TRPA
APC
PACKETS

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

NOTICE IS HEREBY GIVEN that on __February 8, 1984____ at
9:30 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that upon adjournment of the Advisory
Planning Commission meeting the Resource Management Subcommittee
will meet in the same location to discuss the proposed Resource
Management and Water Quality Chapters.

NOTICE IS FURTHER GIVEN that on Tuesday, February 7, 1984,
commencing at 3:00 p.m. in the same location, the Transportation
and Air Quality Subcommittee will meet to discuss the working
draft ordinance for Transportation/Air Quality.

Dated: __February 1, 1984____

By: ____________________________
Gary D. Midkiff
Acting Executive Director
Tahoe Regional Planning Agency
NOTE: On Tuesday, February 7, 1984, commencing at 3:00 p.m. in the same location, the Transportation/Air Quality Subcommittee will meet to discuss the working draft ordinance for Transportation/Air Quality.

Upon adjournment of the Advisory Planning Commission meeting on Wednesday, February 8, 1984 the Resource Management Subcommittee will meet in the same location to discuss the proposed Resource Management and Water Quality Chapters of the Revised Code of Ordinances.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PLANNING MATTERS

   A. Plan Area Statements Update
   B. Design Review Guidelines Update
   C. Subcommittee Reports on Codified Ordinance
      1. Transportation/Air Quality
      2. Grading Chapter and Update on Resource Management and Water Quality Chapters
   D. Other

V ORDINANCE

VI ADMINISTRATIVE MATTERS

   A. Amendment to Rules and Regulations of Practice and Procedure Relating to Advisory Planning Commission Meeting Procedures
   B. Consideration of Tahoe Transportation District Representative on the Advisory Planning Commission

VII REPORTS

   A. Staff Reports
B. Legal Reports
   1. Requirements for Notice of Committee Meetings
C. Public Interest Comments
D. APC Members
VIII RESOLUTIONS
IX CORRESPONDENCE
X PENDING MATTERS
XI ADJOURNMENT
MEMORANDUM

February 2, 1984

TO: TRPA Advisory Planning Commission
FROM: Mary Dailey
SUBJECT: APC Minutes, Agenda Item III

Included in the APC packet for February 8, 1984 meeting are the minutes for October 12, November 9, December 12, 1983, and January 11, 1984.

The minutes for September 14, 15 and 21, 1983 were deferred at the last APC meeting. Please include these minutes with your February packet. If you did not keep your copy of the minutes, please let me know in advance so that copies will be available for you prior to the meeting.

/md
Chairman Mike Harper noted at 9:45 a.m. that the APC members could discuss the Draft Environmental Impact Statement, Kings Run Phase II for information purposes until a quorum arrived. Mr. Harper also noted that the EIS would be scheduled for the November 9, 1983 APC meeting at which time the APC would determine the technical adequacy of the document.

Greg George, Chief of Project Review, explained that the staff would like to receive the APC's comments on the EIS which was mailed on September 23, 1983. The response document, which constitutes the final EIS, will be presented at the November APC meeting and from that point will go to the Governing Board for certification and action on the project.

Ms. Michael asked how the APC could deal with EIS's when the EIS for the Regional Plan and Regional Plan had not been adopted? Ms. Michael pointed out that it is not known if there is going to be an allocation system or what the funding will be for implementation and she asked how the APC can determine if the King's Run Phase II EIS is technically adequate? Mr. George responded that it was almost impossible at the present time to make a determination that this project or even any of the alternatives would be consistent with the new Regional Plan since all of the details of the new Plan were not known. Mr. George explained that the document has to identify all of the impacts resulting from the project and then identify mitigation measures which have been determined to reduce those impacts to a less than significant level. Mr. George stated that the Governing Board then has two choices to make in taking an action on this project once the document has been certified. They can either approve the project based on a finding that all of the impacts identified in this document have been mitigated to a less than significant level and then they can approve the project, or they could make a determination that for any particular impact that has not been mitigated to a less than significant level, that there are overriding social and economic considerations that will cause them to approve the project. These findings have to be made if the Board acts on Kings Run Phase II before the Regional Plan is adopted. Once the Regional Plan is adopted the Compact requires the Governing Board to make additional findings relative to consistency with the Regional Plan and the environmental thresholds. Mr. George further stated that the Kings Run draft EIS contained a comparative analysis of the environmental thresholds. Until the Regional Plan is adopted, projects do not have to be consistent with the environmental thresholds. A comparison was done and there is an identification of exactly how inconsistent a particular impact is with the environmental thresholds. Mr. George further clarified that the Kings Run EIS was being reviewed at this particular time because the project is presently in litigation.
Ms. Michael stated that she felt that the APC was being forced to proceed on all of these projects coming before them, especially in the midst of important planning efforts for the Regional Plan, and being asked to determine the adequacy/inadequacy of EIS's all in the name of litigation. Ms. Michael suggested that a one or two month delay should not make a great deal of difference to the litigants and this project. Mr. George responded that if certification of the EIS goes to the Governing Board after adoption of the plan it will change the findings that the Board has to make in order to approve the project as a litigation settlement. Those findings would be related to the Plan and the consistency of this project with the Plan. The Governing Board would be required to make a determination that this project is consistent with the Plan which would assure them it's consistent with the environmental thresholds. Right now, before the Plan is adopted, that finding is not absolutely necessary for the Board to make.

Mr. Sawyer asked what the Regional Plan and its EIS assume in terms of allowable densities and projected traffic impacts, and does the Regional Plan assume that a project of this size will be built there? Mr. George responded no it does not; there are 76 existing condominium units related to this property and those have been accounted for. The remainder of the property where this project is proposed, is divided into three or four parcels. When the Long Range Planning Division did the analysis of existing land use they counted those parcels as one building site. The base data for development of the Regional Plan EIS does not include the 295 unit tentative map which is the basis for a claim of vested right in the litigation.

Michael Langs, Attorney, representing the Senior Corp., who will be the owners of the property, explained their position is that they don't have to be consistent with the new Plan; that this is a vested right matter going back to a 10 year old final map; that the risk of trying this case in Boston becomes greater if they wait for the Plan and then have to wrestle with a tougher decision on consistency. The idea with the proposal was to settle this claim of a vested right to finish the 198 unbuilt units on the site. The plan that is shown in the draft document was essentially half of that to try to get as close to compliance with the thresholds and other requirements in the the Basin, coupled with mitigation measures that would be imposed by the Board. Mr. Langs stated that he could appreciate why the APC would want to wait, but then there would be a more difficult legal problem which may be irreconcilable, and we would have to try it.

Mr. Harper noted that this was the same type of issue the APC confronted with the Brockway project where the settlement of the litigation wasn't really contingent upon APC's approval of the EIS, but it really was, and he asked if this was the same situation. Mr. Langs responded that the applicant will try to get the Board to act not only on the adequacy of this document, but also the project approval, and not have further discretionary approvals required, but there will a number of ministerial things that have to be done, including amending the final map. Mr. George added that the situation in Brockway was somewhat beyond the control of the Agency and the staff in processing that project, which was the basis for a litigation settlement; without approval of the project the primary basis for that litigation settlement wasn't there. Mr. George explained it was processed and later on there was some concern raised by
Lahontan and the settlement didn't go through because a lawsuit was filed. Mr. George stated that the same situation may arise in this case and staff realizes that, but in this case, they have tried harder to coordinate with Placer County and Lahontan to get a determination on whether there will be a lead agency and if there will be any document prepared under CEQA. Staff was confronted with a fairly tight timeframe, which they tried to respond to. They prepared a scope of work, draft EIS and, there is still not a definite position regarding a document that might be required under CEQA. There is going to be a review of this environmental document (EIS) by Placer County at the time they are required to amend the final map.

Mr. Combs stated the litigation on Brockway, as pointed out, centered on the issue of whether or not the project was subject to CEQA review, and obviously, in this case, there is a feeling on some people's part that it is again. Placer County Counsel's position was that it was not subject to CEQA review. Mr. Combs further stated that when this came before the litigation committee months ago, he attended the meeting for Placer County Supervisor Larry Sevison and there was a general consensus at that meeting to try to avoid the same Brockway confusion again and it was decided to prepare a CEQA document. But then the draft document came out as an EIS and not an EIR. Mr. Combs noted that it is Placer County Counsel's feeling is that it is not subject to CEQA, but the California Water Resources Control Board feels that it is, and the expediency that we had hoped to accomplish is going to be lost because of the indecision of whether a CEQA document will be necessary.

Mr. Sawyer commented that Placer County Counsel's position, which he had not seen, is not necessarily inconsistent with the Regional Board's position. Under CEQA, one agency may have to do an EIR and the other may have a ministerial approval, but that is where there is a difference in opinion. Mr. Sawyer stated that with the Regional Board's position it's clearly discretionary that an environmental impact report will be needed, assuming significant impacts which this EIS says there are, so the positions aren't inconsistent. Mr. Sawyer added that one of the difficulties in the Brockway situation was that the applicant claimed that Lahontan had no jurisdiction nor authority to issue waste discharge requirements for the project. The difficulty was by the time the applicant had exhausted his administrative remedies on that issue the statute of limitations on the EIS would have expired. Mr. Sawyer stated that he would like to have it clearly decided that the Kings Run project will go through Lahontan and there will be CEQA review as required. The applicant can make his arguments about whether it is discretionary or not, but it is important to know whether the applicant is alleging that it is beyond our review or not because that will affect our decision as to how important it is to demand a joint EIR-EIS at this time.

Mr. Langs commented that with the cooperation received from the TRPA staff, that the applicant had proceeded in precisely the manner that was described and discussed in the litigation committee meeting. Mr. Langs added that the applicant is not trying to avoid Lahontan if there is a waste discharge requirement, but that it doesn't make sense in this context to have two simultaneous processes going with two groups of people exercising discretion. Mr. Sawyer responded that a joint EIR-EIS is a proven means of working out differences and that there will be either a joint EIR-EIS or a subsequent one which is absolute from the standpoint of the California Water Resources Control Board.
Mr. George suggested that the APC concentrate on the purpose of the requirements of the Compact and the decisions that had been made by the Governing Board relative to this litigation settlement. The decision was that an EIS had to be prepared, and that the preparation of the EIS on this project was no different than any other project. The APC is to review that document and make sure that all the significant environmental impacts have been clearly identified and the magnitude of those impacts have been identified along with the mitigation measures. If the APC feels there are not enough alternatives or if there are alternatives that are reasonable that haven't been assessed, or if the impacts have not been adequately addressed or, if feasible, mitigation measures haven't been considered, those are the kind of comments that are needed from the APC. The litigation is a matter that the Board will have to deal with.

Mr. Randolph commented that from the standpoint of the 100 units, the applicant cannot mitigate all of the impacts of VMT satisfactorily. Mr. Randolph asked if there is any evidence if the California Department of Transportation had been advised that they may be required to do something, and if so is it in their budget? Mr. Randolph also asked if they had responded that they may be required to do some of the work? Mr. George responded that Caltrans had received a copy of the document but that no written comments had been received.

Mr. Randolph commented that he did not see any indication that there had been an analysis and what the analysis was for each of the mitigation measures. He noted there are some numbers, but he asked what is the analysis that comes to those numbers and what is the background/basis for those numbers? Mr. Randolph suggested that it would be a good idea to know whether or not these are really the impacts. Mr. Randolph also noted that the document stated a 60 unit project wasn't viable from an economic standpoint and he asked if a 60 unit project offset all the impacts? Are there enough mitigation measures with a 60 unit project where the impacts are mitigated? If so, what does 70 do, or is 100 units the bottom line or anything less than 100 and you're out of business?

Mr. Langs replied that 100 units was the bottom line. He explained that what occurred during discussions with TRPA and CTRPA in January and February of this year with Bill Combs, Larry Severson, Greg George and Gary Owen. Rather than posturing back and forth on this litigation about 198 units, the applicant made a realistic proposal and got to the bottom line right away and did not waste time posturing for it.

Mr. George stated that if the document concludes that the impacts cannot be mitigated and there will be unavoidable impacts resulting from the project, that will be the basis for the Governing Board to make a decision. They will understand what the impacts are going to be; they are going to have to weigh the pros and cons of the litigation and make a decision. They may have to make a decision relative to a particular impact, whatever it may be, that there are overriding social and economic considerations that cause them to approve the project, even though there will be impacts.

Mr. Sawyer agreed that the APC should face squarely the issue of whether it was proper to process this EIS before completing the Regional Plan and make a decision as to a recommendation whether that is the way to proceed. He also thought that the APC should make a decision on the separate EIR-EIS process, and
he hoped that between now and the completion of the final EIS the APC could settle on a document that the Regional Board could use and on a process so that there was no misunderstanding on the procedure.

Mr. Sawyer asked for the inconsistency with the air quality thresholds to be briefly summarized. Anders Hauge, QUAD Consultants, responded that the summary summarized the impacts on air quality. In working with the staff they looked at the minute amount of increase and from their standpoint as consultants and dealing with EIR's and EIS's they did not feel that it was significant. Mr. George pointed out that it was beyond the impacts addressed in the thresholds and, therefore, the staff preferred to call it a significant impact.

Mr. Sawyer asked if this was a 10% VMT threshold that the APC was looking at? Mr. Hauge responded yes and he referred to the summary page, starting with impact 3, which said the project will increase vehicle miles travelled by 0.15% over the 1981 Basin figure, while the threshold is to reduce the vehicle miles travelled by 10%. Mr. Hauge explained this project cannot reduce the vehicle miles travelled. Hundred unit condominiums are selling in the range of $150,000 to $250,000. A bus system would help a bit, and mail service would help, but based on this project you are never going to reduce total vehicle miles travelled in the Basin. Mr. Hauge added that the carbon monoxide is still below the threshold, but there is the feeling that there is so little room left between the existing ambient levels and the threshold, that this project is a significant increase coming close to the threshold. Mr. Hauge stated that with the recommended mitigation, a modification of signalization at 89 in Kings Beach, there is an overall decrease, but it would take that mitigation, and it is not the traffic flow at the project.

Mr. Sawyer referred to page 4-66, Table 4-29, and asked how was the land basis evaluating the equal project computed? Mr. Hauge responded that the firm Williams-Kuebelbeck sent QUAD a letter explaining the definitions, which Mr. Hauge read, but he stated that the term 'land basis' was not defined in the letter. Mr. Hauge stated that he would have to find out what the land basis is. He assumed that it relates back to the value of property that Senior Corporation has in this project at the present time, or basically it's a lien they hold against the property.

Mr. Sawyer suggested that Mr. Hauge contact Mike James on the Regional Board staff to look at the coverage issue before the ground is covered with snow.

Mr. Hauge added that his intent was to contact each agency over the next two weeks that would possibly have comments that could be adequately responded to.

Mr. Combs commented with regard to the discussion of recreation on pages 4-63 and 4-64, there was more or less a conclusion made that there are adequate recreational facilities in the area and no mitigation would be proposed. Mr. Combs suggested that when this comes up for project review, the county will likely require either dedication of land for park and recreation purposes, or in lieu fees. Mr. Combs noted the legal authority for that is under the Quimby Act which was part of the litigation proposals for Chambers Landing and Brockway.
Referring to the amendment documents, Mr. Combs commented on the letter from Williams and Kuebelbeck, which discussed the allocation program, and he pointed out the statement in the letter was erroneous. Mr. Combs stated that some of the statements may apply to certain jurisdictions, such as the rules of the lottery system "that once a selected applicant is drawn they have 12 months to obtain the permit and construct the unit", but that the rule is that if an individual is selected they have a certain amount of time to obtain a building permit and that under the Uniform Building Code they have up to three years in California to actually construct the unit. Mr. Combs further pointed out that the statement saying "that the counties or cities have the option to actually reduce the number of building sites that are entered in the drawing, and that several local real estate brokers have claimed that Placer County had limited its allotments in the last couple of years", is completely and factually inaccurate as well. Mr. Combs added that he thought the issue that this project will not become a timesharing project should be addressed. Since there are a great deal of assumptions made about vehicle trips and occupancy rates, the assumptions look valid if these are accepted as being more or less single family units and not put into a timeshare market.

Ms. Michael commented that in the summary certain mitigation measures are recommended relating to vehicle miles travelled, such as instituting and encouraging carpool/vanpool programs, and then on page 4-52 they're not included as mitigation measures. Ms. Michael pointed out that in the regional transportation plan that the APC adopted and recommended to the Governing Board, in the first 5 years of the plan, the Tahoe Transportation District will hopefully institute TART service on Highway 267 which was identified as a mitigation measure for establishing a flagstop for Kings Run. Ms. Michael stated that she would like to see something a little bit more than a flagstop, and she thought that the mitigation measures in transportation fell far short of what the transportation plan is trying to accomplish; that some mention of TART service being instituted, and also a bus stop should be included. Ms. Michael also agreed that contacting Caltrans was important; to include the negotiations and the timing of the TART service, and whether or not Kings Run has a role in contracting for that service. Mr. Hauge responded that TART service had been looked into but was not identified by name.

Ms. Sparbel commented on the recreation element that studies show, in Nevada, that in the Tahoe region of the Nevada side there are inadequate recreation facilities. The planning section of the State of California Department of Parks and Recreation has done a fair amount of studying also of that issue in the region. Ms. Sparbel suggested that Mr. Hauge might want to contact the planning section in Sacramento and they may be able to provide information.

There were no further comments on the discussion of the Draft Environmental Impact Statement, Kings Run Phase II.

Mr. Hauge announced that the California Chapter of the American Planning Association met at Fallen Leaf Lake. They gave the Tahoe Regional Planning Agency a Meritorious Program Award for the Environmental Threshold Carrying Capacity Report and Environmental Impact Statement. Mr. Hauge explained that this will then be submitted to the National Awards Jury for consideration. Mr. Hauge offered his congratulations to all who participated in this effort.
APC REGULAR MEETING MINUTES OCTOBER 12, 1983

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 11:15 a.m. It was noted that a letter from Lew Dodgion designating Verne Rosse as his alternate for the October 12, 1983 APC meeting was received.

APC Members Present: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Ms. McMorris (arrived at 1:30 p.m.), Mr. Hansen, Mr. Curtis (arrived at 2:30 p.m.), Ms. Michael, Ms. Bogush (arrived at 1:50 p.m.) Mr. Harper

APC Members Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Popoff

II APPROVAL OF AGENDA

There were no changes to the agenda.

III DISPOSITION OF MINUTES

The APC deferred action on minutes of July 14-15, August 4-5, and August 10-11.

IV PLANNING MATTERS

B. Amendments to Regional Plan Goals and Policies

1. Implementation Element

Suggested amendments to the Regional Plan Goals and Policies draft dated June, 1983, and further refinements to the draft dated September 23, 1983 of the Implementation Element are underlined.

Page 104 - Table 1 - General Planning and implementation responsibilities shared among the TRPA, local, state, and federal agencies as set forth in the bi-state compact or agreed to in a Memorandum of Understanding.

Page 107 - Add to Phase I Priorities B. 4. government assisted housing.

Page 108 - Amend B. 3. government assisted multi-family housing and related commercial and public facilities in existing urban areas

Page 110 - Phase II -- implemented upon availability of adequate funding to carry out Phase II of the capital improvements program [staff was directed to define adequate funding]

Page 118 - Revisions to Table 2. Performance Targets were distributed to APC and discussed at length.
MOTION by Mr. Sawyer, with a second by Ms. Michael, that the APC approve Table 2 and request staff to revise the VMT reductions and the NO\textsubscript{X} emission reductions to reflect the current transportation plan; with DIN load reductions from surface runoff as revised and footnote (3) as revised; with SEZ restoration as revised. Amended by Ms. Michael, to revise Policy 1 that the Agency shall use the performance standards below to evaluate progress in implementation of the Regional Plan as it relates to water quality and transportation related thresholds. Further amended by Mr. Sawyer, the TRPA shall use the performance standards below to evaluate progress in implementing the Water Quality and Transportation Elements of the Regional Plan. Based on the degree of success in meeting performance standards and based on results of the monitoring program, TRPA shall make adjustments to the Regional Plan.

<table>
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<th>II</th>
<th>III</th>
<th>IV</th>
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Revised footnote (3) 1981 loading rate = 10 T/year. These projections are based on the priorities set in the current 208 Plan and the cost-effectiveness estimated for those priorities in the current 208 Plan. If Part II modifies the priorities this row will be modified to represent those priorities at the expenditure level shown in the first row.

The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Rosse, Ms. Michael
Nayes: Mr. Combs, Mr. Hansen, Mr. Harper
Abstain: Ms. Sparbel
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Ms. McMorris, Mr. Curtis, Mr. Poppoff, Ms. Bogush

Ms. Sparbel explained her abstention was not an objection to the motion nor the table, but that she would like to see more detailed and expanded figures.

Mr. Harper agreed with Ms. Sparbel and explained that his vote was not an objection to the chart, but that he felt the chart could be expanded and more detailed.

Mr. Combs stated that he was comfortable with the straight line recommendation, but what he saw happening to items 1, 4, 5 would be to go a convex type of projection and he was not sure that was realistic at this time.
The APC returned their discussion to development and implementation priorities with further recommendations for revisions beginning with Goal 2 of the June, 1983 draft. Mr. Sawyer commented he was concerned with the figure of 750 new single-family residential units based on staff's estimate of buildable lots in multi-density over a 20 year period. The APC proposed a 5 year moratorium on land capability 1-3 and consistent with that, the straight line buildout number should be changed to 650. Mr. Sawyer also stated that during the first 5 years there will be no construction of new units in the South Tahoe Public Utility District (STPUD) service area and development may shift to the other half or two-thirds in the Basin by having the same number apply when no development will occur in the service area.

Mr. Combs commented that implementing this plan without some controlled growth program would be unachievable, and history shows that there has been a pattern of limitations on permits. Mr. Combs felt that an allocation system was necessary because if there is a window left open for no restrictions whatsoever on permits there could be a real possibility for panic permit seeking in the Basin. Mr. Combs pointed out the Regional Plan is geared throughout the elements toward periodic monitoring for achievement of the thresholds, and it would be totally inconsistent to have any sort of monitoring program when in fact lifting of the allocation system could result in a buildout of the remaining capacity in a very short time.

Mr. Harper commented that he thought an allocation system was a mistake because eliminating an allocation system does not mean eliminating the ability to control growth; it just means that artificial numbers will not be set. He stated there is a good controlled growth methodology in an evaluation system that can be very restrictive at the start to make sure that development is on the best lands without setting a particular number. Mr. Harper further stated that the 750 number had no magic to it, and he felt it was an artificial limit. He pointed out that the California side experienced that rush for the simple reason that limits have been set. Mr. Harper suggested that if the limits are eliminated, the way to take care would be to set up an evaluation system that directs growth in line with the capital improvements program, and in line with the ability to reach certain goals. It is much more definite and better tied to the Plan than setting a limit of 750 permits. Mr. Harper added that he would prefer to see a system that allocates permits qualitatively instead of quantitatively.

Mr. Sawyer pointed out that the EIS estimates the market demand at 1,600 permits per year if there is no allocation system and he felt that was realistic considering the number of applications that are presently received in the Placer County and El Dorado County lotteries, and considering the fact that the lot owners will never be assured that the rules will stay the same. They have good reason to think that perhaps five years from now the monitoring will show the problems still exist and we will have to tighten up. Mr. Sawyer felt that we will never have the ideal market that might have resulted in something less than 1,600 permits. Mr. Sawyer added that in order to be consistent with the EIS we cannot afford to go without an allocation system.
Ms. Sparbel quoted from the letter from the Urban Land Institute that "the panel strongly suspects that the recent strong demand for building permits by existing lot owners has been driven more by fear of being disenfranchised by the regulatory process than by a real desire to build a home on their lots. Fundamental changes in the economy are taking place which have severely depressed the second-home market and will continue to do so for some time to come. If the panel is correct in this analysis, natural market forces coupled with establishment and enforcement of Best Management Practices will result in acceptable levels of requests for building permits without imposition of building quotas." Ms. Sparbel commented that the panel implied that if the Agency continues with an artificial quota then you will continue to have the fear of lot owners being disenfranchised and an artificial push for permits.

Mr. Randolph pointed out that the Agency has been under the constraint of the Compact with the figure of 750 permits but he did not agree there would be 750 just because we have a number.

Both Ms. McMorris and Ms. Bogush noted their opposition to an allocation system.

MOTION by Mr. Sawyer, with a second by Mr. Combs, that the APC recommend that an allocation system with a limit on the number of single-family residential units authorized be included in the Regional Plan. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Rosse, Mr. Hansen, Ms. Michael
Nayes: Ms. Sparbel, Ms. McMorris, Ms. Bogush, Mr. Harper
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Curtis, Mr. Poppoff

MOTION by Mr. Sawyer, with a second by Mr. Randolph, that the APC recommends to amend Policy 2 that a maximum of 650 new single-family residential units shall be authorized in any calendar year.

(It should be noted that Goal #2, Policies 1-5 were renumbered with the addition of a new Policy 1 at the last APC meeting)

With regard to the distribution of the numbers, Mr. Combs stated that one of the earlier concepts discussed with the Tahoe Basin Area of Government (TBAG) would be to use TBAG as the forum to decide how the 750 units would be distributed among the local agencies. If STPUD capacity is limited for the next four or five years, obviously its numbers will be smaller for the first 5 years and Mr. Combs suggested that a Memorandum of Understanding could be developed through TBAG, that after the five years is up the other jurisdiction numbers will be cut back accordingly to allow STPUD a greater number. Mr. Combs commented that he was comfortable with the number of 750, especially after the earlier motion to front end load the dollars on the transportation and water quality program.
APC REGULAR MEETING MINUTES OCTOBER 12, 1983

The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Ms. Michael
Nayes: Mr. Combs, Ms. McMorris, Mr. Hansen, Ms. Bogush, Mr. Harper
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Curtis, Mr. Popoff

Mr. Sawyer stated that in order to be consistent, the number in Policy 3 should be changed to 65,000 square feet because the square footage for commercial is based on the projection of how much residential growth there will be. And also to be consistent with the above motion the number in Policy 4 should be changed to 650.

MOTION by Mr. Sawyer, with a second by Mr. Hoefer, that the APC recommends to amend Policy 3 that a maximum of 65,000 square feet of new commercial floor space shall be authorized to proceed with development in any calendar year. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Rosse, Ms. Michael, Mr. Harper
Nayes: Mr. Combs, Ms. McMorris, Mr. Hansen, Ms. Bogush
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Ms. Sparbel (out of the room), Mr. Pyle, Mr. Curtis, Mr. Popoff

MOTION by Ms. Sparbel, with a second by Ms. Bogush, that the APC recommends to eliminate Policy 4 that 150 of the 650 authorized permits for residential development in a given calendar year shall be reserved for residential redirection; to be allocated according to need.

Gordon Barrett, Principal Planner, suggested to clarify by indicating under that policy that permits under TDR, redevelopment or redirection are not considered under the 650.

Ms. Sparbel withdrew her motion because that was not what she intended.

MOTION by Mr. Combs, with a second by Mr. Hansen, that the APC recommends to amend Policy 4 to have 150 permits above the 650 authorized permits for residential development in a given calendar year be reserved for residential redirection.

Ms. Bogush stated that if this motion failed she would make a motion to eliminate it because she felt that redevelopment is a staff preferred alternative and should definitely be encouraged, and in order to give the incentives for it to actually work that having both commercial and residential redirection outside of the allocation system would be more desirable.
The motion failed on the following vote:

Ayes: Mr. Combs, Mr. Hansen, Mr. Harper
Nayes: Mr. Milam, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Ms. McMorris, Ms. Michael, Ms. Bogush
Abstain: Mr. Curtis (arrived at 2:30 p.m.)
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Popoff

MOTION by Ms. Bogush, with a second by Ms. McMorris, that the APC recommends that residential and commercial redevelopment projects will not be subject to the allocation system if located in an area subject to a redevelopment plan. The motion failed on the following vote:

Ayes: Ms. Sparbel, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Bogush
Nayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Rosse, Ms. Michael, Mr. Harper
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Popoff

It was noted that on page 111, Policy 4 the number 750 would be changed to 650 and the policy would be amended: 150 of the 650 authorized permits for residential development in a given calendar year shall be reserved for residential redirection.

MOTION by Mr. Randolph, with a second by Ms. Michael, that the APC recommended to amend Policy 5: The allocation and distribution of authorized building permits shall be determined by TRPA after consultation with the local units of government through a Basin-wide governmental forum.

MOTION amended by Mr. Combs, agreed to by Mr. Randolph and Ms. Michael, to amend Policy 5: The allocation and distribution of authorized building permits shall be determined and administered through a Memorandum of Understanding through TBAG. If such a Memorandum of Understanding is not produced then it shall be administered by TRPA. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Hansen, Ms. Michael, Mr. Harper
Nayes: Ms. McMorris, Ms. Bogush
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Curtis (out of the room), Mr. Popoff

Page - 111 No revisions to Goal #3, or Policies 1 through 3

Mr. Sawyer distributed copies to the APC of proposed amendments to the Implementation Element, dated October 11, 1983. Mr. Sawyer stated that he thought that Goal #4 needed to be replaced because it dealt with bonus points on the point system. When the APC voted for development review system bonus points on the point system were eliminated for TDR's. Mr. Sawyer suggested a substitute for an allocation-based transfer of development system. Mr. Sawyer explained that it was patterned after the current California System. If an allocation is drawn by a person with a fragile lot the allocation may be transferred to a buildable lot.
Mr. Sawyer proposed an amendment to Goal #4 and Policy 1:

Goal #4: Provide for retirement of critical lots through transfer of development.

Narrative: In addition to the density credit and transfer of coverage programs set forth under Goal #3, TRPA shall establish a transfer of development program as part of the permit allocation system.

Policy 1: The permit allocation system shall permit the transfer of building allocations from critical lots to high capability lots.

Narrative: As part of the permit allocation system, TRPA shall permit the transfer of building allocations from lots in stream environment zones, land capability 1-3 lands or class 1-4 shorezones to lots outside of these areas. Transfers across jurisdictional boundaries shall be permitted so long as the jurisdiction to which allocations are transferred has capacity to serve the additional development. Such interjurisdictional transfers shall be counted against the number of permits allocated to the jurisdiction from which the allocations are transferred.

Mr. Combs clarified that local governments have not allowed interjurisdictional transfers in the past because of the imbalance of allocations. Mr. Combs stated that he had discussed this matter with Mr. Sawyer at length and that he supported the motion with the exception of interjurisdictional transfers. With 3,000 or more high capability lots left in Placer County the county would be the logical receiving zone for a major number of TDR's. Mr. Combs further stated controlled growth could be lost if Placer County or some other jurisdiction that had the capacity suddenly became the receiving zone and got overloaded with permits.

Mr. Sawyer stated he would be willing to amend his motion to drop the last two sentences of the Policy 1 narrative that creates the interjurisdictional transfers if the understanding is that the issue remains unresolved and that the APC will take up the issue of interjurisdictional transfers in the implementing ordinance.

MOTION by Mr. Sawyer, with a second by Mr. Rosse, that the APC recommend to substitute Goal #4, and Policy 1, as amended: Transfers across jurisdictional boundaries shall be permitted so long as the jurisdiction to which allocations are transferred has capacity to serve the additional development, and both jurisdictions agree to allow such transfers. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Ms. Michael, Mr. Harper

Nayes: Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Bogush

Abstain: None

Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Poppoff
Mr. Sawyer commented that his concern with the Goal #5, Policy 1 narrative was that under the current mitigation fee structure, the fees go to the jurisdiction where the development occurs. He explained that with interjurisdictional transfers the area a permit is transferred out of would like the fees and, second, there will be no development in the STPUD service area in the next five years. Mr. Sawyer stated that he would like to see some of TRPA's mitigation fees to go into the STPUD service area because, especially in El Dorado County, there is a great deal of remedial erosion control to be done. Mr. Sawyer suggested to amend the Goal #5, Policy 1 narrative: This policy continues the water quality mitigation funds established as part of TRPA's 1981 amendments to the Lake Tahoe Basin Water Quality Management Plan. The fee schedules and distribution formula shall be reviewed and revised as necessary to promote the objectives of the Regional Plan.

Ms. Bogush pointed out the problem with this amendment is that the people who get charged the mitigation fees like to know where the fees are going and they like it to benefit their property. Ms. Bogush explained currently there is a problem with the Tahoe Keys Homeowners Association and there are two opinions with this issue. One is that it should be spent in the same watershed association; another, is that it should be spent right in the Keys, and there is a very strong feeling of the Homeowners Association that they want to see the results of their money in their area because it benefits their property.

Mr. Curtis commented that the staff has already done something along this line on some projects where part of the mitigation fee was used to extend a retaining wall along a couple of adjacent properties, and in lieu of the fees going to Washoe County, for example, it is going right along the same street. Mr. Curtis pointed out that what Mr. Sawyer was proposing would be somewhat different than what the TRPA is already doing with the mitigation fees. Mr. Curtis stated that he agreed with Mr. Sawyer, that there are other erosion problems, but he felt that money received from other sources could be funneled into those.

Mr. Sawyer clarified that his amendment did not commit the Agency to any particular distribution formula and at the point where it is adopted it can be based on where the permits are transferred to, where the permits are transferred from, or where the money can be best spent. Mr. Sawyer stated he was concerned that the way the policy is written now, keeping the existing mitigation fee structure in place, we would be committing the funds for each local jurisdiction. That would mean El Dorado County and the City of South Lake Tahoe would not receive any mitigation fee monies. Mr. Sawyer further stated that when the time comes he will push to say that they should get some of those funds, because it is very important to his agency to get a local match for grant funds.

Mr. Sawyer commented that there is a lot of money sitting from the Tahoe Keys that could be released to get some erosion control projects going and the problem is the homeowners view them as their funds for their amenities, instead of as a water quality fund, and they are proposing projects that are not a high priority from a water quality standpoint. Mr. Sawyer pointed out that we could get a lot of work done if we treated those funds as water quality funds instead of homeowner funds, and that his amendment would allow flexibility.
MOTION by Mr. Sawyer, with a second by Mr. Milam, that the APC recommend to amend Goal #5, Policy 1 narrative: This policy continues the water quality mitigation funds established as part of TRPA's 1981 amendments to the Lake Tahoe Basin Water Quality Management Plan. Amended by Ms. Bogush, and agreed to by Mr. Sawyer and Mr. Milam that: The fee schedules and distribution formula shall be reviewed and revised, consistent with Part II of this plan, as necessary to promote the objectives of the Regional Plan. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Michael, Ms. Bogush, Mr. Harper

Nayes: None

Abstain: None

Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Poppoff

Page 113 - Amend Policy 2, by deleting the word 'commercial'.

Financing

There were no amendments/revisions to Goal #1, Policies 1 through 4 or Goal #2, Policies 1 through 3.

Page 116 - Amend Goal #3, Policy 1: Local units of government, state transportation departments, the U.S. Forest Service and other agencies shall be responsible for carrying out capital improvements for water quality, with the oversight of the TRPA. Funding assistance from regional revenue sources shall be made available to local governments.

Amend last five lines of the narrative: Caltrans, NDOT, and the Forest Service. The utility districts also have capital improvement programs related to water quality, but the Capital Improvements Program does not discuss these in any detail. The TRPA, through its financial program, shall develop means of assisting local governments with funding.

There were no amendments/revisions to Goal #1, Policies 1 through 3.

Monitoring and Evaluation

Page 117 - Amend introduction: The monitoring and evaluation subelement serves three functions. First, it establishes performance targets, of which attainment or non-attainment trigger planning and implementation of contingency provisions necessary to attain the goals set forth in the Regional Plan.

Page 118 - Amend Goal #1, delete "action within the development management system" and add development and implementation of contingency provisions.
Goal #1, change Policy 3 to 4, delete "at five-year intervals" and amend: Based on degree of success in meeting performance standards, and the results of a detailed monitoring program, the TRPA shall make adjustments in the Regional Plan, following implementation of the contingency plan.

Add Policy 3: Contingency plan to be implemented based upon the degree of success in meeting the performance standards. Narrative: TRPA shall develop and implement a contingency plan containing measures consistent with the Goals and Policies of the Regional Plan and the Plan Reference Documents contained in Part IV. The degree of shortfall in meeting performance standards necessary for implementing the contingency plan shall be determined by TRPA.

Amend Goal #2, narrative 4th paragraph, third sentence: Therefore, process-oriented studies should be carried out during the first phase of the plan implementation to evaluate existing and proposed management practices.

Add New Policy 8. Establish policies for scientific peer review of monitoring programs and special studies. Narrative: TRPA shall establish a peer review panel or panels, comprised of persons with scientific or technical expertise, to review studies of cause-effect relationships and monitoring programs.

Goal #3 - Air Quality Change 4. VMT's and trips Add new 5. - Annual microscale analysis. (This analysis is called for in the EPA Technical Support Document on the Tahoe Basin Air Quality Plan.)

Renumber accordingly - change 5 to 6; change 6 to 7.

Goal #3 - Water Quality add to the end of line 2 and biomass. Delete the "and" and add and suspended sediment.

Goal #3 - Transportation Element 1. Level of service at key locations (or ratio of traffic volume to capacity) and speed improvements.

Add 3. Determination of satisfying Basic Transportation Needs (BTN). (This determination is called for in the EPA Technical Support Document on the Tahoe Basin Air Quality Plan.)

Goal #3 - Public Services and Facilities Element Add 9. Assess the amount of commercial availability; vacancy rate; Socio-economic assessment to be determined.
MOTION by Ms. Michael, with a second by Mr. Randolph, that the APC recommend to the Governing Board to adopt the Implementation Element as amended. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Hansen, Ms. Michael, Mr. Harper
Nayes: Ms. McMorris, Mr. Curtis, Ms. Bogush
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Popoff

MOTION by Mr. Sawyer, with a second by Mr. Hansen, that the APC recommended approval of the plan that is the sum of each of the six elements subject to: (1) the APC previously adopted motion recommending deferral of the Plan Area Statements and (2) Attachment A, Staff Recommended Land Use and Management Designations for Planning Areas, and Attachment B List of Permitted uses in Tahoe Regional Planning Agency Land Use Classifications, be deferred for further consideration as part of the Planning Area Statements. The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Mr. Hansen, Ms. Michael, Mr. Harper
Nayes: Ms. McMorris, Mr. Curtis, Ms. Bogush
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Popoff

C. Regional Plan Environmental Impact Statement, Determination of Technical Adequacy

MOTION by Mr. Randolph, with a second by Mr. Combs, that the APC recommend to the Governing Board certification of the Environmental Impact Statement for adoption of the Regional Plan for the Lake Tahoe Basin and the September, 1983 Response to Comments, including the List of Commenters Addendum to that response dated September 21, 1983, as technically adequate in disclosing the environmental impacts of the Regional Plan adopted by the Advisory Planning Commission on this date. Certification of that document does not constitute a certification as being adequate for any other plan that may be implemented or adopted by the Governing Board on a subsequent date.

Ms. Michael proposed an amendment to the motion that adoption of the EIS is technically adequate for our plan, but it did not address the issue of vested rights, and the APC should not endorse the concept that each vested right lot will be handled as a TDR. Mr. Barrett explained that the EIS has to address thresholds, how they relate to the Plan and show compliance. Mr. Sawyer suggested language for the proposed amendment that it is based on the condition that the EIS is adequate for the Plan as recommended by the APC, and based on the assumption that if settlement of litigation results in the approval of major projects not previously evaluated in the EIS, the Regional Plan will be amended to take those impacts into account. Both Mr. Randolph and Mr. Combs agreed to the amendment.
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Ms. Bogush commented that there had been a great deal of discussion during the EIS process about socio-economic impacts, and based on those impacts, the Governing Board hired a consulting firm to perform an analysis. Ms. Bogush suggested that the analysis should be included in the EIS and she would support the motion with the amendment that the socio-economic impact analysis be included. Both Mr. Randolph and Mr. Combs agreed to the amendment.

The motion carried on the following vote:

Ayes: Mr. Milam, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Rosse, Mr. Hansen, Mr. Curtis, Ms. Michael, Ms. Bogush, Mr. Harper

Nayes: Mr. Sawyer, Ms. McMorris

Abstain: None

Absent: Mr. Renz, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Mr. Popoff

Chairman Harper agreed that he would attend the Governing Board meeting on October 13, 1983 representing the APC and convey the APC's recommendations on the Regional Plan EIS.

Mr. Barrett commented that the point review system needed to be defined and that a subcommittee should be formed to assist in putting the system together prior to the November meeting. Mr. Combs stated that he would supply written comments and tentatively attend the meeting. Mr. Hansen and Mr. Curtis volunteered to work with staff, and Mr. Sawyer stated that if he was unable to attend he would see if someone from Lahontan could attend in his place.

D. Regional Plan Adoption Ordinance

There was no discussion.

V ADMINISTRATIVE MATTERS - None

VI REPORTS

A. Staff Reports - Final Report of the Urban Land Institute Regulatory Advisory Service Panel

The APC received copies in their packets from ULI's Final Report but only discussed them briefly during discussion of the Implementation Element.

B. Public Interest Comments - None

C. APC Members - None

VII RESOLUTIONS - None

VIII CORRESPONDENCE - None
IX PENDING MATTERS - None

X ADJOURNMENT

The meeting adjourned at 4:45 p.m. This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

Mary Dailey
Secretary II
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

November 9, 1983
9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Acting Chairman, Bill Combs called the meeting of the Advisory Planning Commission to order at 9:50 a.m.

APC Members Present: Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Ms. McMorris, Mr. Hansen (arrived at 10:10 a.m.), Mr. Curtis, (arrived at 12:30 p.m.), Mr. Popoff, Ms. Temple, Ms. Bogush (arrived at 11:15 a.m.)

APC Members Absent: Mr. Renz, Mr. Sullivan, Mr. Pyle, Ms. Michael, Mr. Harper

It was noted that a letter dated November 8, 1983 was received from El Dorado County Board of Supervisors Chairman, Thomas L. Stewart authorizing Elizabeth Temple, Associate Planner to represent the county at the APC meetings and extended full voting powers to Ms. Temple in the absence of Ken Milam, Planning Director.

II APPROVAL OF AGENDA

Mr. Combs stated there was a request to move item IX, Pending Matters, up to the first item on the agenda in order to accommodate the hearing on the Kings Run Environmental Impact Statement. Mr. Combs explained the intention of the presentation was to limit the discussion to thirty minutes and that the APC would not take any action, but rather listen to further testimony, and defer action at this time.

Greg George, Chief of Project Review further explained that at the request of the applicant, the chairman agreed to put this on the agenda as the first item due to the length of the agenda.

Jim Bruner, Executive Officer of the League to Save Lake Tahoe, stated that he believed that all of the Planning Matters scheduled on the agenda were paramount to the Kings Run EIS. Mr. Bruner also stated that he did not see anything scheduled on the agenda mentioning a development application. Mr. Bruner thought that the agenda should be adhered to, especially when matters on adoption of the Regional Plan were significantly late, and he suggested that the APC move forward with the planning matters as scheduled.

Michael Langs, Attorney representing the applicant, suggested that a brief presentation would only take 10-15 minutes. Mr. Langs pointed out that the EIS process was started as a result of discussions since February, 1983. Mr. Langs stated that the application was 99 percent complete with the environmental document, but the applicant was seeking direction from the APC at this meeting to finalize it and bring it back to the APC in December.

- 1 -
Mr. McMullen commented that if Mr. Harper had made a commitment to the applicant, then the matter was one of courtesy to the applicant.

MOTION by Mr. Hoefer, with a second by Mr. Sawyer, to approve the agenda as amended. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel
      Mr. Sawyer, Mr. Dodgion, Ms. McMorris, Mr. Popoff, Ms. Temple,
Nayes: None
Abstain: None
Absent: Mr. Renz, Mr. Sullivan, Mr. Pyle, Mr. Hansen, Mr. Curtis,
        Ms. Michael, Mr. Bogush, Mr. Harper

IX PENDING MATTERS

Kings Run Phase II Environmental Impact Statement

Mr. George briefly explained the status of the Kings Run Phase II EIS and that the comment period ended on November 7, 1983. Comments were received and staff had planned to bring it to the APC for action at this meeting, but primarily out of courtesy to the APC the process had been extended for thirty days so there would be time to respond to the comments received. Mr. George stated that the final Kings Run EIS would be brought back to the APC in December, and would be scheduled for the December Governing Board meeting. Mr. George also explained that the Governing Board adopted a motion at their last meeting that restricts the staff from considering and approving any projects between now and when the Plan Area Statements are adopted, other than single family dwellings which would affect this project. Because this is involved in a litigation settlement the staff prepared a processing procedure for the Governing Board to consider this project and the EIS before the Plan Area Statements are adopted.

Anders Hauge, QUAD Consultants, stated that the comments received from the State Water Resources Control Board and the California Regional Water Quality Control Board Lahontan Region dealt with the California Environmental Quality Act (CEQA). Mr. Hauge pointed out that the letter received from Lahontan stated that the general scope and content of the EIS appeared adequate to satisfy CEQA requirements for the content of an Environmental Impact Report (EIR), but before the Regional Board can adopt waste discharge requirements for this project, it must find that an adequate environmental document has been prepared, circulated, and certified in compliance with CEQA. Mr. Sawyer commented that procedurally that was the one problem and CEQA does not address the possibility of using an EIS prepared and circulated under the requirements of the bi-state TRPA Compact instead of preparing and circulating an EIR. But an EIS may be used only where the State agency determines that it meets the requirements of CEQA. Before the final EIS for Kings Run is certified, a clear understanding should be reached with the Lahontan Regional Board as to whether and how the document may be used to satisfy the requirements of CEQA.

III DISPOSITION OF MINUTES

Mr. Combs stated that if the APC members agreed, he would like to defer action on the minutes since there were a number planning issues that needed to be addressed.
IV PLANNING MATTERS

A. Regional Plan Update and Matters Relating Thereto

1. Schedules, Milestones

Gary Midkiff, Acting Executive Director, stated that it was anticipated that the Governing Board would proceed with the first and second reading of the adopting ordinance at their November and December meetings and that staff could then proceed with conducting public hearings on the Plan Area Statements.

David Ziegler, Chief of Long Range Planning, presented a tentative time schedule on the following items, listed on the agenda, for the next six months: (1) Goals and Policies, (2) adopting ordinance, (3) Plan Area Statements and public hearings; (4) the land capability and stream environment zone maps and revisions; (5) first and second reading for the implementing ordinances; (6) first and second reading for 208 Plan Amendments; (7) public participation - news media and newsletters; and (8) implementing programs which consist of the (a) Best Management Handbook revisions; (b) financing program; (c) capital improvements program; and (d) monitoring and evaluation program.

Mr. Midkiff clarified that public hearings will be conducted on the Plan Area Statements and that the Governing Board would most likely adopt them during the public hearing process as interim policy guidelines for reference purposes. If there are any changes or amendments to the Plan Area Statements the Governing Board will then adopt them. Mr. Midkiff further clarified that the Governing Board’s direction during the interim period between adoption of the Regional Plan and final adoption of the Plan Area Statements and implementing ordinances, was that single family projects in the pipeline and emergency projects would be the only projects that would be processed for review. Regarding concern that there may need to be additional hearings on some of the Plan Area Statements in the spring/summer and perhaps beyond in specific plan areas, Mr. Midkiff explained that there will be a provision for extension of the adopting deadlines.

2. Adopting Ordinance

The APC received a draft of the adopting ordinance, dated October 17, 1983, in their packet, but Mr. Midkiff explained that it was being revised and that the APC would receive copies of a another draft prior to adjournment. Mr. Midkiff suggested that the APC could discuss this item at that time.

3. Single-family Residence Evaluation System

Gordon Barrett, Principal Planner distributed copies of the point system for evaluating proposals for development of single family dwellings. Mr. Barrett explained that the alternatives were presented to the Governing Board and they selected Alternative 5, Pass/Marginal - Pass/Fail. This alternative is an individual lot rating system where each lot will be subject to evaluation and will be rated/scored on: (1) environmental criteria - (a) land capability (mapped and verified), (b) slope of area, (c) access, (d) soil characteristics -
rockiness/vegetation, (e) hydrologic factors; (2) area sub-division criteria - (a) general subdivision elements, (b) level of improvements; (3) site design criteria, and (4) off-site mitigation. Mr. Barrett also outlined examples of typical lots and the rating factors.

Mr. Bruner, on behalf of the League to Save Lake Tahoe, commented that no matter how hard staff tries the name of the game is development, it's not protection of environmentally sensitive areas and they have indicated that they are going back to revise the soils elements. Staff could create a system that did not allow any 3's to pass; they could create a system that did not allow 4's to pass; or they could create a system that even allows 1's to pass, depending on the number of points that has been created, and the League to Save Lake Tahoe believes that is wrong. Mr. Bruner urged that the APC should stand by their recommendation and make a substantial statement to the Governing Body that they have made a critical error, and that the Board should reconsider the recommendations so that business is not continued as usual while the only thing guaranteed in the Plan would be development. The APC should consider, at least for the first 5 years, to stand by their recommendation and make a strong statement to that effect.

Mr. Bruner further commented that this system is not just for three years; that recent past history has shown that as a result of commitments made on the threshold adoption, the case-by-case review system, which was to be an exception to the prohibition on environmentally sensitive lands, got broader and broader and did not consider, at one point, entire subdivisions, just portions of subdivisions. The time period was extended at least once, possibly twice, and Mr. Bruner stated he believed that this will not last just for three years; this will continue to be in existence; the votes were there to start it and the votes are going to be there to continue it. Mr. Bruner indicated that the monitoring information will not be available in three years which indicates and tells you that you should stop this program. Mr. Bruner stated that the motion made by the Board was to base the ratings of the lots on environmental characteristics, but instead we are talking about someone who has a land capability with a 1, 2, or 3 that fails who can actually buy enough points to get into that area. Mr. Bruner further stated that he did not think the environmental characteristics alone will be the driving force of this plan; it is clearly a change in the land capability system to one of development suitability based upon the staff devising a system with the understanding of where the votes were on the Board at the last meeting. Mr. Bruner acknowledged that the APC did decide for the first 5 years to protect the environmentally sensitive lands. What is happening now is a contrivance of the land capability system which will not help Lake Tahoe's water quality and is a basic retreat. Mr. Bruner commented that the geographical placement of subdivisions within the subdrainage should be looked at as many of the subdivisions are right on the Lake's edge. Mr. Bruner pointed out that one of the major portions of the land capability system was to allow land outside of that being developed to buffer, whether it be from roads or individual building sites. Mr. Bruner suggested that geographical placement of subdivisions on the ground should be a rating factor; a subdivision that is close to the Lake, or one that is close to a stream, or one that is in a critical drainageway, obviously should not get as many points. Mr. Bruner stated that he was pleased with that portion of the Plan. The APC's technical planning recommendations should be the driving force on determining whether they make a statement to the Board to that effect.
Nora Shepard, Associate Planner, pointed out that staff was directed by the Governing Board to prepare a draft point evaluation system and that the APC's technical input was important. Staff recognizes the APC's concerns that some of their recommendations to the Governing Board may not have been acknowledged or may have been overturned, but their efforts and assistance will be needed to continue working through the process.

2. Adopting Ordinance

The APC received copies of the latest version of the draft adopting ordinance amending the Regional Plan dated November 3, 1983. Mr. Midkiff noted that only some minor changes were made to the ordinance, and Mr. George summarized the findings and provisions pertaining to the [79] pending applications, and the amendments.

The APC suggested recommendations to the draft amending ordinance:

Section 1.16: add implementation element to the list of elements

Section 2.20: amend title Reference Documents to be Consistent With the Regional Plan

The following documents are a part of the regional plan. Said documents may be used when necessary for interpretation of the regional plan. In the event of an inconsistency or conflict between any said document and the regional plan, said plan, to the extent that it is more stringent than the following documents prevails.

Section 2.20: remove reference documents (1), (2), and (4);

Add Section 2.21 which notes what the existing 208 Plan and federal air quality nonattainment plans are and designating the status. The 208 Plan and the Air Quality Plan as approved at a particular time prevail to the extent they are more stringent than the Regional Plan. The following documents are federally enforceable through final actions by the Environmental Protection Agency:

List reference documents:


(4) add the California and Nevada earlier versions of the air quality plan.
MOTION by Mr. Hansen, with a second by Mr. Popoff, that Section 2.20, Reference Documents of the Adopting Ordinance remain as written in the draft of November 3, 1983. Amended by Ms. Sparbel that other reference documents are not excluded. The amendment was agreed to by Mr. Hansen and Mr. Popoff. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Hansen, Mr. Curtis, Mr. Popoff, Ms. Temple, Ms. Bogush
Nayes: Mr. Randolph
Abstain: None
Absent: Ms. Michael, Mr. Renz, Mr. Sullivan, Mr. Pyle, Ms. McMorris (left at 12:30 p.m.), Mr. Harper

Section 2.20: (2) add plus the Addendum;

Section 2.20: add the Peat, Marwick, Mitchell Financial Study Report to the list of reference documents;

Section 3.10: could combine (a) and (b) by adding inorganic nitrogen; and after Lake Tahoe, add and its tributaries;

new (b) add: Uniform Runoff Guidelines - specific finding (81-208 Plan)

Section 3.10: amend (m) by adding Adverse affect significant wildlife habitat;

Section 3.10: amend (n) by adding Adverse affect prime fish habitat in Lake Tahoe;

Section 3.10: define language in 8.(s) further;

Section 3.20: suggested language will be prepared by staff and explained to the Governing Board: except for subparagraph 1 of Section 3.10. Add to the other subparagraphs shall expire upon the adoption by the TRPA Governing Body.

Section 4.00 suggested that the Governing Board consider the pipeline applicant as someone who had a valid application for the random selection process (in Placer County) during 1983 on September 1, and that those people continue on into the 1984 processing under whatever rules that the Agency devises for those people.

Further discussion on Section 4.00 was deferred until the APC received copies of the Alternatives Paper for El Dorado and Placer Counties 1983 Allocations and had a chance to review it.

4. Planning Area Statements Issues

There was no further discussion on this item.
5. Transfer of Development Rights Policies

Mr. Ziegler explained that with the assistance of the fiscal/financial consultant, Peat, Marwick, and Mitchell, staff was able to model various TDR scenarios to determine if the draft TDR policies result in feasible projects. The staff modeled two scenarios for residential projects incorporating transfer of density. With the 2:1 density bonus, both projects appeared to be feasible from an investor's perspective. In the area of commercial projects incorporating transfer of coverage, the staff had not yet modeled a scenario that was feasible from an investment standpoint. Mr. Ziegler presented additional examples and analysis for the APC to consider and he stated that it was his feeling that not enough of them had been modeled to pinpoint the policies that needed to be included in an ordinance, but staff will continue to analyze this subject area. Mr. Ziegler suggested that the APC accept the TDR policies that they have already reviewed as being close enough to go on with the development of the ordinances, and during development of the ordinances staff can continue to run more scenarios and sensitivity analyses to further pinpoint the policies.

The APC received copies of the Alternatives Paper on El Dorado and Placer Counties 1983 Allocations. Mr. George explained that there were two allocation drawings held for 1983 for the portion of El Dorado County within the Basin and the City of South Lake Tahoe. On September 27, 1982, 75 allocations were drawn and on September 8, 1983, 299 allocations were drawn. Between the time the Compact limitations expired on May 1, 1983 and before the August 26, 1983 TRPA resolution preventing acceptance of new applications, 9 applications for single family residences were accepted by the CTRPA. These 9 applications were not included in either drawing and the total number of potential building permits in El Dorado County is 383. The Compact limited the number of residential building permits that could be issued in El Dorado County and the City of South Lake Tahoe in 1980, 1981 and 1982 no more than 252 per year. For the period of January through April, 1983, the limit was one-third of 252.

Mr. George further explained that Placer County also had two allocation drawings for 1983 permits. Including 13 holdovers from 1982 drawings, Placer County drew a total of 278 allocations. The limitation for Placer County in 1980, 1981, and 1982 was 278 per year, and one-third of that number in 1983. The number of residential building permits in Placer County was not exceeded as set forth in the Compact.

Mr. George stated that staff identified and analyzed four alternatives for the Governing Board to consider, based on the assumption that applications submitted after August 26, 1983 must be reviewed under the standards and regulations contained in the amended plan and cannot be reviewed under the standards and regulations existing prior to August 26, 1983. Alternative A - Process the 24 pending applications and the 551 allocations without pending applications under the provisions of the amended plan and count them against the allocation limitations set forth in the amended plan. Alternative B - Process the 24 pending applications in accord with the ordinances and regulations in existence as of August 25, 1983. Process the 551 allocations without pending applications under the provisions of the amended Plan and count them against the allocations limitations set forth in the amended plan. Alternative C - Process the 24
pending applications as set forth under Alternative B. Process the 551 allocations without pending applications under the provisions of the amended plan but count them against the yearly allocation limitations set forth in the TRPA Compact for each county. The total number of allocations drawn by Placer County (278) is consistent with the 278 limit set forth in the TRPA Compact. However, in El Dorado County and in the City of South Lake Tahoe, a total of 374 allocations were drawn, plus the 9 applications not included in the allocation system. The total number of permits that could be issued in this area is 383; where, the yearly allocation limitation in the TRPA Compact for this area is 252. The remaining 131 allocations could be counted against the 650 being considered in the amended plan. This approach would reduce the allocations available in El Dorado County under the allocation system by 131. Alternative D—Since the TRPA Compact limitations had expired when the 299 allocations were drawn by El Dorado County and the 9 applications accepted by the CTRPA, the allocations in excess of the Compact limitations could be processed and not counted against the allocation limits set by the amended plan. Mr. George also stated that based on the assumption that the intent of the TRPA Compact was to limit the number of permits issued for single family houses pending adoption of the amend Plan, Alternative C was the most consistent with this intent. All but 131 allocations would fall under the Compact limitations, and these 131 would be accounted for under the amended Plan.

Mr. Midkiff added that what was not addressed in the alternatives paper was land capability; whether the existing prohibition of 1's, 2's and 3's on the California Side of the Basin would apply. He stated that it has been suggested that it would, and that only land capabilities 4-7 would be permitted to proceed through the process because under the 208 Plan as will probably have to be the case until the 208 Plan is amended.

MOTION by Mr. Sawyer, with a second by Mr. Randolph, that the APC recommend to the Governing Board that Alternative C, for El Dorado and Placer Counties, be approved, subject to the proviso that any project on land capability 1-3 could not proceed pursuant to Alternative C and would have to be processed under subsequent year allocations. The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Curtis, Mr. Popoff
Nayes: Mr. Dodgion
Abstain: Ms. Temple
Absent: Mr. Renz, Mr. Sullivan, Mr. Pyle, Ms. McMorris, Mr. Hansen, Ms. Michael, Ms. Bogush, Mr. Harper

6. Implementing Ordinances

Mr. Midkiff reported that staff was still in the process of drafting revised/new implementing ordinances. These ordinances will be brought to the APC in December for review.
7. Other

The APC received copies of the latest draft dated November 4, 1983 of the Land Use Element, the Soils Subelement and the Implementation Element, which staff had redrafted sections based on Governing Board actions at their October, 1983 meeting.

V ADMINISTRATIVE MATTERS - None

VI REPORTS

A. Staff Reports - no further reports

B. Public Interest Comments - none

C. APC Members

Mr. Sawyer reported that the $10 million under the Burton-Santini bill had been approved for land purchase, $3 million for erosion control.

Mr. Randolph asked what the status was regarding projects with negative declarations that the APC will be able to see what is being processed. Mr. Midkiff responded that staff will provide a list and report to the APC on any projects with negative declarations. If there are any that APC feels should be reviewed the negative declaration will be brought to the APC upon request.

VII RESOLUTIONS

The APC directed staff to prepare a draft resolution for Philip Overeynder.

VIII CORRESPONDENCE - None

IX PENDING MATTERS - No further pending matters.

X ADJOURNMENT

The APC meeting adjourned at 4:30 p.m.

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

Respectfully submitted,

Mary Bailey
Secretary II
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

December 14, 1983
9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 9:40 a.m.

APC Members Present: Ms. Temple, Mr. Renz, Mr. Combs (arrived at 9:55 a.m.), Mr. Randolph, Mr. McMullen (arrived at 9:45 a.m.), Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Hansen (arrived at 9:55 a.m.), Mr. Curtis (arrived at 11:00 a.m.), Mr. Poppoff, Ms. Michael, Ms. Bogush (arrived at 10:05 a.m.), Mr. Harper

APC Members Absent: Mr. Sullivan

II APPROVAL OF AGENDA

There were no changes to the agenda.

III DISPOSITION OF MINUTES

July 13, 14, 1983 - On Page 14, July 14, 1983 minutes amend the APC members present to reflect that Mr. Sawyer was present for the first 15 minutes of the meeting and that Mr. James was present after Mr. Sawyer left the meeting.

August 4, 5, 1983 - On Page 20, August 5, 1983 minutes amend the first paragraph: As a point of order, Mr. Sawyer noted that he voted for the motion to recommend approval of this subelement of the plan with the understanding that his previously noted intention to abstain on the issue of the water level in Lake Tahoe was recognized.

August 10, 11, 1983 - No changes to the minutes.

August 17, 1983 - No changes to the minutes.

September 8, 1983 - No changes to the minutes.

MOTION by Mr. Hoefer, with a second by Mr. Poppoff, to approve the APC minutes of July 13 and 14, 1983, as amended; August 4 and 5, 1983, as amended; August 10 and 11, 1983 with no changes; August 17, 1983 with no changes; and September 8, 1983 with no changes. The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Renz, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel (September 8, 1983 minutes only), Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Poppoff, Ms. Michael, Mr. Harper

Nayes: None

Abstain: Ms. Sparbel (July and August minutes since she was out of the state and she did not attend the APC meetings during those months.)

Absent: Mr. Combs, Mr. Sullivan, Mr. Hansen, Mr. Curtis, Ms. Bogush
IV PLANNING MATTERS

A. Regional Plan and Matters Relating Thereto

1. Staff/APC Draft of Adopting Ordinance

Gary Midkiff, Acting Executive Director, stated that the draft adopting ordinance, dated November 16, 1983, incorporated the changes that were recommended by the APC at the last meeting.

Mr. Harper expressed concern with the language in the last three lines in Subsection 1.18, as written. Since some of those thresholds are apparently being exceeded at this point, he asked does that not potentially create a legal problem limiting approval of any projects? He suggested adding language that a project would not substantially impede the progression of achieving those thresholds.

Mr. Sawyer stated that he would prefer to leave the language of Subsection 1.18 as it was written, since it was verbatim language of the Compact, and he pointed out that the key phrase was 'will not cause'. Mr. Sawyer stated that the fact that the thresholds are presently being exceeded does not mean that any particular project approval is the cause of that excess; the question is will it make matters worse or will it impair efforts to obtain it? Mr. Sawyer suggested that the APC's attention should be devoted to the specific findings, rather than try to find another word or group of words that better reflects the term 'cause'.

Mr. Randolph stated that he would be very reluctant to modify the ordinance to say something different than the Compact language.

Mr. McMullen commented that the language contained in Subsection 1.18 addresses Mr. Harper's concern since this ordinance prescribes specific written findings to ensure that the project under review will not adversely affect implementation of TRPA's Regional Plan, as amended. Mr. McMullen suggested to end the sentence after the word 'amended'.

Mr. Sawyer suggested to defer amending Subsection 1.18 until the APC considers discussion of the actual language in Subsection 3.10 of the ordinance and the specific findings and requirements listed.

Mr. Harper stated that if this issue could be raised with legal counsel and have an addendum presented to the Governing Board he would feel more comfortable with the situation. Mr. Harper also pointed out that in Subsection 1.28(3) he had the same concern with the language.

Larry Hoffman, Tahoe Sierra Preservation Council, questioned whether it was the intent of Subsection 2.13 and the introductory paragraph of 2.10 to adopt the maps as an official part of the plan by this ordinance, or if the maps are to be adopted as part of the plan? He also asked if the maps had gone through a public review process or if the intent was to incorporate them as another reference document?

Mr. Pyle stated that there was a need to have the official maps identified and made available to the public, APC, and the Governing Board.
Mr. Midkiff responded that the Plan Area Maps, which will be used for reference purposes and policy guidance, are still subject to public hearings and formal finalizing that will be scheduled after the first of the year. The remainder of the maps have been used at one time or another in the development of the Regional Plan process and explanation of the various elements of the Plan for the Governing Board. Mr. Midkiff clarified that the official maps have been specifically titled, with the adopting date, so that the problem of which maps are the official maps will not arise in the future. Mr. Midkiff stated that staff would provide the maps and reference documents to the APC during the meeting so that they could discuss them in further detail if they wished.

Gordon Barrett, Principal Planner, added that the reference maps were used during the threshold study process and that the maps were reduced for use in the EIS for the Regional Plan.

Mr. Hoffman stated that since there were a number of maps which were new (Land Capability and Stream Environment Zone Maps, prepared in July, 1983; Historical Site Maps, prepared in July, 1983), that local governments, in connection with review of the Plan Area Maps and Plan Area Statements, may want to look at the changes that have taken place in land capabilities and stream environment zones, in addition to the historical site maps. Mr. Hoffman suggested to reference the maps as being the basic maps for the time being, but scrutinize the maps and subject them to a public hearing process and state that they will be adopted as part of an implementation ordinance.

David Ziegler, Chief of Long Range Planning, responded that the APC should consider what kind of comments would be appropriate on the maps, what kind of comments they would be looking for from the public, APC member or Governing Board member. Mr. Ziegler pointed out these are not political decisions or matters of opinion; they are matters of fact and, therefore, the APC should consider what type of person should be making comments and what type of comments would be appropriate. Mr. Ziegler stated that it was his opinion that the maps should be adopted as part of the Regional Plan and not put off. He explained that the maps are interwoven in the Plan with the point system which is based on mapped capability, and determinations on piers are based as to whether they are in prime fish habitat or prime spawning habitat areas.

Mr. Sawyer agreed that the maps should be adopted and can be amended through the challenge process. Because of the concern addressed with the Plan Area Maps, Mr. Sawyer suggested to add a statement to Subsection 2.14 that the Plan Area Maps are adopted for policy guidance and will be updated on the basis of pending public input.

The APC agreed to defer further discussion on the Regional Plan Maps until they had the opportunity to review the maps in detail.

Mr. Harper commented that in Subsection 3.10(8) he had the same concerns with the language as previously noted.

Concern was raised with Section 3.00, Article V(g) Findings for Project Review Pending Adoption of the TRPA Regulatory Code, that the amount of findings seemed excessive for an emergency project. Mr. Midkiff clarified that the intention
was to ensure that until the Agency has a complete code of ordinances and a specific list of Article V(g) findings as required by the Compact, that the Agency only approve those types of projects which would not create the kinds of problems specifically dealt with in the list of findings. Referring to Subsection 3.10(8)(s), Mr. Midkiff stated that if there are provisions in the adopting ordinance, this policy as programmed is designed to mitigate the impacts that would result from such a project that is an emergency and the Agency would have the ability to approve such a project.

Mr. Barrett added that it was legal counsel's opinion that in order to approve a project under the new plan a very specific list of findings would be needed, particularly with the thresholds. Mr. Barrett pointed out that every threshold item was listed in the findings, because if the Agency has to go to court legal counsel will have substantial documented evidence that all of the thresholds were considered.

Mr. Sawyer proposed language to amend Subsection 3.10(8)(s) as reread by Mr. Midkiff that in lieu of any of the specific findings listed above, the Agency finds that the project complies with the provisions of an adopted ordinance, policy, or program which the Agency has found to assure attainment of the environmental threshold carrying capacity which the specific finding has been designed to ensure will not be exceeded.

Mr. McMullen commented that the critical feature should be conformance with the Regional Plan and whether or not it is jeopardized, rather than talking about whether or not the thresholds are exceeded. Mr. McMullen also commented that the main concern should be whether or not we going down the right track with the Regional Plan, and once we are going down it that we are not derailed. Mr. McMullen stated that the Compact has language which relates to a point where in fact we are in achievement with the thresholds or on track to achieve those thresholds, and relates to the Regional Plan. Mr. Midkiff responded that the adopting ordinances is a portion of the Plan and as a portion of the Plan the Agency has to make sure that in the implementation of the Plan the thresholds are met and maintained. Mr. McMullen suggested that specific language should added to certain sections of the ordinance which relates exceeding the thresholds to implementation in accordance with the Regional Plan.

Mr. Sawyer suggested that findings for emergency applications be separated by direct and cumulative impacts. For direct impacts, if they are in and of themselves going to prevent attainment of the thresholds, a project will be out. He also suggested to put together findings for the cumulative impacts and a requirement for mitigation if a project is going to significantly affect the threshold, so that genuine emergencies are not blocked solely on the basis of cumulative impacts that can be mitigated.

Ms. Sparbel suggested amending the language in Subsection 3.10: Pursuant to Article VI(g) of the Compact, TRPA shall consider the following prior to approving any project in the region referred to in Subsection 4.10(2).

Mr. Harper suggested that a clearer definition of "emergency" was needed in Subsection 4.11, and Ms. Temple also agreed that the definition of "emergency" needed to be expanded to emphasize the immediacy of any kind of problem. She suggested amending the sentence: "Emergency" as used in subsection 4.10 refers exclusively to a project involving immediate threat to the public health, safety and general welfare.
MOTION by Mr. Sawyer, with a second by Mr. Hoefer, that the APC recommends to amend Section 3.00(8)(d): Result in long term disturbance within a naturally functioning stream environment zone. Replace subparagraph (s) as subparagraph (9) substitute language with the following: If for an emergency project any of the above listed findings of this subparagraph cannot be made the Agency may instead find (1) that the individual impacts of the project will not cause the adopted environmental threshold carrying capacities to be exceeded, and (2) that a mitigation program is required as a condition of project approval that will insure that the cumulative impacts of the project will not cause the adopted environmental threshold carrying capacities to be exceeded. Renumber (9) as (10) and add the following: That in lieu of any of the specific findings listed above the Agency finds that the project complies with the provisions of an adopted ordinance, policy, or program which the Agency has found to assure attainment of the environmental threshold carrying capacity for which the specific finding has been designed to insure will not be exceeded.

Ms. Bogush proposed an amendment to the motion, the following becomes a third alternative under Section 3.00(9): (3) That in lieu of any of the specific findings listed above the Agency finds that the project complies with the provisions of an adopted ordinance, policy, or program which the Agency has found to assure attainment of the environmental threshold carrying capacity for which the specific finding has been designed to insure will not be exceeded. The amendment was agreed to by Mr. Sawyer and Mr. Hoefer.

The motion failed on the following vote:

Ayes: Ms. Temple, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Popoff, Ms. Bogush
Nayes: Mr. Renz, Mr. Combs, Mr. McMullen, Ms. Sparbel, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Michael, Mr. Harper
Abstain: None
Absent: Mr. Sullivan

MOTION by Mr. McMullen, with a second, that the APC recommends to delete Section 3.00 and substitute language under Subsection 4.30, Standards for Review of New Applications, pursuant to the findings required by Article V(g) of the Compact.

Mr. Sawyer pointed out that this motion did not comply with the Compact requirements for findings for approving a project, therefore, emergency projects could not be approved, which was precisely what the APC wanted to avoid. Mr. Sawyer further pointed out that Article V(g) states that the Agency will adopt ordinances prescribing specific written findings to achieve attainment of the thresholds and to assure that the project will not adversely affect implementation of the Regional Plan. Mr. Sawyer stated that instead of prescribing specific written findings, all the APC was saying is that we prescribe the findings required by the Compact. The Compact intended for TRPA to provide some specificity. Just referencing the Compact is not clear enough, and Mr. Sawyer cautioned that the Agency will be stuck in the position of not being able to approve emergency projects because there is not an ordinance specifying the findings.
Mr. Combs commented that he thought the five findings under Subsection 4.20 would be adequate to handle the emergency projects and he suggested that Subsection 4.30, Standards for Review of New Applications, go under Subsection 4.20, making those the findings necessary for handling an emergency project. Mr. McMullen agreed to amend his motion to substitute language under Subsection 4.30, Standards for Review of New Applications: pursuant to the findings set forth in Subsection 4.20 (1-5) set forth above.

The motion, as amended, carried on the following vote:

Ayes: Ms. Temple, Mr. Renz, Mr. Combs, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Dodojion, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Mr. Poppoff, Ms. Michael, Ms. Bogush, Mr. Harper

Nayes: Mr. Randolph, Mr. Sawyer

Abstain: None

Absent: Mr. Sullivan

Mr. Sawyer suggested to amend Subsection 5.20: Section 5.10 expires upon adoption by the TRPA Governing Body of the TRPA Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the Regional Plan adopted by this ordinance. Mr. Sawyer also suggested to add a new Section 5.30 to say that where the Regional Plan or implementing ordinances propose to amend or supersede a federally approved plan for the protection of the environment no project which is inconsistent with the federally approved plan may be approved unless and until the relevant provisions of the Regional Plan and implementing ordinances amending the federally approved plan are federally approved.

Mr. Hoffman commented that if the Agency approves a project that meets the Regional Plan and if the TRPA Plan meets the standards, whichever is strictest, it would comply with the Compact, but with Mr. Sawyer's suggested amendments it would say that in addition another finding would have to be made that it complies with all of the other rules and regulations in that plan, and it cannot be approved until it does that.

Mr. George read from Section V(d) of the Compact that the Regional Plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

Mr. Ziegler stated that these are two separate issues. With respect to Section V(d) of the Compact staff has maintained that the thresholds are at least as strict as the federal and state air and water quality standards. Therefore, since the Regional Plan implements the thresholds it also implements the standards. Mr. Ziegler explained that amendment of the 208 Plan is totally different. The TRPA is a designated 208 planning agency under the Federal Clean Water Act. The Agency has a 208 Plan which is state certified by California and Nevada, and federally approved which stands until recertified and reapproved. Mr. Ziegler pointed out that if we take a local action to amend the 208 Plan then we have two choices; we can either rescind the existing 208 Plan which leaves the Basin without a 208 Plan, or we can leave that 208 Plan in effect until it is recertified or reapproved. The position of the staff is that upon
adoption of the Regional Plan, and perhaps upon the development of the implementing ordinances, the Agency will apply to the states for recertification and then to the Environmental Protection Agency (EPA) for reapproval.

Mr. Sawyer clarified that what he was trying to do with the proposed amendment was to prevent confusion during the period pending federal approval of the amendments to the air quality and water quality plans, and to assure that projects will not be approved if they are inconsistent with the federally approved plans.

Mr. Sawyer proposed a motion and the APC agreed to amend Subsection 4.40, Expiration - Except as otherwise provided by subsection 4.50, this section 4.00, excluding 4.20(2), expires upon adoption by the TRPA Governing Body of the TRPA Regulatory Code or other appropriate compilation of regulatory ordinances further implementing the amendments to the Regional Plan adopted by this ordinance. There was no objection to this amendment.

Mr. Harper suggested that if the APC will be reviewing a number of ordinances, it would help if legal counsel could be present at the APC meetings.

Mr. McMullen suggested generic language for the adopting ordinance where the language is repeated throughout the ordinance that it will not cause the adopted environmental threshold carrying capacities to be exceeded. Mr. McMullen proposed the language will not adversely impact the attainment or maintenance of the adopted environmental threshold carrying capacities in accordance with the Regional Plan, or once attained, will not cause them to be exceeded. There was no objection to the proposed language and the APC agreed to the amendment.

VI RESOLUTIONS

The APC did not propose any amendments to Resolution 83-27 of the Advisory Planning Commission expressing appreciation to Philip A. Overeynder for his dedicated leadership while serving as Executive Director of the Tahoe Regional Planning Agency. The resolution was passed and unanimously adopted on December 14, 1983.

Alternatives Paper for El Dorado and Placer Counties 1983 Allocations

The APC continued their discussion to amend the ordinance adopting and implementing the amended Regional Plan in order to incorporate the various alternatives dealing with the current development allocations in Placer and El Dorado Counties. Planning Assistant Mark Seltenrich distributed copies to the APC of the memorandum to the Governing Board dated December 12, 1983 with the attached alternatives paper. Mr. George explained that page two of the December 12, 1983 Governing Board memo replaced page two of the December 2, 1983 memo to the APC which included the APC's recommended revisions at the November meeting and motion recommending Alternative C that no permits from the 1983 allocation should be issued on Class 1-3 lots. If owners of Class 1-3 lots wish to be considered for development, they must first secure an allocation from a subsequent year's allocation. All other aspects of the amended Plan and ordinances would apply to the 1983 allocations. Mr. Seltenrich stated that this page replaced page two of the December 2, 1983 memo to the APC.
MOTION by Mr. Sawyer, with a second by Mr. McMullen, that the APC recommends amending Section 4.10(3), that the TRPA may accept applications for single family dwellings on 4, 5, 6, and 7 as mapped on the most current land capability maps on lots that received a 1983 building allocation in El Dorado or Placer Counties, but may not approve these applications until adoption of the implementing ordinances. The motion failed in the following votes:

Ayes: Ms. Temple, Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Mr. Sawyer, Ms. Michael, Ms. Bogush
Nayes: Mr. Renz, Ms. Sparbel, Mr. Dodgion, Ms. McMorris, Mr. Hansen, Abstain: Mr. Pyle, Mr. Curtis, Mr. Popoff, Mr. Harper
Absent: Mr. Sullivan

Mr. George clarified the APC reviewed the alternatives paper at the November meeting. The APC discussed the problems and the alternative solutions and they generally agreed that Alternative C was the best approach. Mr. George explained that staff brought this matter back to the APC with the amended language that would go into the ordinance to make sure that language that was drafted implemented the APC's recommendations to the Board.

Mr. Harper stated that he abstained because he was not present at the November meeting and he asked for clarification on the action taken at last month's APC meeting.

Ms. Temple explained that the APC had discussed the alternatives for El Dorado and Placer Counties 1983 allocations at the November meeting, and with several members absent the APC was about to lose a quorum when the vote was taken. Mr. Miskiff stated that as he understood it the APC did not endorse the language that staff had prepared interpreting the position taken by the APC at last month's meeting. If the APC decides not to further discuss it and not reconsider the motion with regard to endorsing that language, then staff would present that language as our interpretation, unless different language is offered.

Mr. McMullen reclarified that at the November meeting the APC resolved whether or not El Dorado and Placer Counties were going to lose those allocations drawn in 1983, and the APC tried to make sure that those were salvaged. Mr. McMullen stated that in fairness to the applicants, the APC has to draft the language so that those allocations would not be lost. The APC is trying to present the issue to the Governing Board that those allocations will be maintained as 1983 allocations under the interim provisions developed at the November APC meeting, that they will not be lost, and that they will count toward 1983 as opposed to future allocations.

MOTION by Mr. Randolph, with a second by Mr. Hansen, that the APC recommend to adopt the language of Alternative C proposed by staff. Amended by Mr. Sawyer to add to the beginning - Acceptance but not approval of complete applications for single family houses on lots that received a 1983 building allocation in El Dorado or Placer Counties.
APC REGULAR MEETING MINUTES DECEMBER 14, 1983

The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Mr. Sawyer, Mr. Hansen, Mr. Curtis, Mr. Poppoff, Ms. Michael, Ms. Bogush, Mr. Harper
Nayes: Ms. Sparbel, Mr. Dodgion, Ms. McMorris
Abstain: Mr. Renz, Mr. Pyle
Absent: Mr. Sullivan

Land Capability Maps

The APC reviewed the land capability maps which included ten Nevada areas and nine California areas previously approved by the Agency or the California Tahoe Regional Planning Agency as land capability challenges or for additional land coverage. Mr. Midkiff commented that the staff recommended that the land capability maps be amended to reflect these previous approvals, but the APC would have to decide whether these maps should be incorporated into the implementing ordinance.

Mr. Sawyer stated that many of the land capability maps have had hearings and have been delayed too long. Mr. Sawyer also stated that either on first reading or second reading the Governing Board will have to adopt the maps and, secondly, in the process of adopting the maps update them to incorporate the land capability challenges which have been processed to date, including those that are pending, with the understanding that they would be processed when the Governing Board adopted the new maps for the Regional Plan. Mr. Sawyer suggested that at either this meeting or next meeting the APC will have to go over these maps and recognize whether they be accepted with these changes. If the APC decides to continue this matter until the next meeting the APC should at least want to adopt in principal the idea that the maps, included in second reading, should reflect the land capability challenges that have been processed to date instead of adopting the old maps.

Mr. Pyle stated that he could accept the maps as they are presently mapped with the understanding that they will be remapped.

MOTION by Mr. Randolph, with a second by Ms. Sparbel, that the APC recognizes that there may be some discrepancies, recommends that the Regional Plan maps 1 through 6 be accepted with the understanding that there will be modifications to those in the future and the necessary corrections be made. Amended by Mr. Curtis to include the date on the maps as revised. Both Mr. Randolph and Ms. Sparbel agreed to the amendment. The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Renz, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Mr. Poppoff, Ms. Michael, Ms. Bogush, Mr. Harper
Nayes: None
Abstain: None
Absent: Mr. McMullen (out of the room), Mr. Sullivan

MOTION by Mr. Hansen, with a second by Mr. Pyle, that the APC recommends to the Governing Board approval of draft Adopting Ordinance dated November 16, 1983 with the amendments.
APC REGULAR MEETING MINUTES DECEMBER 14, 1983

The motion carried on the following vote:

Ayes:  Ms. Temple, Mr. Renz, Mr. Combs, Mr. Randolph, Mr. Hoefer, 
Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris, 
Mr. Hansen, Mr. Curtis, Mr. Poppoff, Ms. Michael, Ms. Bogush, 
Mr. Harper

Nayes: None

Abstain: None

Absent: Mr. McMullen (out of the room), Mr. Sullivan

Mr. Harper clarified that Ms. Bogush, Ms. McMorris, and Mr. Hoefer would review the APC's revisions and amendments of the ordinance and that staff would provide a detailed summary for the Governing Board.

**Land Capability Material**

Mr. Pyle stated that the Soil Conservation Service (SCS) wrote a number of letters pertaining to the land capability challenge process. Mr. Pyle further stated that the SCS could not accept the land capability challenges, as proposed by staff, because they are changing a public document. Mr. Pyle explained that the SCS staff met with John R. Munn, Jr., a member of the Land Capability Review Team, and Nora Shepard, Associate Planner a number of times. Mr. Munn was provided with recommendations on the procedures of how the SCS felt the land capability challenges should be done and what was necessary to make changes on a public soils survey. The SCS thought that the SCS suggested process was being adhered to and that Mr. Munn was making the revisions on the base maps that were furnished to him. Mr. Pyle stated that the uniform mapping scale has not been used which he thought had been agreed upon. In addition, the SCS has not received the data changes or verifications and, therefore, the SCS could not accept the land capability challenges until they can be assured that the changes are absolutely correct. Mr. Pyle asked staff to re-review the files to determine what the agreements were and the SCS would be happy to meet with staff and the review team again in order clear up these concerns. Mr. Pyle recommended that the land capability maps included in the packet not be acted upon at this time; that the agreements that were reached be carried out; and at the time that those have been done these land capability maps will be returned to the APC for review. Mr. Pyle added that there were two maps included in the packet for portions of Incline Village that covered the same area. Mr. Pyle pointed out there were differences between the two maps and he questioned which map was the correct one.

Senior Environmental Investigator, Steve Chilton explained the difference between the two maps for portions of Incline Village was that the first one was a draft of what Mr. Munn felt was existing there; the second map had been redelineated as how it should be.

Mr. McMullen suggested to defer this matter so that the maps can be corrected and then they can be injected right before second reading of the ordinance.
MOTION by Ms. Bogush, with a second by Ms. McMorriss, that the APC recommended to incorporate the existing land capability challenges that were subject to public hearings and previously approved by the TRPA or CTRPA Governing Board. Continue the remainder of the land capability challenges for 30 days that have not been approved. The motion failed on the following vote:

Ayes: Ms. Temple, Mr. Combs, Ms. Sparbel, Mr. Dodgion, Ms. McMorriss, Ms. Bogush
Nayes: Mr. Renz, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Mr. Sawyer, Mr. Pyle, Mr. Hansen, Mr. Curtis, Mr. Poppoff, Ms. Michael, Mr. Harper
Abstain: None
Absent: Mr. Sullivan

MOTION by Mr. McMullen, with a second by Mr. Hansen, the APC recommended that staff bring the land capability challenges back in 30 days and report on the technical determinations and procedural process. There were no objections to this motion and the APC agreed to the motion.

E. Kings Run Environmental Impact Statement, Determination of Technical Adequacy

Mr. George stated that the Kings Run EIS had been submitted in the APC packet and that some technical corrections would be made to the document. Both QUAD Consultants who prepared the EIS and the applicant have agreed that those technical changes should be made.

Mr. Sawyer commented that he was concerned with the matter of coverage. The problem includes how much of the covered and disturbed area can count as coverage. Referring to page 10-8 of the Final EIS pertaining to 145,586 square feet of total coverage and disturbance, Mr. Sawyer proposed additional language that would correct that statement to accurately represent Lahontan's position that it makes the distinction between coverage and disturbance and sets forth how much is unquestionably coverage and how much is disturbance that may or may not be counted as coverage. Mr. Sawyer further commented that he found an error in Appendix K that stated the reduced coverage/increased height alternative was designed to comply with the Lahontan Regional Water Quality Plan. Mr. Sawyer pointed out that he had proposed language which accurately reflected that the coverage is more than is allowable under the water quality plan.

Mr. George pointed out that with the technical changes that have been suggested and the corrections that will be made, staff considers the document technically adequate.

MOTION by Mr. McMullen, with a second by Ms. McMorriss, that the APC determined that the Kings Run Environmental Impact Statement was technically adequate, and recommended to the Governing Board for certification.

Mr. Sawyer commented that Figure 1 was missing from his copy of the EIS and that he would like to see it or at least know what it is. Mr. Sawyer also commented that the question regarding land basis was still unclear, and he asked if that
included litigation costs or legal fees up to this point? Anders Hauge, QUAD Consultants, responded that it was his understanding that it did not. Michael Langs, attorney representing the applicant, clarified that the $1,300,000 was representative of the dispersed principal on the proposed construction loan that CMI had on the property; proposed in 1979 and directed by the U.S. Trustee placed the property on CMI; there was no interest, no litigation fees. Mr. Sawyer added that he did not find the economic analysis persuasive and he did not think the Governing Body should make its decision on that basis.

Mr. Combs stated that as an employee of one of the parties involved in the litigation (Placer County) he would be abstaining on any action of the adequacy of the EIS, but felt it appropriate to comment on factual matters. Mr. Combs pointed out that the letter from Andy Sawyer of the California Water Resources Control Board stated that "Placer County was to serve as the lead agency under the California Environmental Quality Act, but belatedly decided not to prepare or circulate any environmental documentation". Mr. Combs stated that the letter implied that everything was organized for an Environmental Impact Report (EIR) to be prepared, and somehow Placer County pulled out of this. Mr. Combs explained that was not what happened. He recalled that the litigation subcommittee, of which he was a member representing Larry Sevison, Placer County Supervisor, had recommended that an EIR be prepared because the requirements of the California Water Resources Control Board would have to be satisfied. Mr. Combs asked that the record reflect that Placer County was never consulted to act as the lead agency, and the direction of the TRPA Governing Board was that Placer County would not have to prepare an EIR because they could not authorize that it be done.

The motion carried on the following vote:

Ayes: Ms. Temple, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Mr. Sawyer, Mr. Pyle, Ms. McMorris, Mr. Curtis, Ms. Michael, Ms. Bogush, Mr. Harper
Nayes: None
Abstain: Mr. Renz, Mr. Combs, Mr. Popoff
Absent: Mr. Sullivan, Ms. Sparbel, Mr. Dohgion, Mr. Hansen

2. Final Draft Goals and Policies Plan

Mr. Barrett distributed copies to the APC of the memorandum to the Governing Board proposing modifications to Regional Goals and Policies Plan, dated December 13, 1983. Mr. Midkiff explained that the final Goals and Policies document contained all of the concept language that the Governing Board approved to date. No action was required, but the APC acknowledged receipt.

3. Planning Area Statement Hearing Process

The APC received a summary of the content and structure for the public hearings in their packet. Mr. Barrett explained that it is the intent to conduct public hearings on the Planning Area Statements, during the months of January and February, at the local level. Mr. Barrett outlined the presentations and public involvement, and tentative dates for each hearing.

4. Other - None
B. Implementing Code of Ordinances

1. Formation of Committees

Land Use Subcommittee: Mr. Combs, Ms. Temple, Mr. Hansen, Ms. Sparbel, Mr. Curtis, and Mr. Renz. Growth Management Subcommittee: Mr. McMullen, Mr. Harper, Ms. Bogush, and Ms. McMorris. Evaluation System Subcommittee: Mr. Combs, Mr. Sawyer, Mr. Curtis, and Mr. Pyle. Transportation/Air Quality: Mr. Randolph, Ms. Michael, Mr. Dodgion, Representatives from Caltrans, Nevada Department Of Transportation, and Tahoe Transportation District. Resource Management: Mr. Hoefer, Mr. Sawyer, Mr. Popoff, and Mr. Pyle.

2. Status and Schedule for Completion

Agency staff recommended that the APC follow the same process for reviewing the implementing ordinances as was followed for the reviewing the Goals and Policies Plan. It was also staff's recommendation to use the committee system at the Governing Body level of review and to coordinate it with the APC committee review. The staff provided a tentative schedule to review and comment on the draft ordinances, committee meetings, committee reports, final reviews and recommendations, and first reading of necessary ordinances and resolutions.

C. Single Family Evaluation System

The APC received a status report of the evaluation system. Staff will work with the subcommittee and report back to the APC in January.

D. Project Review Process

This item was continued to the January meeting and the APC will review with the Land Use Ordinance.

V REPORTS

A. Staff Reports

1. Clearinghouse Review of Private Donations to the Forest Service

The APC received a memorandum in their packets which listed property donations. Mr. Midkiff explained that the TRPA, as the areawide clearinghouse for the Tahoe Basin had been asked by the U.S. Forest Service to comment on the compatibility of the property donations with the Regional Plan and other applicable Agency documents. Mr. Midkiff stated that if the APC wished to make a recommendation to the Governing Board that they support these donations that would be appropriate.

MOTION by Mr. Sawyer, with a second by Ms. Bogush, that the APC recommended that a letter be forwarded to the Forest Service indicating that no conflicts are foreseen between these proposed donations and the Regional Plan documents drafted to date. There were no objections to this motion and the motion carried.
2. Other - None

B. Public Interest Comments - None

C. APC Members

Mr. Pyle announced that Dottie Boyd, Chairwoman of the Nevada-Tahoe Conservation District had recently passed away very suddenly. In the early 1970's Ms. Boyd was under contract to do technical editing of the first General Plan for the TRPA and she had been involved with various community committees in Lake Tahoe.

Mr. Popoff suggested that the members be provided with an action sheet of the APC meetings.

Ms. Bogush suggested that two day APC meetings be reserved for February and March, in addition to January.

It was noted that the January APC regular meeting would be held on the 11 where the APC would recess to the subcommittee meetings, and would be continued to the 18 and 19.

Mr. McMullen suggested a change in the voting where if the APC goes by a unanimous consent, unless a member objects. This would save the roll call votes and taken that it is understood that everybody voted yes. If there is an objection then go to a roll call vote.

Mr. Sawyer stated that the rules as written do not allow anything but a roll call vote. He suggested rewriting the Rules and Regulations of Practice and Procedure to allow a voice vote. Mr. Midkiff commented that he would discuss this with legal counsel to be considered as the rules and regulations are redrafted.

Mr. Combs complimented Mr. Popoff on a series of informative articles that he wrote for the Tahoe World explaining the entire process of the water quality problems in the Lake. Ms. Michael asked if copies of the articles could be provided to the APC.

Mr. Harper commented that it would be beneficial to have a complete APC representation. He suggested that Carson City appoint Bill Murphy as an APC member because Tahoe Transportation District has indicated an interest in providing a representative to the APC.

VI RESOLUTIONS - None

VII CORRESPONDENCE

A. Letter from El Dorado County Relative to Allocation of Permits

The letter was included in the APC packets from Ms. Temple. It explained why the County of El Dorado had exceeded the allocation limitation set forth by the TRPA Compact, and responded to questions raised at the November APC meeting.
B. Other - None

VIII PENDING MATTERS

IX ADJOURNMENT

The APC meeting adjourned at 5:00 p.m. This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

Mary Dailey
Secretary II
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

January 11, 1984
9:30 a.m.

I  CALL TO ORDER AND DETERMINATION OF QUORUM

Acting Chairman, Bill Combs called the meeting of the Advisory Planning Commission to order at 10:00 a.m. A letter from Mr. Dodgion designating Verne Rosse as his alternate for the January 11, 1984 APC meeting was received.

APC Members Present:  Mr. Renz, Mr. Combs, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Rosse, Ms. McMorris, Mr. Curtis (arrived at 10:15 a.m.), Mr. Poppoff

APC Members Absent:  Ms. Temple, Mr. Sullivan, Mr. Randolph, Mr. McMullen, Mr. Pyle, Mr. Hansen, Ms. Michael, Ms. Bogush, Mr. Harper

Since a quorum was not present, Approval of the Agenda was deferred, and Disposition of Minutes was continued to the February meeting.

Principal Planner, Gordon Barrett reported on the Planning Area Statement Hearing Schedule to be held at the local level in the Tahoe Basin. At a minimum, one local planner from the APC and one Governing Board member from each jurisdiction, and Agency staff should be present at the public hearings.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>Thurs. 1/19/84</td>
<td>7:00 p.m.</td>
<td>The Chateau, Incline Heart Savings &amp; Loan</td>
</tr>
<tr>
<td>Placer County</td>
<td>Tues. 1/24/84</td>
<td>7:00 p.m.</td>
<td>Tahoe City Public Utility District Community Center</td>
</tr>
<tr>
<td>Placer County</td>
<td>Fri. 1/27/84</td>
<td>7:00 p.m.</td>
<td>North Tahoe Public Utility District Community Center</td>
</tr>
<tr>
<td>El Dorado County/</td>
<td>Wed. 2/1/84</td>
<td>7:30 p.m.</td>
<td>South Tahoe Airport South Tahoe Airport</td>
</tr>
<tr>
<td>South Lake Tahoe</td>
<td></td>
<td></td>
<td>Douglas County Library, Zephyr Cove</td>
</tr>
<tr>
<td>Douglas County</td>
<td>Thurs. 2/2/84</td>
<td>7:00 p.m.</td>
<td>South Tahoe Recreation Complex</td>
</tr>
<tr>
<td>South Lake Tahoe</td>
<td>Mon. 2/6/84</td>
<td>1:30 p.m.</td>
<td>1180 Rufus Allen Boulevard South Lake Tahoe Council Chambers, 1900 Lake Tahoe Boulevard at Tata Lane</td>
</tr>
<tr>
<td>South Lake Tahoe Planning</td>
<td>Wed. 2/8/84</td>
<td>7:30 p.m.</td>
<td></td>
</tr>
<tr>
<td>Commission</td>
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APC REGULAR MEETING MINUTES JANUARY 11, 1984

Mr. Barrett further reported that staff prepared a Code of Ordinances, consisting of nine chapters, four of which were drafts that were included in the APC packet for their review: Transportation/Air Quality, Grading, Resource Management, and Water Quality. The regulations to implement the Regional Plan were concentrated in four major documents: 1. The TRPA Code of Ordinances; 2. The TRPA Rules and Regulations of Practice and Procedure; 3. The TRPA Design Review Guidelines; and 4. The TRPA Plan Area Statements.

Mr. Barrett stated that letters had been sent to Caltrans, Nevada Department of Transportation, and the Tahoe Transportation District inviting representatives to participate in the subcommittee meetings.

Mr. Barrett explained that the remaining ordinances were not distributed because issues have to be resolved by the Governing Board.

Mr. Hoefer commented that a member from the U.S. Forest Service will attend each of the public hearings and make a brief presentation.

Mr. Poppoff suggested to extend the public hearings through the spring and summer months since it could be more productive, and possibly get better attendance.

Mr. Barrett also reported that the Agency had mailed newsletters to the 1,000 people on the Agency mailing list, which included both local and non-local news media, advertising the public hearing scheduled dates and locations. In addition, the Tahoe Sierra Preservation Council had prepared articles for their membership mailing. Mr. Midkiff suggested that announcements of the public hearings could be made at the board of commissioners/ supervisors meetings.

The APC meeting recessed at 10:20 a.m. The Transportation/Air Quality and Resource Management Subcommittees formed core groups to discuss the working draft ordinances. The APC continued the subcommittee meetings to 9:30 a.m. on Wednesday and Thursday, January 18 and 19, 1984, and Monday, January 30, 1984 in the same location.

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

Respectfully submitted,

Mary Dailey
Secretary II
MEMORANDUM

DATE: January 30, 1984

TO: Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Plan Area Statement Update

Agency staff is in the process of completing the local hearings on the July, 1983 draft of the Plan Area Statements. The schedule as noted in the January APC packet are to be completed by Wednesday, February 8 and a progress report will be presented at the APC meeting. At this time it is the intent of the staff to assemble all the public comments into summaries for APC and Governing Board consideration when reviewing the Plan Area Statements.

Upon completion of the hearings, the Agency staff intends to redraft the July plan area statements to reflect the staff's response to public comments, the most recent version of the goals and policies plan, the most current draft of the TRPA code of ordinance and the TRPA design review guidelines, and implementation programs proposed by the Agency. All or portions of the Plan Area Statements may be available for APC consideration at the March APC meeting.

At this time staff has enclosed a sample draft for Planning Area 001, Tahoe City, for APC review and comment. Staff is requesting APC recommendations as to:

1. Future scheduling of APC review of the Plan Area Statements; and
2. Format and comment of Plan Area Statements to be drafted by staff.

/sf

Agenda Item IV A.
REVISED PLAN AREA STATEMENT

PLAN AREA: 001 - TAHOE CITY

PLAN DESIGNATION:

Land Use Classification - COMMERCIAL/PUBLIC SERVICE

Management Strategy - REDIRECTION

Special Designation - REDEVELOPMENT AREA
TDR RECEIVING AREA (limited)

DESCRIPTION:

Location. This Planning Area is split by the Truckee River outlet and is located on TRPA 400 scale map C-7.

Existing Uses. This area encompasses most of the commercial uses in Tahoe City but also includes some condominiums and the Commons Beach. This area serves as the commercial center for the northwest portion of the Basin. The area is 70% built out.

Existing Environment. Much of this planning area borders both the Truckee River and Lake Tahoe. Development has mostly taken place in stream environment zones. The area is 60% SEZ, 35% low hazard, and the rest is high or moderate hazard. The land coverage is 55% plus an additional 10% disturbed.

PLANNING CONSIDERATIONS:

1. The land area classified as SEZ has a high percentage of coverage.

2. The site design is inconsistent and inefficient with the area being an identified scenic problem.

3. There is traffic congestion and inadequate parking for the commercial and recreational areas.

4. 

PLANNING STATEMENT: This area should be up-graded and continue to serve the commercial needs of the northwest portion of the Tahoe Region.

SPECIAL POLICIES:

1. The 1975 TRPA/Placer County Urban Design Plan shall be used as a guideline for future planning considerations with appropriate revisions to bring the design plan up-to-date. This policy applies to surrounding planning areas affected by the Urban Design Plan.
2. Single family residential shall be a low priority.

3. The maximum density allowed without TDR is one unit per lot or parcel of record for residential uses and no additional density for tourist or recreational uses.

4. Public recreation opportunities on the river and lake should be increased.

5. Man-modified SEZ should be evaluated and restored to the extent which is practical and consistent with the TRPA SEZ restoration program.

6. This TDR receiving area is limited to receiving land coverage transfers and receiving existing development transfers.

SPECIAL PLAN AREA REGULATIONS: \\

1. Exceptions to Permitted Use Table:

   Residential - Mobile home developments are prohibited.
   Tourist - none
   Commercial - Batch plants, vehicle and freight terminals, recycling and scrap are prohibited.
   Public Service - none
   Recreation - Drive in theaters are prohibited.
   Resource Management - none

2. Exceptions to Development Standards:

   Land Coverage - none
   Height - none
   Noise - The average noise level for the Highway 89 and Highway 28 transportation corridor is 60 CNEL. The remaining area is 55 CNEL.
   Density - none
   BMP's - none
   SEZ - New development (creation of new land coverage) areas classified as SEZ shall be limited to areas to be determined as man-modified by the Agency.

SPECIAL DESIGN CRITERIA:

1. Tahoe City Commons Beach

   A. Consider re-design of parking area to break up expanse of asphalt, increase amount of landscaping, open visual corridors to lake and beach, and to de-emphasize the parked vehicles.

   B. Implement a more rigorous maintenance program to rehabilitate worn areas, clean up overgrown areas, and to develop sharper, cleaner definition for different activity areas.

   C. Evaluate effectiveness of rock breakwater and develop program to improve appearance of this edge.
D. Introduce landscaping at south end of beach to screen views of parking lot and to screen large multi-story buildings.

E. Existing trees should be preserved as a visual screen between structure(s) and major public use areas. This is particularly important on the beachfront since structures sited in this area are visible from many points around the lake.

F. No new development should be permitted between the beach and the marina. Existing vegetation is an important psychological buffer between the beach and the first structures even if it does not visually screen them. Any change in the status of the property on which the warehouse is sited should be accompanied by measures to lessen the visual impact of this structure.

NEW DEVELOPMENT TARGETS (Next 20 years)

Residential: Single family dwellings - one unit per lot or parcel of record

Other - no units except for relocation of existing units

Tourist: No units except for relocation of existing units

Commercial: 60,000 square feet of gross floor area

Recreation: No units

List elements of CAB for each area

Too rigid

[This is directional only]
Committee to study review P.A.

7-member

Also id controversial P.A. with staff

Staff maker, 1st...
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8896
South Lake Tahoe, California 95731

MEMORANDUM

DATE: January 30, 1984

TO: Advisory Planning Commission

FROM: Agency staff

SUBJECT: Report on Design Review Guidelines

I. Intent: The intent of the Design Review Guidelines is to insure that the height, bulk, texture, form, materials, colors, lighting, signing, and other design elements of new, remodeled, and redeveloped projects compatible with the natural, scenic, and recreational values of the region.

These guidelines are recommended design approaches and are intended to provide direction. All activities considered to be a project by this Agency should be consistent with the applicable guidelines. Any significant deviation would be directed to the Governing Body for consideration.

The guidelines set forth in this section may be superceded by standards set forth by special criteria outlined in the Plan Area Statements. All projects are also subject to all applicable sections of the TRPA Code.

II. General Design Criteria: These guidelines shall apply to all projects within the region. What follows is a draft outline for the General Design Review Guidelines:

a. Site Design
   Criteria

b. Building Height, Bulk, and Scale
   Applicable Sections
   Criteria

c. Grading and drainage
   Applicable Sections
   Criteria

d. Landscaping and Revegetation
   Applicable Sections
   Criteria

e. Lighting
   Applicable Sections
   Criteria
   Illumination Standards

AGENDA ITEM IV.B.
f. Signing
   Applicable Section
   General Criteria for Sign Design
   Commercial and Industrial Sign Standards
   Special Standards
   Amortization Program
   Real Estate Signs
   Political Signs

g. Parking and Access

h. Design for Streets and Highways

i. Design for Snow
   Applicable Sections
   Criteria

j. Design for Energy Efficiency
   Applicable Sections
   Criteria

k. Design for Scenic Quality
   Applicable Sections
   Criteria

l. Design for the Shorezone

m. Design for Historic Projects

III. Individual Design Criteria: In addition to the general design review guidelines, the staff is preparing special guidelines and criteria for many of the uses listed in the Permitted Use Table. These criteria include: (A sample of these individual design criteria is attached.)

Location Criteria: Where certain uses would be allowed within a certain district.

Coverage: What the allowable coverage would be for a given use in the different districts.

Density: (If applicable) Maximum allowable density for the use.

Site Design Criteria: Special criteria for a given use to include such things as setbacks, required parking, and special drainage considerations.
EXAMPLE
INDIVIDUAL DESIGN CRITERIA
"Mobile Home Developments"

Mobile Home Developments: Mobile home parks are allowed, with a special use permit, in residential and tourist districts only.

a. Density: The maximum allowed densities are those set forth in the Plan Area Statements and shall at no time exceed 8 units/acre.

b. Coverage: The allowable coverage for mobile home parks is that which is allowed by land capability.

c. Minimum Site Area: A site proposed for a mobile home park is to be a minimum of two acres.

d. Compatibility with surrounding uses: A site proposed for a mobile home park must be within an urban area. The following findings, as set forth in Section 2.03.7300, must be made:

1. The proposed development is of such a nature, scale, density, intensity and type of use that it is determined to be an appropriate use for the area in which it is to be located.

2. The proposed development is consistent with: (i) the direction of the plan area statement in which it is located; (ii) the direction of the Regional Goals and Policies Plan, and (iii) the criteria of the TRPA Design Review Guidelines.

3. Approval of the project does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare nor injurious to nearby property improvements.

e. Site Design Standards:

1. Areas not occupied by mobile homes, other structures or paving shall be landscaped with approved species.

2. Pads for placement of mobile homes shall be asphalt or concrete, shall provide adequate infiltration facilities and shall be no smaller than the footprint of the mobile home to be placed on the pad.

3. Snow storage areas shall be included in the development plan and all areas subject to snow removal shall be paved. A drainage and infiltration system for these areas shall be provided.

4. Off-street paved parking shall be required at a minimum of two per each mobile home site. Additionally, one guest space is required for every 4 mobile home sites.
5. All on-site utilities are to be installed underground and, where possible, occupy a common trench.

6. Each mobile home is to be equipped with skirting and shall be attached to a permanent foundation approved by the Chief Building Inspector of the local jurisdiction.

7. Reflective siding on each mobile home shall be avoided.

8. The development must be in compliance with the Handbook of Best Management Practices and 208 Water Quality Standards.


10. A separate, paved, parking area for storage of all recreational vehicles stored within the development shall be provided. A drainage and infiltration system for this area shall be provided.
DATE: January 31, 1984

TO: Advisory Planning Commission

FROM: Agency Staff

SUBJECT: Air Quality/Transportation Ordinances

Enclosed please find Chapter 8, Transportation/Air Quality Provisions of the Code of Ordinances. These ordinances will be discussed before the Advisory Planning Commission at the February 8 meeting.

Two Subsections in the ordinances are reserved. The first Subsection, 8.01.02.0, dealing with the enforcement of the inspection and maintenance program is reserved until a legal question is addressed by Agency counsel.

The second Subsection, 8.06.01.0, dealing with the establishment of mitigation fees for new residential and commercial development and changes in use for existing commercial development is reserved based on the development of additional information. This information will be available and discussed at the APC meeting.
Air Quality Definitions

**Carbon monoxide:** A colorless, odorless, and very toxic gas, found in trace quantities in the natural atmosphere, but also produced by the incomplete combustion of carbonaceous fuels.

**Catalytic emission control system:** Device to reduce automobile emissions by converting **CO** carbon monoxide and **HC** hydrocarbon emissions to harmless carbon dioxide and water.

**Certificate of compliance:** A document which is issued upon completion of the inspection which records the results of the inspection and serves as proof of said inspection for vehicle owner.

**Certified mechanic:** An individual licensed to install, repair and adjust motor vehicle engine emissions related components and pollution control devices in order that the motor vehicle meet applicable emissions standards.

**Chassis dynamometer:** A machine equipped with two parallel rollers which support the rear wheels of a motor vehicle. When positioned on the dynamometer the vehicle may be "driven" to simulate the loadings the engine would experience when the vehicle is operated on the road. A power absorption unit is connected to the rollers to simulate the loading from the various sources of fluid and mechanical friction present during road operation. Weights can also be coupled to the rollers to simulate the inertial effects of vehicle mass during acceleration and deceleration.

**Coal:** All solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by A.S.T.M. Designation D-388-66.

**Emission:** The act of releasing or discharging air contaminants into the atmosphere from any source. passing-into-the-atmosphere-of-an-air contaminant-or-gas-stream-which-contains-an-air-contaminant-or-the-air contaminant-so-passes-into-the-atmosphere.

**Exhaust gas analyzer:** An instrument for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle.

**Exhaust emissions:** The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of a motor vehicle engine.

**Existing stationary source:** Equipment, machines, devices, articles, contrivances, or facilities which are constructed, purchased, or in operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a "new source."

**Fine particulate matter:** Any material except uncombined water, which exists in a finely divided form less than 2.5 microns in diameter as a liquid or solid at standard conditions.

**Fireplace:** A framed opening made in a chimney to hold an open fire.
Fan type central furnace: A self-contained space heater providing for
circulation or heated air at pressures other than atmospheric through ducts
more than 25 cm (10 in) in length.

Forest management burning: The use of open fires, as part of a forest
management practice, to remove forest debris. Forest management practices
include timber operations, silvicultural practices or forest protection
practices.

Hydrocarbons: A compound whose molecular composition consists of atoms of
hydrogen and carbon only.

Independent contractor: Any person, business firm, partnership or corporation
with whom the Agency state may enter into an agreement providing for the
construction, equipment, maintenance, personnel, management and operation
of official inspection stations.

Inspection and maintenance program: A program to reduce emissions from in-use
vehicles through identifying vehicles that need emissions control related
maintenance and requiring that maintenance be performed.

Light-duty vehicle: A motor vehicle designed for highway use of less than 8,501
pounds gross vehicle weight. Further distinctions are sometimes made
between light-duty automobiles and light-duty trucks such as pickup trucks.

Loaded mode test: An emission test inspection-program which measures the exhaust
emissions from a motor vehicle operating under simulated road load on a
chassis dynamometer.

Modified Stationary Source: Any change in any building, structure, facility, or
installation which emits or may emit any air pollutant.

Motorcycle: A motor vehicle having a seat or saddle for use of the rider and
designed to travel on not more than three wheels in contact with the
ground, but excluding a tractor.

Motor vehicle: Any self-propelled vehicle which is designed primarily for
travel on public right of ways and which is used to transport persons and
property.

Nitrogen oxides: All oxides of nitrogen except nitrous oxide.

Nitrogen dioxide: A reddish brown gas formed from nitric oxide and oxygen.

Open burning: Any fire from which the products of combustion are emitted into
the atmosphere without passing through a stack or chimney.

Oregon Rule Number 7: Tests promulgated by the State of Oregon, Department of
Environmental Quality in effect on the date of certification of any resi-
dential wood heater.

Particulate Matter: Any material except uncombined water, which exists in a
finely divided form as a liquid or solid at standard conditions.
Permanent resident:

Person: Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner; any government agency or public district or any officer of employee thereof.

Residential wood heater: A wood-fired appliance with a closed fire chamber which maintains an air-to-fuel ratio of less than 30 during the burning of 90 percent or more of the fuel mass consumed in the low firing cycle. The low firing cycle means less than or equal to 25 percent of the maximum burn rate achieved with doors closed or the minimum burn achievable. The term "residential wood heater" includes but is not limited to a freestanding fireplace, conventional masonry fireplace, conventional masonry fireplace, a prefabricated zero clearance fireplace, any similar fireplace whose operation requires it to be built into the structure as component of the building, franklin stove, air tight stove, fireplace insert, or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

Seasonal efficiency: The efficiency as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607 (Appliance Efficiency Standards).

Stationary source: Any building, structure, facility, or installation which emits or may emit any air pollutant.

Stringency factor: The percentage of total vehicles tested in an inspection/maintenance program in a given time period that fail inspection and are required to have maintenance performed.

Tampering: The illegal alteration, modification, or disconnection of emission control device or adjustments or manufacturer tuning specifications on motor vehicles for the purpose of controlling vehicle emissions.

Vehicle emissions standard: A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

Vehicle trip: A vehicle trip shall be considered to be a single vehicle movement from one point to another based upon either a 1, 8, or 24 hour period.

Vehicle trip generation: For purposes of calculation, trip generation from residential or tourist residential units shall be considered to be the total number of vehicles trips anticipated from persons occupying such units. For commercial and other uses, vehicle trip generation shall be considered to be the total number of vehicle trips to and from the project site. Vehicle trips shall be calculated by using trip generation rates published by the Transportation Research Board.

Water heater: A device that heats water at a thermostatically controlled temperature for delivery on demand.
CHAPTER 8

8.00.00.0 TRANSPORTATION/AIR QUALITY PROVISIONS

8.00.01.0 General Explanation: The purpose of this chapter is to establish standards and guidelines for the improvement and protection of air quality within the Basin. Such standards and guidelines shall apply to the review of all projects and to existing development and uses where specified.

8.00.02.0 Coordination:

a. The Agency will coordinate with the following parties to implement and enforce the provisions of this Section:

(1) Nevada Division of Environmental Protection
(2) California Air Resources Board
(3) U.S. Environmental Protection Agency
(4) City of South Lake Tahoe
(5) Douglas, Washoe, Placer, and El Dorado Counties
(6) U.S. Forest Service
(7) Local Fire Districts
(8) Local Building Departments
(9) Placer County Air Pollution Control District
(10) El Dorado County Air Pollution Control District
(11) Lake Tahoe Air Basin Pollution Control Coordinating Council
(12) Tahoe Transportation District
(13) California Department of Transportation
(14) Nevada Department of Transportation

b. Certain responsibilities may be delegated to the parties identified in (a). In the event of delegation, the Agency will establish a memorandum of understanding that identifies responsibilities.

8.01.00.0 INSPECTION AND MAINTENANCE:

8.01.01.0 General: The purpose of this Section is to implement an inspection and maintenance (I/M) program. The I/M program is designed to reduce emissions of nitrogen oxides, carbon monoxide, and hydrocarbons from motor vehicles of local residents. The program will require that motor vehicles of permanently garaged within the Tahoe Basin residents and governmental-entities-in-the-basin be inspected upon initial registration and annually thereafter, and upon change of ownership. This includes motor vehicles owned by permanent residents, governmental entities, and commercial entities. Required repairs will not exceed $50.00 for models manufactured in and prior to 1979 and $125.00 for automobiles manufactured after 1979 unless the pollution control system has
been tampered with, in which case no cost limit on repairs will apply. The program will be implemented no later than January 1, 1986. The program will be designed such that 25% of the motor vehicles inspected will fail the inspection test.

8.01.02.0 Program Requirements:

a. Two or more inspection stations will be established within the Tahoe Basin to test automobiles. At a minimum, one station will be located on the north shore and another on the south shore. The stations will be responsible for issuing certificates of compliance to vehicles which meet the requirements specified in this Section. An independent contractor shall be selected based on competitive bid to design, finance, construct and operate the inspection program. The contract will cover at least five years. The inspection stations may also make repairs if they are acceptable to the owner of the automobile.

b. The test at the stations shall include all of the following:

(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 and nitrogen oxides in the loaded mode, using a chassis dynamometer and exhaust gas analyzer. The Federal-Short Cycle shall be used in conjunction with the loaded mode test. The test for carbon monoxide shall be limited to Douglas and El Dorado County residents.

(3) A determination as to whether the vehicle complies with the vehicle emissions standard for that vehicle's class and model-year. The emissions standards shall be set at a level reasonably achievable for each class and model of motor vehicle when operating in a reasonably sound mechanical condition, allowing for the effects of installed motor vehicle pollution control devices and the motor vehicles age and total mileage. The standards shall be designed so that motor vehicles will be operated, as soon as possible, with a substantial reduction in emissions, and shall be revised from time to time as experience justifies.

c. Two or more repair stations on both the north and south shore shall be selected based on competitive bid. The repairs shall be performed by certified mechanics who have completed a certified training program. Private
parties will also be allowed to make any necessary repairs to their own vehicles. The inspection stations may also perform maintenance if it is agreeable to the owner of the motor vehicle.

d. The program shall cover all motor vehicles powered by internal combustion engines which are registered and garaged within the Tahoe Basin, with the exception of motorcycles, heavy-duty vehicles, diesel-powered vehicles, and vehicles over twenty years old.

e. (Reserved for enforcement provisions)

f. A public education program will be established before the program is implemented and will continue to function during the implementation of the program.

g. The test and repair stations will collect and summarize the following data:

(1) Vehicle identification information and test data for each vehicle.
(2) The number of maintenance and repair operations performed on motor vehicles which fail to pass a test conducted in accordance with this Section.
(3) The charges assessed for the tests and repairs.
(4) Any other information deemed necessary by the Agency.

h. The Agency shall prepare a report each year in July that analyzes the effectiveness of the program. This report shall include at a minimum estimates of the reductions of carbon monoxide, hydrocarbons, and nitrogen oxides being realized from the program and improvement in air quality from such reductions, and a description of the effectiveness of the quality assurance program discussed in Subsection 8.01.03.0. The report will also include any recommendations on how to improve the effectiveness of the program.

8.01.03.0 Quality Assurance:

a. The test program shall use computerized and tamper-resistant analyzers. A microprocessor shall be employed to control test sequencing, selection of the proper test standards, and an automatic pass or fail decision. A device will also be used to accept and record vehicle identification information.

b. The Agency shall develop a program to monitor the stations to minimize fraud from falsifying tests and/or repairs. The program shall include at a minimum inspections of the stations by an independent contractor to insure that the tests are being conducted correctly and that unnecessary repairs are not being made. Procedures shall also be established for data collection and storage, and equipment accuracy checks.
c. A certificate of compliance shall be issued for each motor vehicle tested. The certificate shall include the following:

(1) Signature of the mechanic(s) that performed the test and repair.
(2) Measurement of the emissions.
(3) Cost of any repairs.
(4) Diagnosis of any problems with the emission control system.
(5) Emission control information.
(6) Vehicle owner, and address, plus the model year and make of the automobile.
(7) A person to contact if anyone suspects that the tests or repairs are not being conducted properly.

8.01.04.0 Financial Provisions:

a. The I/M program shall not be initiated until the Agency can obtain funding to hire an independent contractor to assist in developing a request for proposal for selecting the inspection and repair inspection stations, establishing emission standards, and conducting the quality assurance program.

b. After the I/M program has been initiated, it shall be funded by the inspection fees collected by the inspection stations. The Agency shall establish a fee schedule to cover the expenses incurred by the Agency, test stations, and expenses to implement the quality assurance program. The fee charged shall not exceed the amount reasonably necessary to fund the operation of the program. After the first year, the Agency shall maintain a surplus as a contingency to cover unexpected expenses.

8.02.00.0 WATER HEATERS: This rule limits emissions of nitrogen oxides from natural gas-fired water heaters.

8.02.01.0 Program Requirements:

a. After July 1, 1984, a person shall not install within the Tahoe Basin:

(1) Gas-fired stationary home water heaters that emit nitrogen oxides in excess of 40 nanograms of nitrogen oxide (calculated as nitrogen dioxide) per joule of heat output (70 pounds per billion BTU) at sea level.

(2) Gas-fired stationary mobile home water heaters that emit in excess of 50 nanograms of nitrogen oxides (calculated as nitrogen dioxide) per joule of heat output (88 pounds per billion BTU).
(3) Gas-fired stationary home water heaters that are not certified in accordance with Subsection 8.02.02.0.

8.02.02.0 Certification:

a. The manufacturer shall test each water heater model in accordance with the following:

(1) Each water heater model shall be operated in accordance with Section 2.4 of American National Standards ANSI Z21.10.1-1975 at normal test pressure, input rates, and with a five-foot exhaust stack installed during the nitrogen oxides emission tests.

(2) The measurement of nitrogen oxides emissions shall be conducted in accordance with EPA test methods or other test methods approved by the Agency.

b. The following calculation shall be used to determine the nanograms of nitrogen oxides per joule of heat output:

\[
N = \frac{(4.566 \times 10^3) \times (P) \times (U)}{(H) \times (C) \times (E)}
\]

Where

\( N \) = nanograms of nitrogen oxide emitted per joule of heat output

\( P \) = parts per million (volume) nitrogen oxides in flue gas

\( U \) = volume percentage of carbon dioxide in water-free flue gas for stoichiometric combustion

\( C \) = volume percentage of carbon dioxide in water free flue gas

\( H \) = gross heating value of gas, BTU/foot (60°F, 30" hg)

\( E \) = recovery efficiency, percentage

c. The manufacturer shall submit the following to the Agency:

(1) A statement that the model is in compliance with Subsection 8.02.01.0. The statement shall be signed and dated, and shall attest to the accuracy of all statements.
(2) Name and address of the manufacturer.
(3) Brand name.
(4) Model number, as it appears on the water heater rating plate.
(5) Description of each model being certified.

8.02.03.0 Enforcement:

a. The Agency may require that the emission test results be provided when deemed necessary to verify compliance.
b. The Agency shall maintain a list of models that meet the requirements of this rule and every January and July notify retailers in the Tahoe Basin, Truckee, Carson City, Douglas County, and Reno of such list.

8.02.04.0 Exemptions:

a. The provisions of this rule shall not apply to:

(1) Water heaters with a rated heat input of 75,000 BTU per hour or greater.
(2) Water heaters used in recreational vehicles.

8.03.00.0 SPACE HEATERS: This rule limits emissions of nitrogen oxides from natural gas-fired fan type central furnaces.

8.03.01.0 Program Requirements:

a. After July 1, 1984, a person shall not install within the Tahoe Basin:

(1) Gas-fired stationary fan type central furnaces that emit nitrogen oxides in excess of 40 nanograms of nitrogen oxides (calculated as nitrogen dioxide) per joule of useful heat (70 pounds per billion BTU) delivered to the heated space at sea level.
(2) Gas-fired stationary fan type central furnaces for mobile homes that emit in excess of 50 nanograms of nitrogen oxides (calculated as nitrogen dioxide) per joule of useful heat (88 pounds per billion BTU) delivered to the heated space.
(3) Gas-fired stationary fan type central furnaces that are not certified in accordance with Sub-section 8.03.02.0.

8.03.02.0 Certification:

a. The manufacturer shall test each gas-fired stationary fan type central furnace model in accordance with the following:
(1) Each tested furnace heater shall be operated in accordance with the procedures specified in American National Standards 221.47-1978, Section 2.7.1., normal test pressure, input rate, supply voltage and equipped with a five-foot exhaust stack.

(2) The measurement of nitrogen oxides emissions shall be conducted in accordance with EPA test methods or other test methods approved by the Agency.

b. Either of the two following calculations shall be used to determine the nanograms of nitrogen oxides per joule of heat output:

\[
N = \frac{(4.566 \times 10^9)(P)(U)}{(H)(C)(E)} \quad N = \frac{(3.655)(10^9)(P)}{(20.9 - Y)(Z/E)}
\]

Where

\(N\) = nanograms of nitrogen oxide emitted per joule of useful heat

\(P\) = parts per million (volume) nitrogen oxide in flue gas

\(U\) = volume percentage of carbon dioxide in water-free flue gas for stoichiometric combustion

\(C\) = Volume percentage of carbon dioxide in water free flue gas assuming complete combustion and no carbon monoxide present

\(H\) = gross heating value of gas, BTU/Cu. foot (60°F, 30" hg)

\(E\) = Seasonal efficiency, percentage

\(Y\) = Volume percent oxygen in flue gas

\(Z\) = Heating value of gas, joules/cu. meter (0.0 C 1 ATM)

c. The manufacturer shall submit to the Agency the following:

(1) A statement that the model is in compliance with Subsection 8.03.01.0. The statement shall be signed and dated, and shall attest to the accuracy of all statements.

(2) Name and address of the manufacturer.

(3) Brand name.
(4) Model number, as it appears on the water heater rating plate.
(5) Description of each model being certified.

8.03.03.0 Enforcement:

a. The Agency may require that the emission test results be provided when deemed necessary to verify compliance.
b. The Agency shall maintain a list of models that meet the requirements of this rule and every January and July notify retailers in the Tahoe Basin, Truckee, Carson City, Douglas County and Reno of such list.

8.03.04.0 Exemptions:

a. The provisions of this rule shall not apply to:

(1) Gas-fired stationary home fan type central furnaces with a rated heat input of 75,000 BTU per hour or greater.
(2) Gas-fired stationary home fan type central furnaces used in recreational vehicles.

8.04.00.0 RESIDENTIAL WOOD HEATERS: This rule limits emissions of nitrogen oxides—nitrogen oxides—and particulate matter from residential wood heaters and reduces the threat of fires in residential units from such heaters.

8.04.01.0 Program Requirements:

a. After July 1, 1984, a person shall not install the following within the Tahoe Basin:

(1) Residential wood heaters that emit (i) particulate matter in excess of $0.330 \times 10^{-6}$ gm/joule of heat output, averaged over at least six tests, or not more than $0.65 \times 10^{-6}$ gm/joule of useful heat output for any single test, and (2) nitrogen oxide in excess of $0.001$ gm/joule of heat output, averaged over at least six tests, or not more than $0.001$ gm/joule of useful heat output for any single test.

(2) Residential wood heaters that are not certified in accordance with Subsection 8.04.02.0.

b. Only--fireplace--inserts that comply with Subsection 8.04.02.0 are allowed in new residential units.
c. In existing residential units, any new fireplaces must comply with Subsection 8.04.02.0.

b. One residential wood heater is allowed for each residential unit. A hotel, motel, inn, or lodge may have one fireplace or residential wood heater per lobby. Residential wood heaters in individual guest rooms are prohibited.
c. A restaurant or bar may have either one fireplace or residential wood heater.

d. Any commercial facilities not covered by Subsections b and c shall be allowed one residential wood heater per facility.

e. Coal shall not be used as a fuel in the Tahoe Basin for residential wood heaters.

8.04.02.0 Certification:

a. The manufacturer shall test each residential wood heater model using an independent testing laboratory using Oregon Rule Number 7 and operating procedures as determined by the Oregon Department of Environmental Quality or any other test method approved by the Agency.

b. The manufacturer shall submit to the Agency the following:

(1) A statement that the model is in compliance with Subsection 8.04.01.0. The statement shall be signed and dated, and shall attest to the accuracy of all statements.

(2) Name and address of the manufacturer.

(3) Brand name.

(4) Model number, as it appears on the heating device.

(5) Description of each model being certified.

(6) Test results from the independent laboratory.

8.04.03.0 Enforcement: The Agency shall maintain a list of models that meet the requirements of this rule and every January and July notify retailers in the Tahoe Basin, Truckee, Carson City, Douglas County, and Reno and other areas as appropriate of such list.

8.05.00.0 OPEN BURNING: This ordinance regulates open burning of material within the Tahoe Basin to reduce the threat of fire hazards and improve air quality.

8.05.01.0 Program Requirements:

a. The open burning of any combustible refuse, waste, garbage, oil or any other material is prohibited within the basin with the exception of burning associated with forest management, right-of-way clearing, clearing for new construction, and fire hazard reduction.

b. No person shall knowingly burn any material until they have received a written permit and verbal approval from either the local fire district or the U.S. Forest Service. The following information shall be provided before a permit will be issued:
(1) Name and address.
(2) Location of the burn.
(3) Amount of material to be burned.
(4) Distance to nearest residential area.

c. Any material greater than six inches in diameter shall be dried for eight or more weeks. Any material less than six inches in diameter shall be dried for four weeks or more.

d. All burning will begin after 10:00 a.m. and no additional material will be added to the fire after 3:00 p.m.

e. Up to 9,500 tonnes of material can be burned on an annual basis by the state and federal land management agencies. The determination of the amount of material burned shall be based on the procedures established in Section 6.01.00.0.

f. Open burning shall be prohibited between June 15 and October 15 for all areas within the basin unless mechanized--burners--are--utilized--and/or the Agency approves a burning plan either as a project or permit condition.

g. The local fire districts and U.S. Forest Service shall not allow anyone to burn any material unless the day has been designated as a burn day by the U.S. Forest Service. The U.S. Forest Service shall notify the local fire districts whether the day is a burn or no burn day. A burn day shall be based on the following:

(1) (TO BE DEVELOPED)

8.05.02.0 Enforcement/Permitting Authority:

a. The Agency shall designate the appropriate permitting agency by political jurisdiction and maintain such list.

b. The provisions of this ordinance shall be enforced by the local and state air pollution control agencies, local fire districts, the U.S. Forest Service, and the TRPA.

8.06.00.0 AIR QUALITY/TRAFFIC MITIGATION PROGRAM: This rule shall in part mitigate impacts from new residential and commercial and public projects and changes in use for commercial and public projects that impact air quality and traffic congestion. Measures included in the Design Review Guidelines shall also be required as mitigation by applicants, if appropriate, to fully mitigate impacts from projects.

8.06.01.0 Program Requirements:

a. Existing and new residential projects shall pay a mitigation fee of $________/vehicle trip for the peak 24-hour period.
b. Existing and new commercial and public projects that generate less than 1,500 vehicle trips for the peak 24-hour period shall pay a mitigation fee of $_______/vehicle trip.

c. Existing and new commercial and public projects that generate more than 1,500 vehicle trips for the peak 24-hour period shall complete an environmental impact statement.

d. Existing and new commercial and public projects that generate more than 50 vehicle trips for the peak 24-hour period and locate within 1/4 mile of an area with a level of service "E" for the peak 1-hour period shall complete a traffic report. This report shall be prepared by an independent contractor selected by both the applicant and the Agency. The traffic report shall evaluate alternatives to the project and identify mitigation to reduce the impacts and evaluate any relationships to the phasing of the mitigation measures included in the Regional Plan. The Agency shall identify areas within 1/4 mile of a level of service "E" every April.

e. A mitigation project may be completed in lieu of a fee if the Agency determines it is as effective as the fee. The Agency may consider improvements made in the last year by the applicant to offset impacts from the project if it is located within one mile of the proposed project.

f. The Agency will be responsible for collecting, maintaining and dispersing the mitigation fees.

g. The Agency in cooperation with the Tahoe Transportation District, City of South Lake Tahoe, and counties within the Basin shall determine on an annual basis how the funds shall best be used to attain the environmental thresholds. These funds, however, shall be used only for measures that will result in a direct improvement in both air quality and/or traffic circulation.

8.07.00.0 STATIONARY SOURCE REVIEW: The purpose of this rule is to limit the type of stationary sources of air pollution that can locate within the Tahoe Basin to insure that the environmental thresholds will be attained.

8.07.01.0 Program Requirements:

a. Emissions from modified and new stationary sources of air pollution shall be calculated using emissions factors contained in AP-42 Compilation of Air Pollutant Emission Factors or any other method approved by the Agency.
b. Modified and new stationary sources of air pollution that emit an increase of more than any one of the following over the peak 24-hour period shall be required to complete an environmental impact statement according to Subsection:

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<tr>
<td>Fine particulate matter</td>
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<tr>
<td>Hydrocarbons</td>
<td>30</td>
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<tr>
<td>Sulfur dioxide</td>
<td>10</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>100</td>
</tr>
<tr>
<td>Lead</td>
<td>50</td>
</tr>
<tr>
<td>Noncriteria-pollutants</td>
<td></td>
</tr>
</tbody>
</table>

The determination of the increase in emissions shall include any decrease in emissions from the source and offsets from other sources.

c. Modified and new stationary sources of air pollution that emit an increase of more than any one of the following over the peak 24-hour period shall be prohibited:

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<thead>
<tr>
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<th>Kilograms</th>
</tr>
</thead>
<tbody>
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<td>Lead</td>
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<td>Noncriteria-pollutants</td>
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</table>

The determination of the increase in emissions shall include any decrease in emissions from the source and offsets from other sources.
MEMORANDUM

DATE: February 1, 1984

TO: Advisory Planning Commission

FROM: Agency staff

SUBJECT: Resource Management Subcommittee

The Resource Management Subcommittee has met on 5 separate occasions to discuss Chapters 5, 6, and 7 of the proposed Ordinance. Discussions in the Subcommittee have been lengthy but highly productive. Excellent input has been received from both the APC members and other technical participants.

Each chapter is still in various stages of discussion and revision. At this time, the subcommittee has completed recommended revisions to Chapter 5 on Grading. The revised draft of Chapter 5 is enclosed for consideration by the full APC. Additional meetings will be scheduled by the Resource Management Subcommittee to recommend final action on the Resource Management and Water Quality Chapters.

For the purposes of this agenda item, staff would like the full APC to take the following actions:

1. Discussion and vote on the revised Grading Chapter of the Ordinance; and

2. Discussion of any critical issues addressed in Chapters 6 and 7.
CHAPTER 5

5.00.00.0 GRADING PROVISIONS
  5.00.01.0 General Explanation

5.01.00.0 SPECIAL INFORMATION REPORT REQUIREMENTS
  5.01.01.0 Required Investigations, Reports, and Plans
    5.01.01.1 General Requirements of Subsurface Investigations
    5.01.01.2 Specific Requirements of Subsurface Investigations
    5.01.01.3 Revegetation and Slope Stabilization
    5.01.01.4 Additional Investigations and Reports

5.02.00.0 INSPECTIONS
  5.02.01.0 Work Subject to Inspection
  5.02.02.0 Required Inspections

5.03.00.0 CONSTRUCTION/INSPECTION SCHEDULE

5.04.00.0 WINTERIZATION

5.05.00.0 STANDARDS OF GRADING, FILLING AND CLEARING
  5.05.01.0 Seasonal Limitations
    5.05.01.1 Grading Seasons
    5.05.01.2 Grading Extensions
    5.05.01.3 Prohibition of Grading During Inclement Weather
  5.05.02.0 Criteria for Grading, Filling and Clearing Operations
  5.05.03.0 Discharge Prohibitions
    5.05.03.1 Direct Discharge
    5.05.03.2 Indirect Discharge
    5.05.03.3 Discharge Control Devices
  5.05.04.0 Dust Control
  5.05.05.0 Disposal of Earthen Materials
  5.05.06.0 Cuts, Fills, Setbacks

5.06.00.0 VEGETATION PROTECTION

5.07.00.0 OBJECTS OF ANTIQUITY
CHAPTER 5

5.00.00.0 GRADING PROVISIONS:

5.00.01.0 General Explanation: Soil within the Lake Tahoe Basin is an integral part of the structure and function of the natural ecosystem. The disturbance of soil allows the possibility of erosion and the degradation of water quality in the region. Proper techniques and constraints can minimize the impacts of grading. Grading activities, except as set forth under Subsection 1.04.08.0, shall require an Agency permit and be reviewed against the following criteria:

5.01.00.0 SPECIAL INFORMATION REPORT REQUIREMENTS: Applicants for grading permits shall submit a complete application to the Agency pursuant to the Rule and Regulations of Practice and Procedure.

5.01.01.0 Required Investigations, Reports, and Plans:

5.01.01.1 General Requirements of Subsurface Investigations:
If a subsurface soil and geological report is required pursuant to Subset 5.01.01.2, subsurface investigations shall be performed, by a competent person, throughout the area to sufficiently describe the existing conditions.

5.01.01.2 Specific Requirements of Subsurface Investigations: Subsurface investigations shall be conducted, and a subsurface soil and geological report prepared, where stability may be lessened by the proposed grading or filling or when such grading or filling will be performed at any of the following locations:

a. Fault zones;
b. Contact zones between two or more geologic formations;
c. Zones of trapped water or high water table;
d. Where bodies of intrusive materials (rocks, boulders, etc.) are prevalent;
e. Historic landslides or where the topography is indicative of prehistoric landslides;
f. Adversely sloped bedding planes, short-range folding areas, overturned folds, fractures and other geologic formations of similar importance;
g. Where a fill slope is to be placed above a cut slope;
h. Proposed or existing cuts exceeding twenty (20) feet in height, unless in competent rock;

- 3 -
i. Proposed or existing fills exceeding twenty (20) feet in height;

j. Where fills are to be placed on existing slopes steeper than sixteen percent (16%);

k. Wherever groundwater from either the grading project or adjoining properties is likely to substantially reduce the subsurface stability;

l. In areas showing characteristics of seeped soils or within areas of water influence; or

m. Where grading is proposed in the vicinity of historic sites (refer to Section 5.07.00.0) as identified by Agency maps or in other locations where objects of antiquity could be located.

Where any of the particular problem areas listed above or other unstable soil conditions are found, the subsurface investigation shall be of sufficient intensity to describe the problem thoroughly. The qualified expert making the report shall submit a written report of findings and recommendations.

5.01.01.3 Revegetation and Slope Stabilization:

a. Plan Required: The applicant shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be planted, erosion control, percentage of compaction, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality, and fish and wildlife.

b. Submittal of Plan: The revegetation and slope stabilization plan shall be submitted with the grading plan required in a, above, unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

5.01.01.4 Additional Investigations and Reports: When requested by the Agency, the applicant shall procure and furnish at his own expense additional engineering, geologic and ownership reports, plans or surveys and other material necessary to determine and evaluate site conditions and the effect of the
proposed work on abutting properties, public ways and public welfare and safety within the purposes of this ordinance.

5.02.00.0 INSPECTIONS

5.02.01.0 Work Subject to Inspection: All construction or work for which a permit or other Agency review is required shall be subject to inspections at any time by the Agency.

5.02.02.0 Required Inspections:

a. Prior to any grading activity commencing, a pregrading inspection by Agency staff shall be required at which time all temporary erosion control and vegetation protection and construction site boundary fencing shall be in place.

b. An inspection by Agency staff shall be required to assure that installation of permanent mechanical erosion control devices, drainage improvements and revegetation be accomplished as soon as feasible after the start of construction.

c. Upon completion of all construction activities and prior to release of securities, a final site inspection by Agency staff shall be required at which time all improvements and revegetation shown on the final construction drawings approved by the Agency shall be properly installed and all conditions of approval satisfied.

5.03.00.0 CONSTRUCTION/INSPECTION SCHEDULE: The construction/inspection schedule that may be required for any project pursuant to Chapter 1.00.00.0 shall require information for purposes of establishing an appropriate sequence for installation of permanent mechanical erosion control, drainage improvements and revegetation consistent with the final construction drawings approved by the Agency. Said schedule is also for the purpose of assuring compliance with the seasonal and weather limitations on grading activities set forth in Subsection 5.05.01.0. In no instance shall a construction/inspection schedule be approved which would allow a construction site to be inactive more than seven months or beyond October 15 of the year following that which construction commenced without completion of permanent erosion control and drainage improvements and revegetation as necessary to stabilize the site pursuant to BMP's. The following are those information items that may be required pursuant to this Section:

a. When installation of temporary erosion control, and vegetation protection and construction site boundary fencing will occur;

b. When construction will start;

c. When all disturbed areas will be stabilized;

d. When initial grading will be completed;

e. When all construction slash and debris will be removed;
g. When driveways, parking areas and other paved surfaces will be paved;

h. When installation of permanent mechanical erosion control devices will occur;

i. When installation of permanent drainage improvements will occur;
j. When revegetation will occur;
k. When construction will be completed;
l. When the site will be winterized, if appropriate; and
m. Other information deemed necessary by agency staff to assure compliance with the purpose of this Section as stated above.

5.04.00.0 WINTERIZATION: All construction sites shall be winterized by October 15, in the following manner:

a. Sites that will remain inactive between October 15 and May 1 shall contain erosion and drainage improvements necessary to prevent discharge from the construction site, including but not limited to:

(1) Installation of temporary erosion controls;
(2) Installation of temporary vegetation protection fencing;
(3) Stabilization of all disturbed areas;
(4) Clean-up and removal of all on-site construction slash and debris;
(5) Installation of mechanical stabilization and drainage improvements where feasible; and
(6) Removal of all spoil piles from the site.

b. Sites that will remain active between October 15 and May 1 shall, in addition to the requirements of Section 5.04.00.0(a), include:

(1) Installation of all permanent mechanical erosion control devices including paving of all driveway and parking areas;
(2) Installation of all permanent drainage improvements; and
(3) All parking of vehicles shall be restricted to paved areas on site.

5.05.00.0 STANDARDS OF GRADING, FILLING AND CLEARING:

5.05.01.0 Seasonal Limitations:

5.05.01.1 Grading Seasons: Grading, filling, clearing of vegetation or other disturbance of the soil may not occur between October 15 and May 1 unless an extension has been granted by the Agency pursuant to Subset 5.05.01.2. Prior to the period of October 15 to May 1, all construction sites shall be winterized per Section 5.04.00.0.
5.05.01.2 Grading Extensions: A permit may be granted by the Agency to allow grading after October 15 when the Agency finds that it is in the best interests of the public health and safety, is for erosion control purposes or otherwise for improvement of water quality. The applicant must show that an extension will not increase the risk of environmental damage caused by the grading, filling or clearing of vegetation. Grading may be permitted to facilitate the construction of nearshore/foreshore structures during periods of low water.

5.05.01.3 Prohibition of Grading During Inclement Weather: Grading, filling, clearing of vegetation (which disturbs soil) or other disturbance of the soil are prohibited during inclement weather and for the resulting period of time when the site is covered with snow or is in a saturated, muddy or unstable condition. This prohibition extends to snow removal on unpaved construction sites.

5.05.02.0 Criteria for Grading, Filling and Clearing Operations: All grading, filling and clearing activities, including the construction and/or maintenance of unsurfaced roads whether or not requiring a permit under this ordinance, shall be designed to the maximum extent feasible to be consistent with the Grading and Drainage Guidelines of the Agency.

5.05.03.0 Discharge Prohibitions:

5.05.03.1 Direct Discharge: New point source discharges of solid or liquid waste materials including soil, silt, clay, sand or other organic or earthen materials are prohibited within the Tahoe Basin unless written approval is obtained from this Agency.

5.05.03.2 Indirect Discharge: Any materials susceptible to erosion shall be controlled with discharge devices.

5.05.03.3 Discharge Control Devices: Approved erosion and siltation control devices and measures shall be required for all grading, filling, and clearing operations. Control devices and measures which may be required include, but are not limited to, approved temporary and permanent erosion and sedimentation control devices and facilities and measures as depicted in the Handbook of Best Management Practices.
5.05.04.0 Dust Control: Dust control methods shall be required for any activity creating substantial quantities of dust.

5.05.05.0 Disposal of Earthen Materials: Earthen material excavated during operations hereunder shall be disposed of in a manner approved by the Agency. These may include:
   a. Stockpiling all or some of the top soil on the site for use on areas to be revegetated.
   b. Disposal of the material at a location approved by the Agency.

5.05.06.0 Cuts, Fills, Setbacks: The Agency's Design Review Guidelines shall include provisions for:
   a. Maximum cut slope;
   b. Stability of slope material;
   c. Maximum fill slope;
   d. Appropriate type of fill material;
   e. Borrowing of fill material;
   f. Fill compaction requirements;
   g. Appropriate moisture content of compacted fill; and
   h. Appropriate property line setbacks from cutslopes.

5.06.00.0 VEGETATION PROTECTION:
   a. Restriction of Vehicles to Graded Areas: There shall be no excavation on the site before the Agency has approved the location of the stake-out of the drives, parking sites, building sites and other areas to be graded or filled. Construction equipment shall be limited to the area specified in the final plans to be graded according to the approved plans. No vehicles of any kind shall pass over areas outside of the construction site boundary.
   b. Tree Buffer Zone: No grading or operation of heavy equipment shall take place within the area bounded by the drip line of any tree or off the property. This does not apply to those trees which have been approved for removal by the Agency.
   c. Protective Barriers: During construction the permittee shall install and maintain appropriate barriers around all native vegetation proposed for retention. A tree barrier shall be installed pursuant to Section 6.04.00.0.

5.07.00.0 OBJECTS OF ANTIQUITY:
   a. Prohibition of Grading: No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged by grading except in accordance with an approved recovery plan. The grading plan shall indicate all such areas on the site and shall indicate the measures that will be taken to protect these areas.
b. Discovery of Antiquities: Whenever during excavation any historic or prehistoric ruins or monuments or objects of antiquity not previously accounted for in the grading plan are uncovered or become apparent, all work in the immediate area shall cease until the Agency determines that appropriate precautions have been taken to preserve the historic artifacts.