Districts, the Agency shall provide technical assistance to all persons who require it for the application of BMP's. During the first five years of implementation, application of BMP's will be voluntary, with certain exceptions noted below. Application of BMP's shall be mandatory for all new development. With respect to existing development, the Agency shall require BMP's as set forth in 7.01.02.4. After five years, however, all persons who own or manage land within the region must either have BMP's in place, and maintain them, or have agreed to a schedule of compliance. The Agency shall develop a program to certify compliance with these requirements.

7.01.02.1 **Best Management Practices:** Best management practices as described in the TRPA Handbook of Best Management Practices shall include, at a minimum, the standards of Subset 2.05.05.2. Where special circumstances obviate the need for standard BMP's, the TRPA Executive Director shall prescribe required BMP's based on best professional judgment, after consultation with appropriate experts.

7.01.02.2 **Other Management Practices:** For situations not covered in the Handbook of Best Management Practices, the TRPA Executive Director may define required BMP's based on best professional judgment, after consultation with appropriate experts.
7.01.02.3 Off-site BMP's: Where, for technical reasons, the application of BMP's on the property is infeasible and all feasible alternatives have been exhausted, the property owner or managing public agency may propose off-site BMP's of equal or greater effectiveness, subject to the approval of the TRPA Executive Director. Required easements or purchase of additional property for offsite application of BMP's shall be the discharger's responsibility and not binding on the Agency. Such off-site BMP's shall directly treat the runoff of the property in question.

7.01.02.4 Compliance with Application of Best Management Practices (BMP's): Application of BMP's shall be mandatory five years after the adoption of this Ordinance, unless there is a approved schedule of compliance which sets a different deadline. For projects included in the Water Quality Capital Improvements Program, the schedule shall be consistent with with 20-year CIP. In addition, application of BMP's may will be required as follows:

a. Under a mandatory action required to abate pollution from a gross violation requiring immediate action, pursuant to Subsection 1.16.00.0 of this Code.

b. As a mandatory condition of approval for any project all new development approved by the Agency.

c. Under a clean-up order from the state agency of appropriate jurisdiction.

7.01.02.5 Maintenance of BMP's: All BMP's shall be maintained as described in the Handbook of Best Management Practices. For situations not covered in the Handbook, the TRPA Executive Director may prescribe appropriate maintenance practices, based on best professional judgment, after consultation with appropriate experts. Failure to maintain a BMP shall constitute a violation of this ordinance.
7.01.02.6 Vegetation Protection: All property owners and public property managers shall protect the vegetation on their property from unnecessary damage in accordance with the provisions of Chapter 6 of this ordinance.

7.01.03.0 Snow Disposal: All persons conducting public, commercial or private snow removal operations in Tahoe Region shall dispose of snow in accordance with site criteria and management standards in the Handbook of Best Management Practices, the design review guidelines, and the criteria below. The TRPA shall enforce these requirements consistent with the provisions of part 7.01.02.4.

a. Snow Removal: Removal of snow shall be limited to structures and paved areas unless a permit for such activity is issued by the Agency. State and local highway maintenance crews may clear snow from unpaved road shoulders as necessary to provide safe turnouts for slow or disabled vehicles, subject to the provisions of (c), below. No vegetation shall be removed nor shall any grading occur in the act of snow removal. The TRPA will encourage all persons to utilize appropriate provisions to confine snow removal to structures and paved areas.

b. Snow Storage: All new development shall provide areas sufficient to contain the expected volume of snow. Plans for new development shall designate snow storage areas sufficient to contain the expected volume of snow. These areas shall be stable or gravelled areas with infiltration systems of sufficient capacity for the anticipated snow melt volume. Acceptable storage areas shall not include areas adjoining streams or the shoreline of lakes.

c. Highway/Street Clearing: Public agencies involved in highway and street snow removal operations shall not grade road shoulders in the process of clearing roads unless such activity is authorized by the Agency. To control air quality problems caused by re-entrained dust, sand, cinders and other materials shall not be allowed to accumulate and shall be removed utilizing highway vacuum equipment or other equally-effective techniques for controlling dust.

7.01.04.0 Salt and Abrasive Control: Salt and abrasives used to control ice on streets, highways, and parking areas shall be regulated in accordance with the following standards:

a. Storage Areas: Storage areas for deicing salt shall be in conformance with the TRPA Handbook of Best Management Practices.
b. Reporting: The Highway Departments and other large users of salt identified by the TRPA Executive Director shall initiate a tracking program to monitor the use of deicing salt in their respective jurisdictions. Annual reports shall be presented to the Agency on June 1st and shall include information on the rate, amount, and distribution of use. This information shall be presented in a format developed by TRPA, and must be verifiable.

c. Restrictions: The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas can be linked to their use, or where their use results in other environmental impacts. After consultation with salt and abrasive users, and after consideration of public safety concerns, the Agency may require mitigation for the use of road deicing salt or abrasives. Such mitigation may include requirements to use alternative substances, or changes in distribution patterns, frequency of application, and amount of application. Revegetation of some sites will be required where evidence indicates deicing salts have caused vegetation mortality.

7.01.05.0 Sewage Spills: Sewage collection, conveyance, and treatment districts entities shall have spill contingency, prevention, and detection plans approved by the TRPA at least every three years.

7.01.05.1 Cooperative Plans: Such agencies may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan and are agreed to by each agency.

7.01.05.2 Spill Plan Criteria: Spill contingency, prevention, and detection plans shall comply with the criteria set forth by the Agency. Such plans shall include provisions for detecting and eliminating sewage exfiltration from sewer lines and facilities.

7.01.06.0 Pesticide Use: The use of insecticides and herbicides within the Tahoe Basin shall be consistent with the Handbook of Best Management Practices. In general, the Agency shall discourage pesticide use for pest management. Prior to applying any pesticide, potential users of pesticides shall consider integrated pest management practices including alternatives to chemical applications, management of forest resources in a manner less conducive to pests, reduced reliance on potentially hazardous chemicals, and additional environmentally sound pest management tactics. Areal application, application on areas greater than one-quarter acre, and application within 100 feet of an SEZ shall require a TRPA permit.
7.01.06.1 Criteria for Agency Review:

a. Registered Chemicals: Only chemicals registered with the Environmental Protection Agency and the state agency of relevant jurisdiction shall be used and only for their registered application.

b. Alternatives: Alternatives to chemical application must be employed where practical.

c. Stream Environment Zones: No detectable concentration of any pesticide shall be allowed to enter any stream environment zone unless approved for use in accordance with a TRPA permit.

7.01.07.0 Vessel Wastes: See provisions of 4.07.02.0.

7.01.08.0 Fertilizer Management: See provisions of 6.06.02.0.

7.01.09.0 Off-Road Vehicles: See provisions of 6.05.03.0.

7.02.00.0 WATER QUALITY MITIGATION:

7.02.01.0 Required Offsets: New residential, commercial, and public projects in the Tahoe region shall offset 150% of the water quality impacts of the project through one of the following methods:

a. Mitigation Projects: Implementing off-site water quality control projects as a condition of project approval and subject to Agency concurrence as to effectiveness. Should the applicant wish to exercise this option, the plans for the offsite project must be included with the project application and be approved in conjunction with the project; or

b. Mitigation Fund: Contributing to a fund established by the Agency for implementing offsetting programs. The amount of such contributions is established in Subsection 7.02.02.0.
7.02.02.0 **Fee Schedule:** When a person or public entity responsible for a new residential, commercial, or public project elects to offset the water quality impacts by contributing to a fund established by the Agency for implementing such offsets, a fee shall be assessed in accordance with the table below. Such fees must be received by the Agency within 30 days of project approval or when the permit is issued, whichever is sooner. Mitigation fees are not refundable except when an approval is invalidated, or when the applicant requests revocation of the approval within three years of the approval date.

a. **Base Fees:** The base fee of $.25 shall be assessed for each new square foot of land coverage (net for the site) created within the limits of the coefficients set forth in Subsection 2.02.04.0, Limitations on Land Coverage.

b. **Fees Where Coverage Exceeds the Bailey Coefficients:** The following fees shall be assessed for each new square foot of land coverage when the total coverage created exceeds the limits of the coefficients set forth in Subsection 2.02.04.0:

<table>
<thead>
<tr>
<th>Land Capability</th>
<th>4-7</th>
<th>1-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total coverage less than 30%</td>
<td>$.45</td>
<td>$.80</td>
</tr>
<tr>
<td>Total coverage exceeds 30%</td>
<td>$.85</td>
<td>$1.15</td>
</tr>
</tbody>
</table>

c. **Multiple Land Capabilities:** The Agency will assess fees for addition of impervious coverage on parcels with multiple land capabilities based on the actual coverage located on each specific land capability class.

7.02.03.0 **Exemptions.** The following activities which create impervious coverage shall be exempt from water quality mitigation requirements:

a. Activities where there is a net reduction of coverage which existed prior to development of the proposed project and total resulting coverage is less than allowable coverage. (This rule shall apply to approved redevelopment plans under Section 9.05.00.0.) For the purposes of this section, coverage is defined as the footprint of existing structures and pavement.

b. Impervious coverage which is permitted as a result of transfer-of-development-rights.

c. Public projects included in the Agency's water quality Capital Improvements Program.
7.02.04.0 Use and Distribution of Mitigation Funds: The Agency shall collect and administer mitigation fees based on the offset requirements and such fees shall be known collectively as the Water Quality Mitigation Fund. The mitigation fees shall be deposited into commercial bank accounts, liquid asset funds, and/or purchase of certificates of deposits.

Water Quality Mitigation Funds shall be disbursed to the counties or city upon request for expenditure on remedial erosion control projects within the jurisdiction of origin for such funds as set forth in the Regional Plan and with the approval of the Agency. However, in no case shall any local jurisdiction (except Carson City, Nevada) receive less than 5% nor shall any local jurisdiction receive more than 50% of the total mitigation funds disbursed in any TRPA fiscal year, provided that the jurisdiction has applied for such funds within the fiscal year.

7.02.05.0 Monitoring Set-Aside: To evaluate the effectiveness of water quality mitigation measures, 5% of collected mitigation funds will be spent on water quality monitoring under the Interagency Tahoe Monitoring Program, for carrying out, in part, the Monitoring and Evaluation Program of the Regional Plan.

7.02.06.0 Administration Set-Aside: One-half percent of the total Water Quality Mitigation fund balance per month will be utilized for the TRPA administration of the fund. However, at no time shall such administration costs exceed 1/2 of the monthly investment income.

7.02.07.0 TRPA Revolving Fund: The TRPA shall also establish a fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and contributions. The TRPA may make grants from this fund to units of local government, and other public entities as appropriate, for abatement and control of water quality problems in the Tahoe region.

7.03.00.0 WATER SUPPLY AND CONSERVATION:

7.03.01.0 Water Conservation Devices: All new development shall employ appropriate measures to conserve water and reduce energy consumption. Existing development shall be retrofitted voluntarily in conjunction with a public education program operated by the water purveyors and the utility districts. (See also the Design Review Guidelines, Water Conservation Element.) Implementation of these measures shall, however, be completed within 5 years of plan adoption.
7.03.02.0 Water Rights Demonstration: No additional development requiring water shall be allowed in any area unless it can be demonstrated that there is adequate water supply for that development with an existing water right. Where the adequacy of a water supply or water right is challenged by Agency staff or any other person or party, the water purveyor shall provide documentation of adequate rights and supplies prior to the issuance of a permit by the TRPA. No water purveyor shall supply or cause to be supplied water to any proposed or existing development so that the total gross diversion as stated in the Nevada-California Interstate Compact (1969) is exceeded.

7.03.03.0 Storage and Distribution Requirements: No additional development requiring water shall be allowed in any area unless there exist adequate storage and distribution systems to deliver adequate quantity and quality of water for domestic consumption and fire protection. The Agency shall not accept applications for new developments without adequate proof from the appropriate fire protection agency. Proof of adequate water supply and distribution systems is addressed in Subset 3.06.02.2.

7.03.05.0 Reporting Requirements: The TRPA, water purveyors, and the states shall monitor the use of water within the Tahoe region and evaluate conformance with the California-Nevada Interstate Compact (1969) which addresses water diversions in the Basin. The water purveyors and the states shall observe the following reporting requirements:

7.03.05.1 Water Purveyors. All water purveyors shall report their total gross diversion for use for the previous water year (October through September) to the TRPA and the states by February 1 each year. The TRPA will make available to the purveyors the desired format of this report.

7.03.05.2 State Agencies. The California State Water Resources Control Board and the Nevada State Engineer shall report to the TRPA on the total gross diversion for use within the Tahoe region by June 1 of each year. The TRPA will make available to the state agencies the desired format of this report.
MEMORANDUM

Date: August 1, 1984

To: TRPA Advisory Planning Commission

From: Barbara Maco, Senior Air Quality Planner

Subject: Air Quality Provisions of Chapter 8, Code of Ordinances

Attached please find the portions of Chapter 8 which pertain to the implementa-
tion of the air quality elements of the Regional Plan. On July 19, 1984, your
subcommittee on air quality and transportation recommended that these ordinances
be submitted to you for review and action. Staff will present the transporta-
tion sections at a later date.

The air quality sections have been noticed for public hearing at your August 8,
1984 meeting.
CHAPTER 8

8.00.00.0 AIR QUALITY/TRANSPORTATION PROVISIONS

8.00.01.0 General
8.00.02.0 Documents

8.01.00.0 INSPECTION AND MAINTENANCE

8.01.01.0 General
8.01.02.0 Agency Responsibility

8.02.00.0 GAS HEATERS

8.02.01.0 Emission Limitations
8.02.02.0 Certification
8.02.03.0 Testing
8.02.04.0 South Coast Air Basin Certified Heaters
8.02.05.0 List of Approved Heaters
8.02.06.0 Enforcement
8.02.07.0 Exemptions
8.02.08.0 Extensions

8.03.00.0 WOOD HEATERS

8.03.01.0 Emission Limitations
8.03.02.0 Other Limitations
8.03.03.0 Labelling
8.03.04.0 Testing/Certification
8.03.05.0 Colorado and Oregon Certified Heaters
8.03.06.0 List of Approved Heaters
8.03.07.0 Enforcement
8.03.08.0 Modifications of Wood Usage

8.04.00.0 OPEN BURNING

8.04.01.0 Prohibitions
8.04.02.0 Exemptions
8.04.03.0 Performance Standards
8.04.04.0 Review Procedures
8.04.05.0 Enforcement

8.05.00.0 STATIONARY SOURCE REVIEW

8.05.01.0 Program Requirements
8.05.02.0 Enforcement

8.06.00.0 AIR QUALITY/TRAFFIC MITIGATION PROGRAM 8.06.01.0 Traffic Reports
8.06.02.0 Environmental Impact Statements
8.06.03.0 Mitigation Fees
8.06.04.0 Mitigation Funds Management
8.07.00.0 TRANSPORTATION SYSTEMS MANAGEMENT

8.07.01.0 TSM Measures for New Development
8.07.02.0 TSM Measures for Existing Uses
8.07.03.0 TSM Measures for Redevelopment

8.08.00.0 AVIATION FACILITIES

8.08.01.0 General
8.00.00.0 AIR QUALITY/TRANSPORTATION PROVISIONS

8.00.01.0 General: The purpose of this chapter is to establish rules for the improvement and protection of air quality within the Tahoe region and to comply with the thresholds and Regional Plan policies and goals adopted by the Tahoe Regional Planning Agency (TRPA). In part, to meet the requirements of the Clean Air Act for assessing Reasonable Further Progress in achieving the federal ambient air quality standards, implementation of these rules shall be evaluated annually. If they have not been implemented or they are not achieving the emission reductions or changes in vehicular activity necessary to attain the thresholds, contingency measures will be developed, adopted and implemented.

8.00.02.0 Documents: All references cited in this Chapter are available at the TRPA office for review and reproduction.

8.01.00.0 INSPECTION AND MAINTENANCE: Both the 1982 Air Quality Plan and the Regional Plan Goals and Policies direct the TRPA to establish an automobile inspection and maintenance (I/M) program to achieve the carbon monoxide, nitrate, ozone and visibility thresholds. The Agency intends for the states of California and Nevada to implement this program in their respective portions of the Basin. If the states fail to implement the program, the TRPA will carry out an I/M program, in accordance with the provisions in 8.01.02.0:

8.01.01.0 General: The purpose of this Section is to implement an I/M program for motor vehicles registered in the Tahoe region to reduce emissions of nitrogen oxides, carbon monoxide, and hydrocarbons. The program for carbon monoxide and hydrocarbons will be implemented in each state under the provisions of applicable state law. Each state shall implement a program for nitrogen oxides as soon as practicable, or the TRPA shall implement such a program if either state fails to act. An underhood inspection for nitrogen oxides control equipment shall be implemented as part of the initial testing program in each state.

8.01.02.0 Agency Responsibility. The Agency shall work with the states and the responsible county agencies to achieve the necessary legislative authority for an I/M program. If required, after legislative approval, the Agency will request the appropriate state to implement an I/M program in the Basin within 60 days after the applicable law(s) come into effect. If either state fails to obtain authority for an I/M program for carbon monoxide, hydrocarbons, and NOx underhood inspections by December 1, 1985, the TRPA shall proceed to implement a program by July 1, 1987.
a. If the TRPA is required to carry out its own program, the Agency will develop a workplan and schedule, by February 1, 1986, for addressing the following program elements:

1. determination of the type of program for achieving the necessary tailpipe reductions that is feasible for implementation in the Tahoe Basin.

2. obtaining the legislative and/or regulatory changes necessary for I/M implementation, including, but not limited to, denial of vehicle registration by the appropriate state agency.

3. securing a contractor to set up the program.

4. a program for certifying inspection stations and equipment and for training inspectors. Provisions shall address the applicability of these requirements for fleet owners.

5. establishing costs for inspections and upper limits for cost repairs.

6. evaluation of the program for achieving the emission reductions specified by the Regional Plan.

b. The test at the stations shall include, at a minimum:

1. A determination that the emission control devices and systems required by state and federal law are installed and functioning correctly. This determination shall include an underhood inspection.

2. A test of the vehicle's exhaust emissions of hydrocarbons and carbon monoxide in the idle mode.

3. A determination as to whether the vehicle complies with the vehicle emissions standard for that vehicle's class and model-year.

c. Automobiles requiring repairs shall be re-inspected after the necessary repairs have been made. The costs of these repairs shall not exceed what the costs would have otherwise been under respective state law.

d. The program shall cover all motor vehicles powered by internal combustion engines with the exception of motorcycles, heavy-duty vehicles, diesel-powered vehicles, vehicles over twenty years old, and propane-powered vehicles.

e. A public education program will be established by TRPA before the program is implemented and will continue to function during the implementation of the program.
8.02.00.0 GAS HEATERS: This rule limits emissions of nitrogen oxides from natural gas and propane fired water heaters, furnaces, and boilers. This subpart is necessary to obtain the nitrates threshold.

8.02.01.0 Emission Limitations: After June 1, 1985, no person shall install within the Tahoe region natural gas- or propane-fired stationary home water heaters or space heaters that are not certified to meet the following emission limitations:

a. Water Heaters: may not emit nitrogen oxides greater than 40 nanograms of nitrogen oxide (as NO2) per joule of heat output at sea level.

b. Space Heaters: may not emit greater than 40 nanograms of nitrogen oxides (as NO2) per joule of useful heat delivered to the heated space at sea level.

8.02.02.0 Certification: Each water or space heater installed in the Tahoe region after June 1, 1985, shall bear a permanent certification in the form of a label from the manufacturer that the heater meets the emissions limitation in 8.02.01.0.

8.02.03.0 Testing: The manufacturer shall submit to the TRPA, for each model heater for which certification is desired, test results of an independent testing laboratory approved by the TRPA. Tests shall be accomplished and calculations carried out in accordance with the procedures in Attachment 8-1. The Agency will notify the manufacturer of its decision within 60 days after receipt of a completed application.

8.02.04.0 South Coast Air Basin Certified Heaters. A certification from the South Coast Air Quality Management District of California shall be adequate for the purposes of this section. To gain TRPA certification of heaters certified by the South Coast Air Quality Management District, the manufacturer should submit only a copy of the South Coast certification to the Agency. The Agency will concur on the certification within 20 days.

8.02.05.0 List of Approved Heaters: The Agency shall maintain a list of certified heaters and make copies available to the public. The list shall contain the name and address of the manufacturer, brand names of the heater, model numbers, and a description of the certified model.

8.02.06.0 Enforcement: The TRPA will gain compliance with this part by working with retailers, units of local government, and the public regarding the need for compliance, thereby obtaining voluntary compliance. Since the certified units are more efficient, there is an incentive to use them. The Agency shall also:
a. Distribute the list of models that meet the requirements of this rule every January and July to retailers in locations deemed appropriate by the Executive Director.

b. Require only certified units to be installed in new projects as a condition of project approval.

c. Seek modifications to local building codes to require local permits for one-to-one replacement.

d. Carry out a public awareness strategy to inform the residents of the requirements of this section.

8.02.07.0 Exemptions: The provisions of this section shall not apply to:

a. water heaters with a rated heat input of 75,000 BTU per hour or greater or to water heaters used in recreational vehicles or mobile homes.

b. gas-fired central furnaces with a rated heat input of 175,000 BTU per hour or greater, or to combination units with a cooling rate of greater than 65 BTU, or to central furnaces used in recreational vehicles or mobile homes.

8.02.08.0 Extensions: Gas fired fan central furnaces using three face electrical current not normally used in household appliances shall receive a six month extension until January 1, 1986 for meeting the requirements of this section.

8.03.00.0 RESIDENTIAL WOOD HEATERS: This rule limits emissions from wood stoves, stove inserts, and fireplaces by requiring that only certified devices be installed in the Tahoe region and by placing certain other limits on the number and use of such wood heaters. Reductions in wood smoke emissions are necessary to achieve the Visibility Threshold. The Agency does not warrant any residential wood heater to be safe for installation in the region, and reminds the public that a local building permit is required for such installations. This part also prohibits the use of coal as a fuel in the Tahoe Region. The Agency does not warrant stoves to be safe for use with coal.

8.03.01.0 Emission Limitations: After July 1, 1986, no person shall install within the Tahoe Region residential wood heaters that are not certified to emit 15 grams or less of smoke per hour for non catalytic wood stoves and 6 grams/hour for catalytic equipped stoves. As of July 1, 1988, the standards are 9 grams/hour for non-catalytic stoves; 4 grams/hour for catalytic stoves. As an alternative, as of July 1, 1987, residents could install a stove or insert which meets the emission standards set by the state of Colorado.
8.03.02.0 Other Limitations: Only one certified wood heater shall be allowed in any new residential unit. New tourist development shall be allowed only one certified wood heater in the common area. New wood heaters in individual guest rooms are prohibited. New commercial development, including restaurants shall be allowed only one certified wood heater. Existing wood heaters must be replaced on a one-to-one basis with certified units. Coal shall be prohibited for use as a fuel in the Tahoe region.

8.03.03.0 Labeling: Each wood heater installed in the Tahoe region after July 1, 1986 shall bear a label from the manufacturer that the heater meets the emissions limitation in 8.03.01.0.

8.03.04.0 Testing/Certification: The manufacturer shall submit to the Agency, for each stove for which certification is desired, a description of the stove, design details and test results of an independent testing laboratory approved by the Agency. The tests shall be conducted, and calculations carried out, in accordance with Attachment 8-2 of this Code. The fee for certification is $1,600 for the first model a manufacturer submits for certification and $800 for each additional model. The TRPA will notify the manufacturer within 60 days of receipt of a completed application whether a device has been certified.

8.03.05.0 Colorado and Oregon Certification: A certification from the States of Colorado or Oregon that a wood heater meets the emissions standard requirements in either state shall be adequate for purposes of this section. To gain TRPA certification of heaters certified in Colorado or Oregon, the manufacturer need only submit a copy of the state certification to the Agency. Concurrence by the TRPA will occur within 20 days after receipt of a completed application. There will be a nominal charge to the manufacturer established by the Agency for this method of certification.

8.03.06.0 List of Approved Heaters. The Agency shall maintain a list of certified heaters and shall make copies available to the public. The list shall contain the name and address of the manufacturer, brand names of the heater, model number, and a description of the certified model.

8.03.07.0 Enforcement: The Agency shall gain compliance with this section by working with retailers, units of local government, and the public regarding the need for compliance, thereby obtaining voluntary compliance. Since the certified models are also more efficient, there is an incentive to use them. The Agency shall also:
a. Distribute the list of models that meet the requirements of this rule every January and July to retailers in locations deemed appropriate by the Executive Director.

b. Require only certified units to be installed in new projects as a condition of project approval.

c. Seek modifications to local building codes to require: 1) local permits for one-to-one replacements, and 2) installation of certified wood heaters upon change of ownership.

8.03.08.0 Modifications of Wood Usage: Within 120 days after the adoption of this ordinance, the Agency will develop a public information program on the requirements of this section, the safety and efficiency aspects of certified stoves and better burning techniques which will decrease emissions from wood heaters. The Agency will also seek agreements with public suppliers of wood used in the Tahoe Basin to require spring cutting or to establish a wood replacement program.

8.04.00.0 OPEN BURNING: Open burning of materials within the Lake Tahoe Basin shall be regulated for the purposes of achieving environmental standards for air quality and visibility and for the protection of vegetation.

8.04.01.0 Applicability: Except where otherwise exempted from Agency review, the following types of open burning shall be regulated to be consistent with the standards of this code and other applicable federal, state, and local fire laws.

8.04.01.1 Prescribed Burning: Prescribed burning will be permitted pursuant to the provision of Section 6.02.00.0 and with the applicable provisions of Subset 8.04.02.0.

8.04.01.2 Disposal: Open fires will be prohibited for any purpose related to the disposal of petroleum wastes, tires, garbage, tar, wood waste, residential rubbish, and any other similar materials including burning of automobile wreckage.

8.04.01.3 Hazard Reduction: Open burning of vegetation on residential properties shall generally be prohibited except when otherwise permitted to reduce fire hazards as verified by local fire control agencies.

8.04.01.4 Wood Wastes: The burning of cleared vegetation and other wood waste associated with construction activities shall be prohibited. Such wastes shall be removed from the Region or transported to a location designated by the Agency.
8.04.02.0 Performance Standards: Open burning activities shall meet all standards and time requirements specified by the applicable fire protection control agency. In addition to the existing regulations of these agencies, the following provisions shall also apply within the Tahoe region:

8.04.02.1 Daytime Restrictions: All burning will begin after 10 a.m. and no additional material will be added to the fire after 3 p.m., unless otherwise provided for in a burn plan approved by the TRPA.

8.04.02.2 Seasonal Restrictions: Open burning by private individuals shall occur within two week time periods set in spring and autumn, as determined by this Agency in consultation with the Tahoe Basin fire protection agencies. Open burning by public agencies shall not occur between June 15 and October 15 unless such burning is part of a burn plan approved by this Agency.

8.04.03.0 Burn Plans of Public Agencies: Public agencies shall prepare burn plans and environmental assessments for open burning activities for purposes of vegetation management. The Agency must review and approve the burn plans (including smoke plans) and their environmental assessments prior to the burn event. (See also Section 6.02.00.00 of this code).

8.04.04.0 Enforcement: Upon adoption of this ordinance, the Agency will:

a. Develop a public information program on the requirements of this section.

b. Work with the applicable jurisdictions to provide for unlimited trash pick up during periods determined by this Agency.

c. When warranted, seek appropriate revisions to state and/or local regulations to provide for compliance with this section.

8.05.00.0 STATIONARY SOURCE REVIEW: The purpose of this rule is to limit the emissions from new stationary sources of air pollution within the Tahoe Basin, to ensure that the air quality environmental thresholds will be attained and maintained and to comply with federal and state regulations for permitting of stationary sources.

8.05.01.0 Prohibitions: Modified and new stationary sources of air pollution, as defined by the Code of Federal Regulation 51.18(j) as of the date of this ordinance, that increase emissions for the peak 24-hour period more than the limits below are prohibited from the Tahoe region:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td></td>
</tr>
<tr>
<td>Particulate matter less than 2.5/10 microns</td>
<td></td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td></td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td></td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td></td>
</tr>
</tbody>
</table>
Lead
Non-criteria pollutants

8.05.02.0 Environmental Impact Statements: The Agency shall require preparation of an environmental impact statement under the provisions of the Agency's Rules and Practices of Procedure of this Code for modified and new stationary sources of air pollution that increase emissions for the peak 24-hour period more than the limits below. The EIS will provide for the application of Best Available Control Technology to such sources as part of the mitigation program.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td></td>
</tr>
<tr>
<td>Particulate matter less than 2.5/10 microns</td>
<td></td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td></td>
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<tr>
<td>Sulfur dioxide</td>
<td></td>
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<tr>
<td>Carbon monoxide</td>
<td></td>
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<tr>
<td>Lead</td>
<td></td>
</tr>
<tr>
<td>Non-criteria pollutants</td>
<td></td>
</tr>
</tbody>
</table>

8.05.03.0 Exemptions: Emergency power generators, not intended to be utilized as a primary source of power, are exempt from the requirements of this part.

8.05.04.0 Enforcement Provisions:

a. The appropriate state and/or local air pollution control agencies shall enforce these provisions in their respective jurisdictions. The TRPA shall seek agreements and/or regulatory changes to make these provisions enforceable in the Basin. The Agency will enforce these provisions if such agreements or regulatory revisions are not made within one year of the date of this ordinance adoption.

b. This Agency will develop a policy for allowing emission offsets as conditions for allowing new or modified stationary sources in the region within 120 days after the adoption of this ordinance. Such policies will allow for economic growth without conflicting with attainment of the thresholds.
MEMORANDUM

August 1, 1984

To: The Advisory Planning Commission

From: The Staff

Subject: Washoe County Plan Area Statements

Agency staff was unable to complete the revised draft of the Washoe County Plan Area Statements. Staff recommends that the APC receive comments from the public at the August 8 meeting and continue the public hearing until the September 12 APC meeting, at which time the draft will be available for APC review.
August 1, 1984

To:       The Advisory Planning Commission

From:     The Staff

Subject:  Progress of Plan Area Statements

At the July Governing Board meeting, Agency staff discussed the Plan Area Statements with the Governing Board, particularly in regards to the development limitations set forth in the Plan Areas. The memo explaining the issue is attached and the Governing Board provided the following direction:

1. The Governing Board affirmed the policy statement as quoted on the attached memo.

2. The Governing Board directed that amendments to the development limitations in a Plan Area Statement be processed pursuant to ordinance amendment procedures.

3. The Governing Board requested that the Tahoe Basin Association of Governments (TBAG) recommend to the Agency the proper allocation of commercial floor area by jurisdiction. The Plan Area Review Committee would then distribute the allocations to the individual Plan Areas.

Also attached is an updated version of the "Framework of the Regional Plan" diagram which has been updated based on comments Agency staff has received. This chart has been presented at the TRPA Litigation Committee meetings.

The status of Plan Areas by jurisdiction at the date of this progress report is as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>First Draft</th>
<th>Hearing</th>
<th>Second Draft</th>
<th>Workshop</th>
<th>APC</th>
<th>GB</th>
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<tr>
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<tr>
<td>Douglas County</td>
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</table>

X = completed review

GWB: jf
8/1/84

AGENDA ITEM V A. 2.
Memo to the APC  
Plan Area Statement Progress  
August 1, 1984  
Page Two

The actual schedule was also discussed at the Governing Board meeting and at the most recent Plan Area meetings. Important to note is that at the current rate of progress, the Agency will not meet the September 1, 1984 Plan Area adoption date. Agency staff and legal counsel will discuss the consequences of not meeting this date at the meeting.

Another item that has been discussed is the concept of reviewing each jurisdiction's Plan Area Statements for drafting purposes but withholding formal action until the total package is completed. This concept is being applied to the code of ordinances and Agency staff supports this concept.

For informational purposes, the following is a summary of the latest meeting schedule for the Plan Area Review Committees.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Key Members</th>
<th>Location/Date/Time</th>
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</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>Jim King</td>
<td>Completed.</td>
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<tr>
<td></td>
<td>Mike Harper</td>
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<tr>
<td></td>
<td>Bill Curtis</td>
<td></td>
</tr>
<tr>
<td>Placer County</td>
<td>Larry Sevison</td>
<td>Heart Savings &amp; Loan, 705 North Lake Boulevard, Tahoe City, July 6, 1984. Continued to August 2 at 9:30 a.m.</td>
</tr>
<tr>
<td></td>
<td>Bill Combs</td>
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</tr>
<tr>
<td></td>
<td>Leo Poppoff</td>
<td></td>
</tr>
<tr>
<td>El Dorado County</td>
<td>Tom Stewart</td>
<td>TRPA office, 2155 South Avenue, South Lake Tahoe, July 13, 1984. Continued to August 2, 1984, 9:30 a.m.</td>
</tr>
<tr>
<td></td>
<td>Liz Temple</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stan Hansen</td>
<td></td>
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<tr>
<td>South Lake Tahoe</td>
<td>Norm Woods</td>
<td>TRPA office, 2155 South Avenue, South Lake Tahoe, July 16, 1984. Continued to August 9, 1984, 9:30 a.m.</td>
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<td></td>
<td>Edith Wilson</td>
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</tr>
<tr>
<td></td>
<td>Stan Hansen</td>
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</tr>
<tr>
<td></td>
<td>John Renz</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Germaine McMorris</td>
<td></td>
</tr>
</tbody>
</table>

APC Public Hearing/Committee Recommendations - September 12, 1984

Governing Board Public Hearing - September 26, 1984

Attachments

8/1/84
July 17, 1984

To: TRPA Governing Board

From: Agency Staff

Subject: Treatment of Commercial and Residential Allocations under Regional Plan

Upon review of the Plan Area Statements by the Washoe County Plan Area Committee, the following concerns have arisen in regards to Policy 4, Goal 2 of the Land Use Subelement of the Regional Plan. This policy which sets forth the requirements of Plan Area Statements and contains the following narrative:

Each plan area statement as finally adopted shall specify the maximum number of multiple density residential and tourist units allowable, as well as the maximum commercial square footage allowed. Total development in the region permitted by all the plan area statements, including existing development, shall not exceed the number of existing multiple density residential units by more than 2,700, shall not exceed the number of existing tourist accommodation units by more than the 1,100 units estimated to be vested, and shall not exceed the amount of existing gross commercial floor area by more than 1,100,000 square feet. For areas not designated eligible for redevelopment, the total number of multiple density units allowable basinwide, including existing units, shall not exceed the number of existing multiple density units in those areas by more than 500.

Concerns:

1. The above policy limits the flexibility of allocation and approval of projects throughout the region.

Comment: Staff and legal counsel interpret this to require commercial tourist and residential "caps" for the Regional Plan and that each plan area must specify its limitations and such limitations must not cumulatively exceed the "caps". To change this requirement, a Regional Plan Amendment must be approved by the Governing Board.

2. Amendment of the Plan Area Statement would be too cumbersome if a Regional Plan amendment is required to change the limitations.

GG:b1 7/18/84

AGENDA ITEM IV D.
Comment: The Regional Plan is not specific about the process to assign the Plan Area Statement limitations or their amendment. It is staff's and legal counsel's opinion that the amendment procedure for these limitations may range from a resolution to a Regional Plan Amendment procedure depending on the Governing Board direction. The current ordinance draft calls for Regional Plan Amendments.

3. The current assignment of commercial and residential limitations is not sensitive enough to the local needs.

Comment: It has been suggested that TRAG should allocate the remaining development potential to the local jurisdictions before assignment to PAS. Instead of the current staff assignment of limitations based on planning guides and factors. The combination of the two methods may be a more accurate and acceptable solution.
MEMORANDUM

Date: August 1, 1984

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Progress of Ordinances

Ordinances: The nine chapter Code of Ordinances is currently under review, and the status of each chapter is as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Staff Draft</th>
<th>APC Committee</th>
<th>APC Recommendation</th>
<th>GB Committee</th>
<th>GB Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Procedure</td>
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</tr>
<tr>
<td>2 Land Use</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>3 Subdivision</td>
<td>X</td>
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<tr>
<td>4 Shorezone</td>
<td>X</td>
<td>X</td>
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<tr>
<td>5 Grading</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6 Resource</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7 Water</td>
<td>X</td>
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<td>X</td>
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<tr>
<td>8 Air</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>9 Growth</td>
<td>X</td>
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</tr>
</tbody>
</table>

X = Completed Review

The APC and the Governing Board have recommended that the Code of Ordinances be reviewed by chapter but be adopted as a whole package. This generally is the same procedure that was followed for the Regional Goals and Policy Plan.

AGENDA ITEM V A. 3.
MEMORANDUM

August 1, 1984

To: The Advisory Planning Commission
From: The Staff

Subject: TTD Short Range Implementation Plan

The Tahoe Transportation District (TTD) is in the process of developing a five-year, short-range transit program for the Tahoe Basin. This program is consistent with the Transportation Element of the Regional Plan which states that the TTD is responsible for development of the program to be approved by the TRPA Governing Board. This agenda item is an information session to discuss, as of this date, the progress of this program.
MEMORANDUM

Date: August 1, 1984

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Proposed Amendments to TBAG MOU Regarding Projects Subject to the Allocation System

The Governing Board has reviewed the following draft language prepared by the APC Land Use Subcommittee. This language is the subcommittee's recommendation for inclusion into the TRPA Code of Ordinances in regard to what projects will be subject to the TRPA Allocation System. Staff has been directed to redraft this language into the policy format that was part of the TRPA/TBAG MOU for allocations.

This language is presented for APC comment before staff redrafts the TRPA/TBAG MOU. Also, Agency staff would like to discuss the land use committee's most recent recommendations in regard to this policy statement.
MEMORANDUM
Proposed Amendments to TBAG MOU Regarding Projects Subject to the
Allocation System
August 1, 1984
Page Two

Land Use Subcommittee
Recommended Language for Allocations

9.01.02.0 Applicability of Quota Allocations: No person shall con-
struct or convert a project or activity within the region
which creates a new residential unit(s) or new commercial
floor area without receiving an allocation and Agency
approval as required by this Code.

9.01.02.1 Residential: Except as otherwise provided in this
subset, a residential unit is considered "new" for
purposes of this allocation system if it is to be
created pursuant to a TRPA approval or finding of
exemption when the date of such action is after
January 1, 1984. The following are not "new"
residential units for purposes of this subset:

a. The reconstruction or replacement on the same
   property of a residential unit(s) existing on
   January 1, 1984.
b. The reconstruction or replacement on the same
   property of a residential unit(s) which was
   allocated and approved pursuant to this Code.
c. Additions and accessory uses to existing
   residential structures that do not create
   addition residential dwelling units.
d. The reconstruction or relocation of a resi-
   dential unit(s) existing as of January 1,
   1984 pursuant to a TRPA redevelopment plan.
e. The relocation of existing residential
   unit(s) which existed on January 1, 1984
   through an Agency approved transfer.
f. Construction of a residential unit(s) speci-
   fica]y exempted from this section by Ordi-
   nance 84-1, an Ordinance adopting the Region-
   al Plan, or as amended.

9.01.02.2 Commercial: Except as otherwise provided in this
Subset, commercial floor area is considered "new"
for purposes of this allocation system if it is to
be created pursuant to a TRPA approval or finding
of exemption when the date of such action is after
January 1, 1984. The following are not "new"
commercial floor area for purposes of this Subset:
a. Changes in commercial use provided there is no increase in commercial floor area.

b. The replacement or reconstruction on the same property of a commercial building which existed on January 1, 1984 providing there is no increase in commercial floor area.

c. The reconstruction or replacement on the same property of a commercial building providing there is no increase in commercial floor area and such commercial floor area was allocated and approved pursuant to this Code.

d. The reconstruction or relocation of commercial floor area existing as of January 1, 1984 pursuant to a TRPA approved redevelopment plan.

9.01.02.3 Calculation of Commercial Floor Area: Square footage of new commercial floor area for purposes of this Section shall be calculated by reference to the gross square footage of floor area of the building(s) located on the site. The square footage of other areas relating to such a building, including but not limited to decks, and other uses accessory to the commercial use which are designated for commercial use under a permit shall be considered commercial floor area. Square footage resulting from the following shall not constitute commercial square footage for purposes of this section.

a. Parking areas, parking structures, and walkways.

b. Floor area directly related to tourist accommodation units which are to be allocated on a unit basis when permitted by the Regional Plan. Such floor area includes but is not limited to Hotel and Motel rooms, hallways, and lobbies.

c. Temporary buildings and related areas whose use is limited to 30 days or less.