TRPA
APC
PACKETS

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

NOTICE IS HEREBY GIVEN that on January 11, 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.

FURTHER, NOTICE IS HEREBY GIVEN that the Advisory Planning
Commission will continue this meeting to January 18, 19, 1984
at 9:30 a.m. at the same location.

Dated: January 3, 1984

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

Counter Copy
Please do not remove.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

January 11, 1984*
9:30 a.m.

NOTE: At 10:30 a.m. the APC Subcommittees will form core groups to discuss working draft ordinances for Transportation/Air Quality, Grading, Resource Management, and Water Quality.

*The APC will continue this meeting to 9:30 a.m. on Wednesday and Thursday, January 18 and 19, 1984 in the same location.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM
II APPROVAL OF AGENDA
III DISPOSITION OF MINUTES
IV PLANNING MATTERS
   A. Regional Plan and Matters Relating Thereto
   B. Planning Area Statements, Hearing Process
   C. Ordinance Development
   D. Other
V ADMINISTRATIVE MATTERS
VI REPORTS
   A. Staff Reports
   B. Public Interest Comments
   C. APC Members
VII RESOLUTIONS
VIII CORRESPONDENCE
IX PENDING MATTERS
X ADJOURNMENT

*This meeting will recess to January 18 and 19, 1984 in the same location.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

El Dorado County Library                                  September 14, 1983 9:30 a.m.
Meeting Room, 1000 Rufus Allen Boulevard                  September 15, 1983 9:30 a.m.
South Lake Tahoe, California

I  CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Ann Bogush called the meeting of the Advisory Planning Commission to
order at 10:00 a.m.

APC Members Present:            Mr. Renz, Mr. Combs, Mr. Randolph, Mr. McMullen
                                (arrived at 10:05), Mr. Hoeffler, Ms. Sparhel,
                                Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris,
                                Mr. Hansen, Mr. Poppoff, Ms. Michael, Ms. Bogush,
                                Mr. Harper (arrived at 10:10 a.m.)

APC Members Absent:             Mr. Milam, Mr. Sullivan, Mr. Curtis (arrived at
                                1:00 p.m.),

II  APPROVAL OF AGENDA

There were no changes to the agenda.

III  DISPOSITION OF MINUTES

The minutes for July 13, 14, 1983 and August 4, 5, 1983 were not completed due
to time constraints as indicated in a memo dated September 7, 1983 to the APC.

IV  PLANNING MATTERS

A. Amendments to Regional Plan Goals and Policies and
   Plan Area Statements

1. Transportation Element

Ms. Michael reported that the Transportation Subcommittee met with the Tahoe
Transportation District (TTD) Technical Advisory Committee (TAC) on August 30,
1983 to discuss proposed recommendations. Ms. Michael stated that there could
be a problem with the proposed language and TTD as the lead agency. Ms. Michael
also stated that the subcommittee met again with TAC prior to the APC meeting,
and the TAC counter-proposed alternative language that both committee's agreed
upon. The TAC will then go back to the TTD and ask for their recommendation
after the APC reviewed these modifications. Ms. Michael noted that the TTD
Board would present recommendations to the TRPA Governing Board on September
19.

The APC received copies of the revised Transportation Element dated September
13, 1983 and Ms. Michael explained that the APC would need to discuss the format
and the incorporated changes from comments received from the Governing Board
meeting on August 19, TAC-TTD, Federal Highways, Nevada Department of Transport-
ation, Placer County, Caltrans, and the City of South Lake Tahoe.
Keith Maki, Senior Planner, explained that the proposed language agreed upon by TAC and the subcommittee earlier was not reflected in the September 13 version because there had not been enough time to incorporate those revisions into the document.

Mr. Maki noted that the changes to the Transportation Element requested by the Federal Highway Administration (FHWA) clarified FHWA’s transportation planning process. Mr. Maki pointed out, however, that NDOT and FHWA did not require submittal of transportation plans for areas of less than 50,000 population, but he explained that this was being done in order to be consistent with their planning process.

Ms. Michael stated that when the APC voted and adopted recommendations on mass transit, the objective of the rapid transit system in the Highway 50 corridor was to achieve bus headways of 10 minutes or less. The TAC and TTD felt that language would be too restrictive because in the first 5 years of operation it may be possible to achieve increases in ridership but requiring them to run buses every 10 minutes or less may not be the way to achieve it. Ms. Michael explained that extensive time was spent discussing this subject and modifying the language which still met the needs of the subcommittee in addition to identifying a ridership goal consistent with the Air Quality Plan that called for 8,300 passengers per day. Ms. Michael stated that if TTD determines that headways of 10 minutes or less may not be the way to achieve that ridership goal then they can come back to the TRPA with an alternative plan by June 1984 to implement other types of services to accomplish the goal of Policy 2.

Ms. Michael explained the APC had recommended that TART be expanded and that the system be doubled in the first 5 years. The TTD felt that they were not sure that they could double the service within the first 5 years but they suggested adding another objective for overall north shore and west shore service which would (1) increase the frequency of service, (2) expand the hours of operations, and (3) implement strategies to improve the systems and increase ridership on the North Shore and West Shore by amending Policy 3. Ms. Michael pointed out that the transportation plan will be reevaluated through monitoring and revised after 5 years if the objectives are not meeting the goals.

John Bells, Caltrans and TAC Chairman, commented that Ms. Michael had correctly reported on the concerns of the TAC, and that the TAC felt comfortable with the compromises reached in the revised language which included detailed objectives and how those objectives will be achieved. Mr. Bells also stated that the process was set up so that if the TAC or TTD found that the objectives were infeasible they could offer alternative suggestions/proposals for TRPA’s consideration.

Mr. Maki explained the revisions that had been made after August 18 to the Transportation Element responded to comments received, and he responded to questions raised by the APC. The APC discussed recommendations which further refined the terminology added to the Goals and Policies of the Transportation Element.
Mr. Maki pointed out that the Governing Board had revised the language under Transportation Related Goal #2, Policy 5: Development may need to be adjusted based on the effectiveness of the transportation measures and programs being implemented to reduce vehicle trips and VMT. This is needed to ensure that development does not outstrip the ability of the transportation system to provide adequate service and alternatives, thereby hindering progress towards achievement of thresholds.

Ms. Michael stated that she would like to have the Governing Board reconsider the previous language under Transportation Related Goal #2, Policy 5: Phasing of construction permits shall be timed with completion of transportation system improvements or appropriate measures which reduce VMT and/or trips as necessary to accommodate increased trip demand. Mitigation of impacts may be either as public/private mass transportation and/or regional highway system improvements. Annual allotments under the building allocation system may need to be adjusted based on the effectiveness of the transportation measures and programs being implemented to reduce vehicle trips and VMT. This is needed to ensure that development does not outstrip the ability of the transportation system to provide adequate service and alternatives, thereby hindering progress towards achievement of thresholds.

Ms. Michael pointed out that construction phasing was closely tied to land use. Mr. Randolph added that he thought the word "annual" should have been left in.

MOTION by Ms. Michael, with a second by Mr. Randolph, under Transportation Related, that the Governing Board reconsider retaining the previous language in Goal #2, Policy 5 narrative.

Mr. Pyle commented that the APC made their recommendations to the Governing Board who have made their decisions, and no progress would be made if these issues are continually debated back and forth.

Ms. Michael withdrew her motion so that the APC could proceed to the major issues. She stated, if appropriate, they could come back to the motion.

MOTION by Mr. Randolph to delete the first sentence of Policy 5 and add the word annual to the Policy 5 narrative. There was no second to this motion.

Ms. Michael referred to Goal #4, Policy 2 (page 57) saying that this policy requires, at a minimum annual evaluation of public transit and paratransit system routes, schedules, service areas, and fare structure for recommended operational improvements.

MOTION by Ms. Michael, with a second by Mr. Popoff, that the APC adopt the Transportation Element as revised September 14, 1983.

Amended by Mr. Sawyer to add to the motion the understanding that the Transportation Element needs to be a part of an integral plan, including issues other than implementation to achieve the objectives of the Compact.

Ms. Michael and Mr. Popoff agreed to incorporate Mr. Sawyer's amendment to the motion.
Mr. McMullen suggested that the Mass Transportation Subelement (page 47) second paragraph, fifth sentence be amended: Short term objectives are derived from the subelement and will be updated annually in a five year Transportation Improvement Program prepared by TTD and subject to approval by the TRPA. Mr. McMullen also suggested that (page 48) Goal #1, Policy 1 narrative be amended: The formation is ultimately to include the acquisition of the South Tahoe Area Ground Express (STAGE) and the Tahoe Area Rapid Transit (TART) systems and associated facilities, and financing for the local share of capital projects and continuing operating deficits. The first priority of the TTD will be to pursue funding sources consistent with the Compact in order to accomplish implementation of the transit portions of the Transportation Plan.

Mr. Hoefer suggested that Policies 2 and 3 be amended to include the ridership levels as part of the policies (pages 48 and 49) rather than in just the narrative sections as follows: Policy 2, amend: Implement a rapid transit system of high quality and intensity in the south shore area from the 'Y' to south Stateline casino core area that achieves a ridership level of 8,300 passengers per day. Policy 3, amend: Expand the Tahoe Area Regional Transit (TART) service by extending service areas and improving headways to achieve at least 450 average daily ridership.

Mr. Eells stated he thought that it would be better to leave Policies 2 and 3 the way they were written, and the APC members agreed.

The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Popoff, Ms. Michael, Ms. Bogush, Mr. Harper

Nayes: None

Abstain: None

Absent: Mr. Milam, Mr. Sullivan, Mr. Hansen, Mr. Curtis

The minutes reflect that the members of the Technical Advisory Committee of the Tahoe Transportation District who were present supported the APC members and the Transportation Subcommittee's revised recommendations for the Transportation Element.

MOTION by Mr. Sawyer, with a second by Ms. Sparbel, to designate Mr. Combs as temporary acting chairman during the absence of Mr. Harper and Ms. Bogush. The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Mr. Curtis, Mr. Popoff, Ms. Michael

Nayes: None

Abstain: Mr. Curtis

Absent: Mr. Milam, Mr. Sullivan, Ms. McMorris, Mr. Hansen, Ms. Bogush, Mr. Harper
2. Land Use Element

Gordon Barrett, Principal Planner, explained that the Land Use Subcommittee prepared reports for evaluating single family dwelling. With the use of a display chart Mr. Barrett outlined the five alternatives and the potential items to be considered in the review system recommended by the subcommittee:

ALTERNATIVE #1 -- LAND CAPABILITY SYSTEM

Description - High hazard areas are mapped by the Bailey System. Lots located in high hazard areas are not permitted to build. Low and moderate lots build and meet performance standards.

Evaluation Criteria - The Bailey Land Capability System relies on Soil Conservation Service soil mapping criteria, geomorphology and 208 stream environment zone criteria. Area/subdivision requirements apply to low and moderate areas.

Relationship to allocation systems - May be used with allocation system but not required.

ALTERNATIVE #2 -- PASS/FAIL (NO MITIGATION)

Description - Each lot is rated to determine the hazard rating; the high hazard rating is determined as a minimum passing score. Points are reduced after evaluation against set criteria. Passing lots meet performance standards.

Evaluation Criteria - Lots are evaluated on existing:

1. Environmental criteria
2. Area/Subdivision criteria

Relationship to Allocation System - Allocation system not required, however, it would facilitate the individual lot review and minimize risk.

ALTERNATIVE #3 -- PASS/FAIL (MITIGATION)

Description - Each lot is rated to determine the hazard rating as in Alternative #2, however, rating may be increased with additional mitigation. Points are received after evaluation against set criteria.

Evaluation Criteria - Lots are evaluated on:

1. Environmental Criteria
2. Area/Subdivision Criteria
3. Site Design Criteria
4. Off site mitigation criteria

Relationship to Allocation System - Allocation System is not required but would facilitate individual lot review, minimize risk, encourage TDR, and time off site mitigation.

ALTERNATIVE #4 -- RANKING

Description - All lots compete against each other based on number of points received after evaluation against set criteria.

Evaluation Criteria - Lots are evaluated on:
1. Environmental Criteria
2. Area/Subdivision Criteria
3. Site Design Criteria
4. Off-site Mitigation

Relationship to Allocation System - Allocation system is required to group competing lots.

ALTERNATIVE #5 -- PASS/MARGINAL PASS/FAIL

Description - Each lot is rated to determine the hazard rating as in Alternative #2, however, the rating may be increased through mitigation by a limited amount to allow marginally acceptable lots to build. Also minimum score may be adjusted for timed prioritization.

Evaluation Criteria - Lots are evaluated on:
1. Environmental Criteria
2. Area/Subdivision Criteria
3. Site Design Criteria
4. Off-site Mitigation Criteria

Relationship to Allocation System - Allocation System is required to allow prioritization, facilitate individual lot review, minimize risk, encourage TDR and time off-site mitigation.

Mr. Barrett clarified that the Best Management Practices would be required and that the land capability system would still provide for the land capability challenge process.

Mr. Pyle commented that so much money could be spent by the property owner on the engineering and architectural drawings in trying to compete against someone else on the site design criteria for those points. Mr. Pyle suggested that the site design requirements for Alternatives 1, 2, and 3 should be kept simple to provide an equal chance for everyone. Mr. Pyle expressed that if everyone was given the opportunity to build based on the point priority system, the property owner would be under the impression that property would hold its value for a buyout program and he did not see that happening. Mr. Pyle stated that there
was the possibility of complicating the appraisal system with the appraiser becoming more conservative by looking at the lower side of the property valuation which could result in more appeals and more unhappy people.

Mr. Harper returned to the meeting at 1:40 p.m. Mr. Harper stated that the point priority system could be refined the way the APC prefers to see the point priority system function and transmitted to the Governing Board as an endorsement for a method of reviewing building applications and implementing the Regional Plan. However, Mr. Harper pointed out that this is a very complex planning issue which could require a considerable amount of the APC's time. He suggested that the APC may prefer to recommend a simple priority system at this time and the Governing Board may agree this is appropriate and is the kind of system they think should be done, and refer it back to the APC for refinement in the implementing ordinances.

Mr. Pyle stated that, depending on the action, if the Governing Board referred this matter back to the APC he felt that Alternative 1 was adequate. If the Governing Board did not refer this back to the APC he felt they would have to go to Alternative 2. Mr. Pyle recommended that the remapping should be done to get it down to a reasonable and useable delineation of 1 to 5 acres which he felt was reasonable within the amount of $240,000 to $300,000 budgeted. Mr. Pyle stated that he did not feel comfortable with using just the land capability system and that a great deal more appeals would be processed through the Agency.

MOTION by Mr. Sawyer, with a second by Ms. Michael, that the APC recommend Alternative 1, the Land Capability Review System, to the Governing Board with the following provisions: (1) that the land capability maps be reviewed and corrected in accordance with the Advisory Planning Commission's recommendations for the Soil Subelement; (2) that this recommendation does not include a recommendation where the cutoff is between environmentally sensitive lands and lands which are non-environmentally sensitive, but should be used as a technical review system; and (3) that land capability challenges would be allowed.

Mr. Sawyer added that he did not think the priority system described any of the first three alternatives, and the first two alternatives did not necessarily depend on a point system, but the APC should decide when they get to the implementation element, and he suggested referring to it as a review system instead of a point priority system.

Mr. Curtis commented that this is one area that needs local community involvement because in some areas there are communities that have given up a lot of area to green belt and are clustered, and other areas are built strictly on a grid system where the lot by lot review may have some validity. Mr. Curtis stated that there too many variations around the Basin not to have some local input into just exactly what those increments are.

Mr. Sawyer clarified that during the interim period of three years for remapping, the subcommittee for the soils element contemplated to use the existing maps and allow the capability challenge.
Ms. McMorris stated that she would be more in favor of the pass/fail with mitigation alternative, but modified to include land capabilities 3 through 7. She explained that land capability 3's would be included along with the 4 through 7's since the Bailey Report refers to the 3's as marginal, and that land capabilities 1 and 2 would be out. The 1's and 2's along with any lots that are denied could be purchased or scheduled for purchase within a certain time limit such as three years.

Mr. McMullen pointed out that there has to be some relationship with the acquisition program to this rating system; or in the absence of the rating or priority system, it is important that a fair process system be developed for the coming years that avoids the situation where people feel they are caught in the middle because they are not able to build and their property cannot be purchased. Mr. McMullen added that if the distinction is made on the basis of the mapping, the mapping will always be the key factor. It will always come down to what kind of parcel it is and the size. Mr. McMullen suggested a more applicable system would be one that relates easily to Alternative 3, pass/fail with mitigation or any of the pass/fail systems, but on a lot-by-lot basis because, remapping or not, an analysis still has to be done on the basis of that particular parcel. Mr. McMullen suggested to try to accommodate everything from adoption of the plan on a lot-by-lot basis, pass/fail with some mitigation ability, with a number of limiting factors. i.e., criteria, a cap on the mitigation points, so that no matter how it is rated there is only so much that can be done with mitigation, which is another decision point.

Mr. Combs agreed that each lot should be evaluated on a lot-by-lot basis which would provide an accurate verification as to what the land capability and is a better indication than the 400 scale map. Mr. Combs stated he was inclined to be more supportive of Alternative 2, but suggested adding another option by looking to the type of subdivision the property happens to be in. With a marginal capability 3 the staff might not want to release it if it is in a paper subdivision, but it might be appropriate to release it if is in a subdivision with all utilities, paved roads, and the BMP's already installed.

Mr. Curtis stated that he was concerned about the Bailey system because it is a guide for planning. This guide for planning is being used to try to apply it to already existing subdivisions. We're not going out there and plan new subdivisions; that isn't going to happen and we already know that. Mr. Curtis stated the problem that seems to exist is that everybody is so worried about one person with a poor capability lot, spending money and being able to get it approved. There probably aren't 50 people out there that would be willing to throw money into a bad lot to the point where it would not be economically feasible for that lot to be developed on. If it is economically feasible they will spend up to $10,000 or $15,000 that would make it feasible. If it is not feasible then let them get bought out, but the problem right now is that there is no equitable way for that person to get out of this situation.

Ms. McMorris clarified that the reason she advocated a cut-off period of time was to be honest with the applicant. Instead of them spending their time and money, and the staff's time and money, because realistically the Governing Board is not going to allow building on 99% of the land capabilities 1's and 2's, we should make that a policy.
Mr. Harper stated that Alternative 1 appeared to be an environmentally restrictive alternative and it did not take into account the time spent earlier to plan investing future money into certain infrastructures. If the public is going to be taxed to pay for certain infrastructures, they should at least get the most for their money. Mr. Harper stated that Alternative 2 provided that flexibility. Mr. Harper did not feel, however, that he could support Alternative 3 because he stated that a decision would have to be made whether to evaluate the criteria based upon what is there prior to the lot being developed. Mr. Harper also stated that more Agency staff would have to be hired in order to administer Alternative 3, and since both California and Nevada have gone through tax and staff cuts it would seem odd to suggest that the staff be increased at this time.

MOTION by Ms. McMorris, with a second by Ms. Michael, that a fourth condition be incorporated in Mr. Sawyer's motion: (4) that the Regional Plan recognizes the land purchase programs and other mechanisms which maintain the value of the property. There was a second by Ms. Michael.

Mr. Sawyer stated that he agreed with that condition, but felt that it should be voted on separately as an amendment.

Ms. Sparbel suggested that the amendment read: that the Regional Plan recognizes the land purchase programs. Ms. Sparbel stated that she was not sure that the APC's role was to say that certain things should or should not be maintaining property values. The APC should recognize the land purchase programs.

Ms. McMorris rephrased her motion. The Regional Plan recognizes the land purchase programs and other mechanisms to retire environmentally sensitive lots.

Mr. Sawyer stated that the APC had to be very careful of not implying that they were taking an action for the purpose of having the lots purchased and he suggested to modify Ms. McMorris's motion: The Regional Plan recognizes the existence of land purchase programs and other options for owners of environmentally sensitive lots. Ms. McMorris stated that the language was weak but she agreed to the amended language.

Mr. McMullen stated that the issue was to get some sort of link between acquisition and environmentally sensitive lands that is potentially set up with the U.S. Forest Service and Tahoe Area Land Acquisition Commission (TALAC). Mr. McMullen suggested modifying the language: that every avenue be pursued to obtain inter-local agreements between TALAC, the U.S. Government, and the Nevada Tahoe Bond Act, by which the purchasing authority gives reasonable priority and scheduling to those lots.

Ms. McMorris suggested: That the Regional Plan recognizes the existence of land purchase programs and other options to retire environmentally sensitive lots and actively pursues such funding/programs.

Gary Midkiff, Assistant Executive Director, stated that both suggestions might not meet legal counsel's approval, however, the Agency can provide information to those programs regarding the location of such lots. Mr. Midkiff suggested adding to the motion that the Agency shall provide information regarding the location and nature of these lots to those agencies.
Since there was no agreement to the amended language proposed, Ms. McMorris withdrew her motion.

The original motion failed on the following vote:

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

MOTION by Mr. Combs, with a second by Mr. Pyle, that the Advisory Planning Commission recommend to the Governing Board, adoption of a development priority system, in compliance with the provisions of Alternative 2, Pass/Fail (No Mitigation), with environmental criteria allowing consideration of development of moderate and low hazard lots being land capability classes 3 through 7, along with evaluating the status of the subdivision in which the property is located.

Mr. Harper suggested adding an amendment to the motion that the pass/fail system also takes into account the levels and rates of infrastructure provided. Mr. Pyle stated that he thought that the subdivision criteria took that into consideration. Mr. Combs added that if this motion passed the APC would have to go even farther and get more precise about what the subdivision criteria would include. Mr. Combs also clarified that this motion excluded development on land capability 1 and 2 lots.

Mr. Renz suggested to amend the motion to modify the language for land capability classes 3 through 7 to those which have the characteristics of those land capability districts. Mr. Combs and Mr. Pyle agreed to the amended language.

Mr. Sawyer stated that with the coverage situation on land capability 3, in relationship to transportation planning and to water use on the California side of the Basin, in opening up development on capability 3 lots consideration should be given to all of the impacts. He pointed out that on a Basin-wide basis and on a watershed association basis we are out of coverage on land capability 3 lots. The environmental threshold carrying capacities require that the coverage coefficients of the Bailey system be achieved. Mr. Sawyer further pointed out whether it is done Basin-wide or on a watershed association basis means don't build on capability 3 lots, except for approximately 100 land capability 3 lots in specific watersheds that have available coverage on land capability 3's. If development on lot-by-lot is done, 3's can be built on so long as coverage does not exceed more than 1% to 5% of the lot, but the thresholds for the land capabilities recommends not building on 3's.

Mr. Sawyer distributed a chart which depicted projected levels of urban water use including municipal, domestic and irrigation demand compared to the California-Nevada Interstate Compact limitation for the California portion of the Lake Tahoe Basin and other demands. Mr. Sawyer pointed out an important factor to consider was, even if development was completely shut down in the Tahoe Basin, significant increases in water use on the California side could be expected as a result of increased occupancy. Mr. Sawyer explained that what
used to be a summer cabin used on a few weekends during the year is now being used every weekend and also during the winter. The trend has been to use both tourist accommodations and second homes for a large percentage of the year and Mr. Sawyer believed that continued large increases in occupancy can be expected in the future. He stated that by looking at this chart we are nearly out of water, with no development on 1's and 2's. Even if there is no increase in occupancy, there is a need for significant water conservation programs to offset this. With these increases in occupancy, there was a figure assuming no building at all on 1's and 2's and a figure above it showing that which would result from development of 65% of the class 1 and 2 lands; 65% is the approximate approval rate for case-by-case review. Instead of talking about land with characteristics of 3 through 7 which means allowing construction on a very large number of 1's, 2's and 3's by the time those criteria get weakened enough for adoption they will be something like the case-by-case review, Mr. Sawyer stated that the California Water Resources Control Board is assuming no construction on 1's, 2's and 3's, and no construction on a significant number of land capability 4 through 7 lots with insufficient coverage under a lot-by-lot application of the Bailey requirements. Even under those standards it will be very difficult to keep water use within the limits of the California-Nevada Interstate Compact. If development on land capability 3 is added it is almost certain, even with a very minor increase in occupancy, we will end up with water use in excess of that available. The land use planning should be done consistent with the availability of water supply and, therefore, should not allow development of land capability 3 lots on the California side of the Basin.

Mr. Combs clarified that his motion was to allow consideration of development of low and moderate hazard as defined by Bailey. He explained that the intent of his motion was not an advocacy of building out on all capability 3 lots. There may be very few in fact that would stand the test of the land capability review but also the subdivision review as well. Mr. Combs commented that if the APC members needed to know exactly how many lots were being approved for buildout on capability 3 lots then he would be agreeable to deferring that decision until the APC knows exactly what those figures would be. Mr. Combs stated that there was an amendment to the motion that the wording be changed to lots exhibiting the characteristics of 3 through 7. Mr. Combs and Mr. Renz assured the APC that the intent of the amendment was to recommend restriction on high hazard lands. If the lot is a capability level 1 or 2 and it exhibits the characteristics of a 3 it should be reclassified. Mr. Combs added that he did not see this as an open window to allow development on 1's and 2's.

Mr. Sawyer stated that he felt the amendment to the motion was ambiguous and he suggested that the amendment be modified to say land capability 1's and 2's that are incorrectly classified are eligible to be reclassified in accordance with the land capability system.

Ms. McMorris commented that she did not feel that land capabilities 1's, 2's and possibly 3's should be built on, but she could not vote for a motion unless there was some clause that included what the options are for those land owners.
Mr. Combs stated that he would be agreeable to amending the motion, but he would not want to see Alternative 2 lose because of the discussion on the amendment that appeared to be unacceptable. Mr. Combs reread the original motion, as amended, and seconded by Mr. Pyle: that the Advisory Planning Commission recommends adoption of a development priority system in compliance with the provisions of Alternative 2, Pass/Fail (No Mitigation); that environmental criteria allow consideration of development of lots with the characteristics of moderate and low hazard (class 3 through 7) along with evaluating the status of the subdivision in which the property is located.

Mr. Pyle clarified the basic criteria used to classify the difference between land capability 3 and 4: 9-30 percent slope for both 3 and 4; moderate erosion potential for both 3 and 4; moderately high to high runoff potential for 3; and low to moderately low runoff potential for 4.

The motion failed on the following vote:

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

MOTION by Mr. Combs, with a second by Mr. Renz, that the Advisory Planning Commission recommend to the Governing Board adoption of a development priority system in compliance with the provisions of Alternative 2.

Mr. Sawyer stated that it was becoming increasingly clear that until other issues were settled in the Regional Plan of whether to build on 1's, 2's and 3's, the APC would not be able to decide on this implementation issue. Mr. Sawyer added that this motion created more of a problem because he felt every lot owner with land capability 1 or 2 will come forward for review which is the present system for case-by-case review.

MOTION by Mr. Sawyer, with a second by Mr. Randolph to table the motion until after discussion.

Mr. Combs withdrew his motion in order for the APC to discuss the other points of the land capability system. Mr. Combs explained that his recommendation for Alternative 2 may have failed because the motion had too many strings attached to it.

Mr. Harper stated that there may have been some confusion with what was actually part of that process of pass/fail with no mitigation, and the factors that go into that pass/fail will automatically fall into it as the APC proceeds further.
MOTION by Mr. McMullen, with a second by Ms. McMorris, that the Advisory Planning Commission recommend to the Governing Board to adopt Alternative 3, Pass/Fail with Mitigation. That there will be a defined limit on the number of points or the amount of mitigation over and above that which would be considered standard conditions for approval to apply to any project per defined parcels that are mapped correctly, properly classified 3 through 7 that can actually be allowed under the Bailey System.

Ms. Michael commented that the motion appeared to make the system very complex and that she would prefer a more simple and less costly approach for the lot owners.

The motion failed on the following vote:

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

Mr. Randolph commented that his concern was including the class 3 lots, but that he could have voted in favor of the motion had the land capability been 4 through 7.

MOTION by Mr. Randolph, with a second by Ms. Michael, that the Advisory Planning Commission recommend to the Governing Board to adopt Alternative 3, Pass/Fail with Mitigation. That there will be a defined limit on the number of points or the amount of mitigation over and above that which would be considered standard conditions for approval or standard on-site or off-site mitigation to apply to any project per defined parcels that are mapped correctly, properly classified 4 through 7 that can actually be allowed under the Bailey System.

Mr. Combs stated that he felt there was a need for a parcel count of the number of lots in land capability 3 in the Basin. He requested that staff provide that information along with how many of those lots are in improved subdivisions with paved roads, water and sewer availability, drainage designs, and electrical service. Mr. Combs explained the reason that his motion included capability 3 lots was because, speaking from his jurisdiction, he felt there were very few lots classified as 3, and that he would feel more comfortable having this information before proceeding with further motions.

The motion failed on the following vote:

Ayes: Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Ms. Michael, Mr. Harper
Nayes: Mr. Renz, Mr. Combs, Mr. McMullen, Mr. Pyle, Ms. McMorris, Mr. Curtis, Mr. Popoff, Ms. Bogush
Abstain: None
Absent: Mr. Milam, Mr. Sullivan, Mr. Hansen
MOTION by Mr. McMullen, with a second by Ms. McMorris, that the Advisory Planning Commission recommend to the Governing Board that every avenue be aggressively pursued to obtain commitments from the purchasing or acquiring authorities that priority will be given to the owners of lots found to be non-developable in the Tahoe Basin as environmentally sensitive.

Mr. Hoefer stated that all of these lots are eligible under the Santini-Burton Act and asked for clarification. Mr. McMullen responded that he realized that the lots are eligible, but he was trying to emphasize that certain lots be given priority. Mr. Hoefer stated that originally approximately 8,000 lots were estimated as environmentally sensitive. Mr. Hoefer explained that the funds are budgeted annually but are not available to purchase all of the lots at one time. The priority system for acquisition had been discussed but it was felt first of all that the most sensitive lots, i.e., stream environment zones, class 1, in the most sensitive/damaged watersheds should be acquired first and have the highest priority. By using the system being discussed we could get one that is a class 3 lot or stream environment zone in a low hazard area.

Mr. Sawyer suggested proposed language that the TRPA adopt a policy that explicitly recognizes the existence of land purchase programs, i.e., land acquisitions, tax deductible charitable contributions, transfers of land as authorized under current statutes and federal laws, and other options for undevelopable lots and to aggressively pursue the provisions of these options.

MOTION by Mr. McMullen, with a second by Mr. Renz, to resolve that the Regional Plan of the TRPA explicitly recognize the existence of land purchase programs, and other options for owners of environmentally sensitive lands where development is not permitted under the Regional Plan, and that TRPA actively promote provisions of such options. These options may include the opportunities for land transfers, tax deductible charitable contributions, and transfers of development credits, as well as land purchase. That the TRPA aggressively pursue every avenue to obtain commitments from purchasing authorities; that priority be given to lots that are deemed non-buildable under the Regional Plan, or as for those lots which may otherwise be buildable, that priority be given to those that voluntarily decide not to.

Ms. Sparbel commented that the proposed language included items that had not been discussed, such as transfer of development rights (TDR). Ms. Sparbel stated she felt that a broad umbrella policy was more acceptable rather than adding all of the examples where future discussion would be limited, how they would be handled, and whether TDR's will be allowed.

The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Ms. McMorris, Mr. Curtis, Mr. Poppoff, Ms. Michael, Ms. Bogush, Mr. Harper

Nayes: Ms. Sparbel

Abstain: Mr. Hoefer

Absent: Mr. Milam, Mr. Sullivan, Mr. Hansen

Ms. Sparbel explained that she was concerned with the word "may" being included in the motion.
NOTION by Mr. McMullen, with a second by Mr. Renz, that the Advisory Planning Commission recommend to the Governing Board to adopt Alternative 2, Pass/Fail (No Mitigation), for the lots which are presently within subdivisions deemed to be adequate, that the standard mitigation be applied and requirements presently attached for lots which rate 3 through 7. For lots in capability 3 through 7 which are in subdivisions that are not deemed adequate and in need of further evaluation that Alternative 3, Pass/Fail with Mitigation, be utilized; that the mitigation be that type of extraordinary mitigation, primarily directed toward upgrading the subdivision over and above the standard conditions which may be required and that there be some limit on the amount of mitigation that can actually be accomplished as part of the system.

Mr. Dodgion stated that the point priority system for Alternative 2 could not exclude class 3 lots in a good subdivision and would allow building on class 3 lots in a substandard subdivision.

The motion failed on the following vote:

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

MOTION by Mr. Popoff, with a second by Mr. Dodgion, that the Advisory Planning Commission recommend to the Governing Board to adopt Alternative 2, Pass/Fail (No Mitigation), to apply to capability lots 4 through 7 which could be developed during the first five years of an environmental evaluation period.

Mr. Combs stated that he was still not convinced that there are not some class 3 lots in approved subdivisions with all the measures and controls upon which development would still be consistent with the thresholds and those people would not be allowed to build for that period of time.

Ms. McMorris asked if Mr. Popoff would consider changing the motion from five years to three? Mr. Popoff responded that any period of time was all right with him, but the threshold evaluations still have to be made in the first five year phase of the Regional Plan. The APC members agreed that it would be very difficult to determine all of the impacts even in the first five year phase.

Mr. Hoefer commented he thought this proposal would have an advantage in the sense that it may uphold some land values when it comes to appraisals.

The motion carried on the following vote:

Ayes: Mr. Combs, Mr. Randolph, Mr. McMullen, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Mr. Popoff, Ms. Michael, Mr. Harper
Nayes: Mr. Renz, Ms. McMorris, Mr. Curtis, Ms. Bogush
Abstain: None
Absent: Mr. Milam, Mr. Sullivan, Mr. Hansen,
Ms. McMorris stated she would rather have voted for Mr. Sawyer's motion where land capabilities 1, 2, and 3 were not allowed to build rather than possibly delay it even longer. Ms. McMorris voted no because she was concerned that those people with poor capability lots will not know whether they can build or not for another five years and would have to hold onto their lots until the determination is made.

Mr. Sawyer also stated that he would like to see the Soils Element to include the same provision that there will be no development on land capabilities 1, 2, and 3 for the next five years.

It was noted that Mr. McMullen had originally voted no, but asked to change his vote to yes. He explained that he was originally concerned with the three years versus five years but that timeframe did not seem to be that much of a distinguishing factor.

The APC discussed the amount of planning matters for the Regional Plan that still needed to be accomplished to transmit to the Governing Board. The APC members agreed that they were obligated to meet again prior to the Board meeting and decided that they would continue the meeting to September 21, 1983.

The APC meeting recessed at 5:00 p.m. and Chairman Harper stated the meeting would reconvene at 9:30 a.m. on Thursday.

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Thursday, September 15, 1983

Since a quorum was not present at 9:30 a.m. the APC agreed to address their comments on the Environmental Impact Statement for discussion purposes only.

Mr. Sawyer commented that Agency staff did a good job on much of the EIS Response to Comments document. Mr. Sawyer felt that the staff may have been rushed and the document still needed to be refined, but given more time the document could be improved. Mr. Sawyer suggested that the staff should go over the TRPA recommended plan and make sure that everything that the APC proposed has been evaluated in the EIS/Response to Comments, which was sometimes more significant than any of the three alternatives. Mr. Sawyer pointed out that EIS should be a legally defensible document and staff should make sure that wherever the APC deviated from the staff preferred alternatives that the Response to Comments document specifically note the differences and describe the environmental impacts so no one can contend that the final EIS fails to address the Plan actually before the Governing Board.

Mr. Sawyer clarified that the alternatives considered in the EIS do not include an alternative applying the Bailey coefficients on a lot-by-lot basis. The three alternatives plus the staff alternative use the watershed association and coverage approach. All the alternatives allow coverage overrides on land capability 4 through 7; two of the alternatives allow building on capability level 3 and the third alternative prohibits building at all on the Nevada side which was not a viable alternative. Mr. Sawyer stated that his position was that the 208 Plan buildout alternative must be covered, which involves applying a continuation of the rules.
 APC REGULAR MEETING MINUTES SEPTEMBER 14 and 15, 1983

Mr. Randolph stated his concern on page 37 of the Response to Comments document, regarding the increase in residential vehicle miles traveled (VMT) under Alternative 1 as opposed to the staff preferred alternative which almost doubled the VMT increase, and the phasing as it related to development. Mr. Randolph commented that although it is felt that the reductions can be met and he was not suggesting to change the numbers, he cautioned that with an increase of 535,600 VMT in the staff preferred and a decrease of 706,500 VMT with a net VMT reduction of 170,900 if something does not come on line to be careful in using language which allows phasing some of the things that may cause the increase.

Executive Director, Phil Overeynder responded that the staff preferred alternative obviously has a higher range of impact. Staff recognized that when it was proposed, and tried to compensate for these impacts with the phasing and scheduling timeframes for monitoring and evaluating which is a critical part of the Plan. Mr. Overeynder stated that the Response to Comments document pointed out that the phasing and timing schedule is critical in terms of how rapidly improvements in transportation and water quality will be made.

Mr. Sawyer commented on the amount of VMT reductions achieved by transferring units between Alternative 2 and 3 within the range of 100,000 VMT that will cost $1,000,000, whereas the reduction of 100,000 VMT between Alternative 1 and 2 will cost $50,000,000.

Dave Ziegler, Acting Chief of Long Range Planning, explained the basic difference between Alternative 2 and 3 was increased densities and if increased efficiencies of the transportation system are obtained then the VMT reductions would be achieved at little additional cost. The concept is that the redirection, redevelopment approach is a benefit to the efficiencies of mass transit. Mr. Overeynder added that these are public costs and the difference between Alternative 2 and 3 was that much of the cost would be borne by the private sector in changing the configuration in development.

Mr. Pyle commented that the APC had requested a listing of the people and agencies who submitted comments on the EIS. He noted that was not included in the Response to Comments document, but that he would still like to see a listing of those people who commented. Mr. Pyle also added that he did not feel that the financial implications/socio-economic impacts were detailed or adequately addressed in the Response to Comments document.

Mr. Ziegler responded that a listing of people who had commented had not been included due to the workload and time constraints, but he assured the APC that it would incorporated in the final document. Mr. Ziegler also clarified that the financial report should be received during the week of September 19, and was scheduled for the Ways and Means Committee meeting on September 28, but could not be finalized until after discussion with the Ways and Means Committee. Mr. Ziegler pointed out that the comments received on the financial issues of the Regional Plan were addressed on pages 40-41 of the Response document. He also stated that when additional information was received from the financial consultants, Peat, Marwick, Mitchell & Associates, the financial strategies could be detailed even further. Mr. Ziegler added that the socio-economic tabular information, the model runs, and the financial strategies could be incorporated in the document.
Chairman Mike Harper called the APC meeting to order at 10:15 a.m.

APC Members Present: Mr. Renz, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle, Mr. Hansen (arrived at 11:05 a.m.), Mr. Curtis (arrived at 10:45 a.m.), Mr. Popoff, Ms. Rogush, Mr. Harper

APC Members Absent: Mr. Milam, Mr. Combs, Mr. Sullivan, Mr. McMullen, Ms. McMorris, Ms. Michael

Mr. Harper reminded the APC members that their input of technical expertise was important, and he emphasized that their commitment to attend the meetings was essential.

IV PLANNING MATTERS

A. Amendments to Regional Plan Goals and Policies and Plan Area Statements

2. Land Use Element

Mr. Sawyer distributed copies of proposed amendments for the Land Use Elements.

The APC members continued their discussion and recommendations on the Land Use Elements, Goals and Policies that had been distributed to the APC on August 17, 1983.

Goal #3, Policy 3, amend: The Agency may permit new commercial development that conforms to the development priorities and planning area statements, (or adopted interim land use classifications) in accordance with the location, rate, and timing of existing and new residential development.

Policy 3, amend narrative: To ensure that new residential development does not isolate residential uses from necessary public and private services, the Agency may consider commercial development in conjunction with new and existing residential proposals. The Plan will give preference to nodal commercial development, which minimizes the impacts on the region's transportation systems.

Add new Policy 4: The Agency may permit new tourist development that conforms to development priorities and planning area statements.

Goal #4, amend third indented line: land capability level 1-3 lands, Basin-wide, have generally been covered up to the threshold limits, and

Goal #4, amend fourth indented line: Land capability level 4-7 lands, Basin-wide, still have some remaining capacity to accept additional impervious coverage.

Mr. Harper left the meeting at 11:00 a.m. and Ms. Rogush chaired the remainder of the meeting.
MOTION by Mr. Sawyer, with a second by Ms. Sparbel that the Advisory Planning
Commission recommend to the Governing Board to amend Land Use Element Goal #4,
Policy 1, A and narrative: Development proposals within TRPA approved
subdivisions, where the subdivision as a whole conforms to land capability
coverage limitations, may be permitted impervious coverage as specified in the
TRPA approval.

Where TRPA approval of a subdivision allocates coverage among all lots or
 parcels within the subdivision so that total coverage within the subdivision,
taking into account all subdivision improvements and dedicated open space as
well as allocations to individual lots, does not exceed allowable coverage, the
allocations set by the subdivision approval shall determine the coverage
allowable on each lot. TRPA shall establish procedures permitting the review of
existing subdivisions to determine whether the subdivision or parcel maps as a
whole will conform to land capability coverage limitations.

The motion carried on the following vote:

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

Mr. Sawyer proposed that Policy 1, B. be amended by striking the words "the
greater" and inserting "less": Single-family dwellings may be permitted
impervious coverage calculated with one of the following two methods, whichever
results in the less coverage.

MOTION by Mr. Pyle, with a second by Mr. Renz, that the APC accept the staff
recommendation for Policy 1 B, as written: Single-family dwellings may be
permitted impervious coverage calculated with one of the following two methods,
whichever results in the greater coverage.

The motion carried on the following vote:

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

MOTION by Mr. Sawyer, with a second by Mr. Randolph, that the Advisory Planning
Commission recommend to the Governing Board to add a new Policy 1, C. of the
Land Use Element. TRPA shall adopt policies to encourage lot consolidation where
lot consolidation is a feasible alternative to coverage in excess of the Bailey
coefficients.
The motion carried on the following vote:

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

MOTION by Mr. Curtis, with a second by Mr. Hansen, that the Advisory Planning
Commission recommend to the Governing Board that under Policy 1, B. of the Land
Use Element add a third sub-paragraph. 3) For lots in planned unit
developments, the permitted coverage shall be up to 100% of the building
envelope but not to exceed 2,500 square feet.

The motion carried on the following vote:

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

Mr. Overeynder clarified Land Use Element Policy 1, D. 1, provision for 70% of
the affected redevelopment area for commercial and public service facilities and
Policy 1, D. 2, provision for 50% of the affected redevelopment area for tourist
and multi-residential development. He stated that the concept for many of the
already developed areas to be consistent land use pattern was such that there
are developed commercial, public service and tourist facilities higher than land
capability. Staff was concerned about the experiences over the last several
years trying to enforce coverage limits, explaining the ability of the
commercial types of development, the conflicts with desirable land use patterns,
and trying to integrate some sort of a nodal development concept which would
encourage the development of the transit nodes and increase the use of the
transit systems. Mr. Overeynder explained that with the 30% coverage being the
overriding factor it was difficult to put together a program to accomplish that.
There was a conflict between two of the threshold standards if coverage on a
lot-by-lot basis was being considered. Staff felt that a better way to look at
this was to look at the area wide application for coverage standards,
recognizing that it was necessary to have some open space within the developed
urban cores. Mr. Overeynder further explained that the limitations of 70% and
50% were necessary to provide for some degree of on-site mitigation. It does
provide for the ability to permit redevelopment under Policy C (which was
changed to D) and Policy D (which was changed to E), to transfer coverage up to
those limits.
MOTION by Mr. Sawyer, that the Advisory Planning Commission recommend to the Governing Board to amend the language of the Land Use Element Policy 1, D. Development proposals in designated areas with TRPA approved redevelopment plans may be permitted impervious coverage in accordance with coverage allocations set by those redevelopment plans where:

1) Total coverage within the area will not exceed that which existed in the area upon adoption of these plan amendments; or
2) Total coverage within the area will not exceed that calculated by applying the coefficients in Bailey (1974) to the area. Amend narrative: Redevelopment plans will provide for allocation of coverage within the area to assure that total coverage in the area complies with land capability coverage limits, or, if those limits already are exceeded, there will be no net increase in total coverage. Redevelopment plans shall include measures to control erosion and runoff in the area which measures may include a reduction in the coverage. Amend Policy 1, E.

The motion died for lack of a second.

MOTION by Ms. Sparbel, with a second by Mr. Curtis, that the Advisory Planning Commission accept the staff recommendation for Land Use Element Policy 1, D.

The motion failed on the following vote:

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

Mr. Sawyer suggested deleting the last sentence of his previous motion.

MOTION by Mr. Sawyer, with a second by Mr. Hansen, that the Advisory Planning Commission recommend to the Governing Board to amend the language of the Land Use Element Policy 1, D. Development proposals in designated areas with TRPA approved redevelopment plans may be permitted impervious coverage in accordance with coverage allocations set by those redevelopment plans where:

1) Total coverage within the area will not exceed that which existed in the area upon adoption of these plan amendments; or
2) Total coverage within the area will not exceed that calculated by applying the coefficients in Bailey (1974) to the area. Amend narrative: Redevelopment plans will provide for allocation of coverage within the area to assure that total coverage in the area complies with land capability coverage limits, or, if those limits already are exceeded, there will be no net increase in total coverage.

The motion carried on the following vote:

Ayes: Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Hansen, Mr. Poppoff
Nayes: Mr. Renz, Mr. Randolph, Mr. Pyle, Mr. Curtis, Ms. Bogush
Abstain: None
Absent: Mr. Milam, Mr. Combs, Mr. Sullivan, Mr. McMullen, Ms. McMorris, Ms. Michael, Mr. Harper
MOTION by Mr. Sawyer, that the Advisory Planning Commission recommend to the Governing Board to add to the Land Use Element Policy 1, E. Commercial, public service and tourist development in areas not designated for redirection may be permitted coverage in accordance with coverage allocations set by TRPA approved plans for the areas where: 1) Total coverage within the area will not exceed that which existed in the area upon adoption of these plan amendments; or 2) Total coverage within the area will not exceed that calculated by applying the coefficients in Bailey (1974) to the area. Narrative: As in the case of redevelopment areas, TRPA may approve plans for commercial, public service and tourist areas which set coverage allocations that apply to lots and parcels in those areas instead of the limitations set by the coverage coefficients set forth in Bailey (1974). In addition to setting coverage allocations, these plans shall provide for installation of best management practices and remedial erosion control projects as necessary to assure compliance with the water quality subelement, but shall not be subject to the other requirements for redevelopment plans.

The motion died for lack of a second.

MOTION by Mr. Hansen, with a second by Mr. Hoefer, that the Advisory Planning Commission recommend to the Governing Board to add to the Land Use Element Policy 1, new E amended: Commercial, public service, tourist and multi-residential development not subject to redevelopment plans in areas designated for redirection or where otherwise specified by plan area statements may be permitted to earn credits for additional impervious coverage up to 70% coverage for the commercial and public service parcels, or 50% coverage for tourist and multi-residential parcels: 1) By retiring/deed restricting a parcel located on high hazard land (land capability 1-3) in the same watershed association where coverage is to be transferred and removing any coverage and restoring any disturbance on that parcel. The amount of coverage permitted for transfer to low hazard lands (land capability 4-7) shall be equivalent to the amount of impervious coverage restored on the disturbed parcel or the otherwise permitted coverage (Policy 1, above), whichever is greater. A bonus of up to 10% of the coverage permitted for transfer may be allowed for extensive site restoration work, or 2) by contributing funds to a non-profit public entity for the restoration and rehabilitation of already covered areas in the same watershed association. The amount of the payment and the identity of the implementing agency shall be set forth in TRPA ordinance. First sentence of the first paragraph of the Narrative amended: In response to many public comments, and after thorough evaluation of the soils threshold for impervious coverage, this Regional Plan allows additional coverage for some single-family development.

The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Dodgion, Mr. Pyle, Mr. Hansen, Mr. Curtis, Mr. Poppoff, Ms. Bogush
Nayes: Mr. Sawyer
Abstain: None
Absent: Mr. Milan, Mr. Combs, Mr. Sullivan, Mr. McMullen, Ms. McMorris, Ms. Michael, Mr. Harper
Mr. Barrett suggested adding a third paragraph amending the Land Use Element Policy 2: In the case of regional public facilities by retiring/deed restricting a parcel in the same watershed association where the coverage is to be transferred and removal of any coverage and restoring the parcel the amount of coverage permitted for transfer shall be the amount equivalent to the amount of impervious coverage restored on the disturbed parcel or otherwise permitted coverage, whichever is greater. Mr. Barrett explained with this amendment will require public entities having to account for their coverages. Mr. Overeynder clarified the Governing Board's direction was that if these standards are going to be applied to private development, then the same standards should apply equally to public facilities development. The APC members discussed briefly but no action was taken. They agreed to return to their discussion on this item and would decide the appropriate location for this amendment. In addition, the staff would prepare a revised edition of the Land Use Element and present it to the APC at their next meeting on September 21, 1983.

Mr. Sawyer pointed out that the APC has not addressed casino expansion and since specific limitations have been set for the other elements and or subelements he felt that the APC should review what is or is not allowable for casino expansion.

3. Implementation Element - The APC agreed to defer this item.

4. Other - None

C. Regional Plan Adoption Ordinance - There was no discussion on this item.

V. ADMINISTRATIVE MATTERS - None

VI. REPORTS - None

VII. RESOLUTIONS - None

VIII. CORRESPONDENCE - None

IX. PENDING MATTERS - None

X. ADJOURNMENT

The APC recessed at 2:55 p.m. and continued this meeting to September 21, 1983. 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

September 21, 1983 9:30 a.m.

I  CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Ann Bogush called the meeting of the Advisory Planning Commission to order at 9:50 a.m.

APC Members Present:  Mr. Renz, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Pyle (arrived at 1:00 p.m.), Mr. Curtis (arrived at 12:05 p.m.), Mr. Poppoff, Ms. Bogush, Mr. Harper

APC Members Absent:  Mr. Milam, Mr. Sullivan, Mr. McMullen, Ms. McMorris, Mr. Hansen, Ms. Michael

II  AGENDA

The agenda was continued from the September 14, 15, 1983 APC meeting

III  DISPOSITION OF MINUTES

None were available at this meeting.

IV  PLANNING MATTERS

2.  Land Use Element

Gordon Barrett, Principal Planner distributed copies of the revised Land Use Element dated September 20, 1983.  Mr. Barrett outlined the revisions that had been proposed to date by the APC, Land Use Subcommittee and staff.  The APC also received copies from Mr. Sawyer of proposed amendments to the Land Use Element dated September 19, 1983.  The APC further discussed and refined the proposed amendments.

MOTION by Mr. Sawyer, with a second by Mr. Dodgion, that the Advisory Planning Commission recommend to the Governing Board to amend Goal #4, Policy 2, C of Land Use Element and substitute the language as follows: Relocation of nonconforming coverage -- relocation of non-conforming coverage to non-impervious areas may be allowed only if: 1) it is found that the relocation of land coverage will be consistent with attainment of the Goals and Policies of this plan; 2) it is found that the natural environment will be protected and enhances more than if the nonconforming coverage was replaced in areas of existing coverage; and 3) one of the following applies: a) the total land coverage of the parcel is reduced by an amount equal to the area of new relocated coverage; b) land coverage in an environmentally sensitive area in class 1, 2, 3, SEZ or shorezone lands is reduced by the amount of coverage added in a nonsensitive area; or c) total coverage is reduced to the allowed coverage set forth in Policy 1 above.
APC REGULAR MEETING MINUTES SEPTEMBER 21, 1983

MOTION by Ms. Bogush, with a second by Mr. Hoefer, to amend (3) (b) of Mr. Sawyer's proposed language for Policy 2, C, the word non-sensitive be changed to less sensitive. The motion carried on the following vote:

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

The motion to substitute Policy 2, C, as amended, carried on the following vote:

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

Mr. Sawyer proposed an amendment to delete the last sentence of the narrative of Goal #4, Policy 2 which read: The Conservation Element, Soils Subelement, includes a coverage offset program for certain areas which is necessary to ensure compliance with the coverage thresholds. The APC agreed to defer discussion on this item pending the outcome of the Soils Subelement discussion which would be incorporated under the Land Use Element.

Goal #5, Policies 1 and 2 - no changes

Goal #6, Policy 1 - amend: delete the word 'all'

Goal #6, Policy 1, Narrative - amend: Where project approvals or other proposed actions by TRPA would adversely impact surrounding areas, TRPA shall consult with the affected jurisdictions. While the Agency will attempt to ensure that adverse impacts are mitigated within the Region, there may be situations where the adverse impacts on surrounding areas are outweighed by the environmental harm that would result from absorbing all impacts within the region. State laws in California and Nevada require the export of virtually all wastewaters and solid wastes from the Region.

Goal #6, Policy 2, Narrative - amend: As authorized in the Compact, the TRPA will develop such joint agreements with Placer County, El Dorado County, Washoe County, Carson City, Douglas County, and appropriate state and federal agencies to ensure that land use decisions of those entities that have a significant impact on the Tahoe Region are reviewed by the Agency.

Soils Subelement - Amendments

The APC returned their discussion to the Soils Subelement and agreed the following two policies should be inserted as the first two policies of the Soils Subelement, to be incorporated with the Land Use Element, and renumbered accordingly:

- 2 -
Policy 1: No new residential, tourist, or commercial development shall be permitted on capability class 1-3 lands during the first five years of plan implementation.

Policy 1, Narrative: Development of environmentally sensitive lands in capability classes 1, 2, and 3 will not be permitted for five years after the regional plan is adopted. During this period, TRPA will conduct a thorough evaluation of the environmental consequences of development in these areas, and of the options available to land owners, before deciding what policies should apply during later phases of plan implementation.

Policy 2, amend: Allowable impervious coverage and appropriate uses shall be consistent with the threshold for impervious coverage.

Policy 2, Narrative: The Land Use Element (Goal #4), establishes policies which limit allowable impervious coverage. In general, these policies set allowable coverage as that calculated by applying the coefficients in Bailey (1974) to the area of the affected parcel, with additional coverage, up to specified limits, allowable for certain kinds of development. In addition, land capability will be one of the factors considered in reviewing proposals for new development. (Land Use Element, Goal #3).

In the event that the existing coverage within a watershed association already exceeds the total amount of coverage permitted by the capability system, then a mitigation program will be implemented to provide some opportunities for continued development. The program is designed as a remedial measure to reduce coverage on the more sensitive lands while concentrating future development on lands with good capability. The program will be accomplished, in part, through a capital improvements program that establishes priorities for coverage removal and restoration of stream environment zones.

Land Use Element, Goal #4, Policy 2, last sentence of the narrative, amend: The Conservation Element, Soils Subelement, includes a coverage removal program for certain areas which is necessary to ensure compliance with the coverage thresholds.

Policy 4, (Soils Policy 2 on page 81 of the 8/12/83 draft) amend: Replacement of existing excess coverage may be permitted where mitigation will reduce the impacts of excess coverage. Narrative: Existing structures which result in excess coverage may be repaired or rebuilt. Minor reconstruction may be permitted so long as drainage improvements or other measures are carried out which result in a net improvement in water quality. Major reconstruction or replacement may also be permitted in accordance with the Land Use Element (Goal #4, Policy 2) if there is a net improvement in water quality and if the replacement or reconstruction is consistent with restoration programs.

MOTION by Mr. Sawyer, with a second by Mr. Randolph, that the Advisory Planning Commission recommend to the Governing Board to approve the amendments to the Goals and Policies Land Use Element. The motion carried on the following vote:
Ayes: Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Dodgion, Mr. Popoff, Mr. Harper

Nayes: Mr. Renz, Ms. Bogush

Abstain: None

Absent: Mr. Milam, Mr. Sullivan, Mr. McMullen, Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Michael

Phil Overeynder, Executive Director, explained that the Implementation Element was not one of the mandated Compact requirements and that the Governing Board would be committed to those elements mandated by the Compact. Mr. Combs suggested that the APC recommend to the Governing Board to take action on the required elements of the Compact and the APC reconvene on the Implementation Element at the October meeting.

Gaming Expansion

Mr. Sawyer explained that under the TRPA Compact most gaming expansion is either prohibited or beyond TRPA's review and allowed. The exception is modifications which increase gaming space by more than 15% of the base area are subject to TRPA's discretionary approval. The EIS quantifies the impacts of those areas (increases in residential, commercial, or recreational development) and the Plan sets rules as to how much there will be. In this case the EIS does not quantify the impacts of casino expansion beyond that over which TRPA has no control, nor has the Regional Plan addressed this. If more casino expansion is allowed that will have to be at the expense of housing or recreation. Mr. Sawyer stated that a clear policy should be made to the extent that the TRPA has legal review authority over gaming we should not allow it; recreation and residential development are entitled to higher priorities. Mr. Sawyer proposed an amendment to the Land Use Element to add a Policy #8 under Goal #2, (page 10 of August draft): TRPA shall not permit any expansion of gaming subject to its approval under Article VI(f) of the Compact. Narrative: The Tahoe region has a limited capacity to absorb increases in vehicle miles travelled and other demands on the resources of the region. Casino expansion subject to TRPA's review, beyond that TRPA is required by the Compact to recognize as permitted and conforming, would come at the expense of recreational and residential development allowable under the Regional Plan.

Mr. Overeynder commented that at the staff level it would not be appropriate to pick out any one particular sub-component of the type of commercial activity that may go on in the Basin and single that out for special treatment. The limits on commercial development, the number of square footage, etc., would be the general control on this and the fact all of the impacts have to be mitigated. Staff would not suggest that this particular area be singled out for any kind of special consideration. Mr. Sawyer responded that this is a different type of commercial development which draws people to the Basin and that is why he felt that it was appropriate to treat casino expansion differently than other commercial development.

MOTION by Mr. Sawyer, that the APC recommend to the Governing Board to approve Policy 8, under Goal #2 that the TRPA shall not permit any expansion of gaming subject to its approval under Article VI(f) of the Compact.

After a brief discussion which indicated that the APC vote on the motion would be split, Mr. Sawyer withdrew his motion.
APC REGULAR MEETING MINUTES SEPTEMBER 21, 1983

Housing Subelement

No further changes and the APC accepted the amended revision dated September 20, 1983.

Noise Subelement

No further changes and the APC accepted the amended revision dated September 20, 1983.

Natural Hazards - Amendments

Mr. Hoefer distributed copies of a proposed amendment to Policy 3: Inform residents and visitors of the wildfire hazard associated with occupancy in the Basin. Encourage use of fire resistant materials and fire preventative techniques when constructing structures, especially in the highest fire hazard areas. Manage forest fuels to be consistent with state laws and other goals and policies of this plan.

Mr. Barrett pointed out that staff added a last sentence to the narrative of Policy 3: The Agency will set forth criteria describing areas of high hazard and will also propose fire prevention techniques and measures.

Mr. Barrett also pointed out that staff added a new Policy 4: The TRPA will encourage public safety agencies to prepare disaster plans. Narrative: The Agency will encourage such agencies as police and fire departments to prepare contingency plans for major disasters such as described in this subelement.

Policy 1, amend first sentence of the Narrative: In the areas with identified avalanche danger (Natural Hazards of the Lake Tahoe Basin, 1978), or by other studies adopted by the TRPA, the type of uses or activities can be designed or regulated to protect the public during hazard periods.

Air Quality Subelement - Amendments

Amendments to the introduction of the Air Quality Subelement:

Third paragraph, second sentence: The California legislation also allows the California Air Resources Board (ARB) to regulate automobiles and requires that local air pollution control districts adopt plans for air basins to insure that the state standards are not exceeded.

Third paragraph, delete last sentence.

Fourth paragraph, third sentence: The state standard of 6 ppm carbon monoxide is being exceeded in the South Shore casino core area, and the federal standard is not.

Fourth paragraph, add to the last sentence: The Nevada Legislation also authorizes the Nevada Environmental Commission to adopt regulations that pertain to automobiles.

Sixth paragraph, last sentence: The thresholds are either the same as or more stringent than the state and national ambient air quality standards.
Change the word federal to national carbon monoxide standard within the Air Quality Subelement Goals and Policies.

Goal #2, amend Narrative second paragraph, second sentence: The TRPA estimates that 40 tonnes of nitrate per year are deposited on the Lake from atmospheric sources.

Policy 4, amend Narrative last sentence: The local building code should be amended accordingly to enforce the emission standards.

Policy 6, amend Narrative first sentence: Diesel engines in buses produce approximately 9 times more NO\textsubscript{x} per vehicle in the Basin.

Policy 7, amend Narrative last sentence: This program should be implemented by the local building inspection departments.

Goal #4, Policy 1, amend Narrative first sentence: This policy will allow only air tight stoves and fireplace inserts with secondary combustion chambers or devices with similar efficiencies to be used in the Basin.

Policy 8, amend Narrative second and third sentences: The insulation requirements in Nevada should be tightened so that they conform to the requirements in California. This program should also be implemented by the local building inspection departments.

Goal #5, amend: Maintain and Achieve the Ozone Standard.

Policy 4, amend Narrative first sentence: Diesel engines in buses produce approximately 9 times more nitrogen oxides per vehicle in the Basin.

Water Quality Subelement - Amendments

Goal #1, Policy 3 amend: Restore at least 80\% of the disturbed lands within the region.

Policy 3, amend Narrative: The EIS of the Regional Plan has identified over 7,000 acres of disturbed lands within the Region. It is the intent of this Agency to have at least 80\% of theses lands restored to a natural or near natural state by application of the Best Management Practices.

Community Design Subelement - Amendments

Goal #1, add to Narrative: These policies of the Community Design Subelement are in addition to those specified in the Scenic Subelement.

Policy 1, amend first sentence: Regional design review shall include the following to be used in evaluating projects throughout the Region.

Policy 1B, add height standards back to the policy:
APC REGULAR MEETING MINUTES SEPTEMBER 21, 1983

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>Maximum Height</th>
<th>Bonus Height*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td>Recreation</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td>Residential</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>Commercial/PS</td>
<td>30</td>
<td>40</td>
</tr>
<tr>
<td>Tourist</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

* Bonus heights may be permitted where it can be found the additional height will provide scenic and other environmental benefits.

Policy 1B, delete: steep sites

MOTION by Mr. Popoff, with a second by Ms. Sparbel, that the Advisory Planning Commission recommend to the Governing Board the adoption of the revised Land Use Element dated September 20, 1983, and as further amended by the APC on September 21, 1983.

Ms. Bogush stated that she intended to vote no on this motion because she disagreed with Alternative 2 for evaluating development and she would prepare a minority report on the Land Use Element to present to the Governing Board. Ms. Bogush also felt that there were more than a couple of minor word changes to the Land Use Element and basic concepts.

Mr. Sawyer stated that he intended to vote yes on this motion despite his disagreement on the coverage override considerations. He clarified that voting yes on the Land Use Element as a whole would not preclude the minority conditions on specific motions that he had voted against.

The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Combs, Mr. Randolph, Mr. Hoefer, Ms. Sparbel, Mr. Sawyer, Mr. Daggion, Mr. Pyle, Mr. Popoff, Mr. Harper

Nayes: Mr. Curtis, Ms. Bogush

Abstain: None

Absent: Mr. Milam, Mr. Sullivan, Mr. McMullen, Ms. McMorris, Mr. Hansen, Ms. Michael

Mr. Curtis stated that the reason he voted no was that the particular alternative on the Land Use Element comprised ninety-five percent of the value of the document.

Mr. Harper noted that the APC will review casino gaming expansion under the Implementation Element.

B. Regional Plan Environmental Impact Statement Certification

The APC agreed that the Implementation Element issues should be reviewed prior to certifying the EIS.

3. Implementation Element

The APC discussed the Goals and Policies of the Implementation Element and addressed their concerns.
APC REGULAR MEETING MINUTES SEPTEMBER 21, 1983

APC's suggested amendments:

Implementation Element - Institutional

Goal #1, Policy 1 Narrative: define project

Policy 3: define activity and/or delegate authority

Policy 4, amend: The TRPA in cooperation with local, state and federal jurisdictions shall identify the planning and review responsibilities.

Policy 4, amend last sentence of Narrative: Broad responsibilities of local jurisdictions are set forth in Table 2, which will be set forth in more detail in Part II of this Plan, and do not preclude the opportunities for local jurisdictions to take on additional responsibility to implement the Regional Plan as defined in a Memorandum of Understanding.

Table 1, amend: General planning and implementation responsibilities shared among the TRPA, local, state, and federal agencies, which will be set forth in more detail in Part II of this Plan and do not preclude the opportunities for local jurisdictions to take on additional responsibility to implement the Regional Plan as defined in a Memorandum of Understanding.

Implementation Element - Development and Implementation Priorities

MOTION by Mr. Sawyer, with a second by Mr. Randolph, to amend Phase I Priorities A.(2) and Phase II Priorities A.(2) to qualify the language: redevelopment of existing commercial areas provided that such redevelopment shall not expand non-service commercial development which is not required to support recreation and residential development under this Plan. The motion failed on the following vote:

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

Mr. Sawyer suggested modifying the language to amend Phase I Priorities A.(2) and Phase II Priorities A.(2).

MOTION by Mr. Sawyer, with a second by Mr. Combs, Phase I Priorities A.(2) and Phase II Priorities A.(2) redevelopment of existing commercial areas not including any expansion of gaming subject to review by the TRPA. The motion failed on the following vote:

Ayes: Mr. Combs, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Poppoff
Nayes: Mr. Renz, Ms. Sparbel, Mr. Dodgion, Mr. Pyle, Mr. Curtis, Ms. Bogush, Mr. Harper
Abstain: None
Absent: Mr. Milam, Mr. Sullivan, Mr. McMullen, Ms. McMorris, Mr. Hansen, Ms. Michael
Goal #1, Policy 1, Phase I Priorities, paragraph B.2a, amend: new residential development in land capability class 4-7, selected with a development evaluation system set forth in Policy 2 below;

Goal #1, Policy 1, Phase I Priorities: delete paragraph B.2b

Goal #1, add new Policy 4, Phase I Priorities: 4. government assisted multi-family housing

Goal #1, Policy 1, Phase II Priorities, paragraph B.2b, amend: a) new residential development selected with a development evaluation system set forth in Policy 2, below. TRPA shall adopt a policy establishing which areas are eligible for evaluation based on its conclusions as to the environmental consequences of development in those areas and of the options available to landowners.

Goal 1, Policy 1, Phase II Priorities, paragraph B.5, amend: 5) single family dwellings not eligible for evaluation under Phase II priority 2.

Goal #1, Policy 2, Phase II Priorities, amend second and fourth lines: delete the words "point priority" and insert the words "development evaluation".

Goal #1, Policy 2, Phase I, amend Narrative: delete paragraphs B. and D. and redesignate paragraph C as paragraph B. In the second sentence after paragraph D delete "receiving a score" and insert "evaluated as". The following paragraph should be rewritten to read: The development review system for Phase I will permit already-subdivided lots properly classified as in land capabilities 4-7 with adequate improvements to proceed with construction.

Goal #1, Policy 2, Phase II Priorities, amend Narrative: Phase II development priorities for new single family dwellings emphasize development on sites which have acceptable environmental impact levels, where improvements are adequate to serve further development. TRPA will determine what areas are eligible for review, taking into account its conclusions as to the environmental consequences of development in land capability classes 1-3, and the options available to land owners. It is possible that a limited number of lots in areas not mapped as capability 3-7 could be approved.

TRPA will review the development evaluation system periodically to ensure continuous progress towards the environmental thresholds.

MOTION by Mr. Sawyer, with a second by Mr. Randolph, that the APC recommend to the Governing Board to amend Implementation Element Goal #2 by inserting a new Policy 1 and renumber the rest: 1. Permit allocations shall be tied to progress on capital improvements. Narrative: Authorization for issuing permits for new residential or commercial development shall be contingent on satisfactory progress towards implementation of capital improvements in the political jurisdiction where the proposed development is located. TRPA shall adopt schedules, consistent with the timetables for implementation of public transportation improvements, remedial erosion control projects and stream environment zone restoration projects under the regional plan, specifying the years when capital improvements must be implemented, or binding financial commitments must be made, before additional development may be permitted. TRPA shall review compliance with these schedules at least every two years.
The motion failed on the following vote:

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

MOTION by Mr. Combs that the APC recommend to the Governing Board to accept the staff's recommendation for the Implementation Element Goal #2 of the five year increment. The motion died for lack of a second.

MOTION by Mr. Sawyer, with a second by Mr. Pyle, that the the APC recommend to the Governing Board to amend Implementation Element Goal #2 by inserting a new Policy 1 and renumber the rest: 1. Permit allocations shall be tied to progress on capital improvements. Narrative: Authorization for issuing permits for new residential or commercial development shall be contingent on satisfactory progress towards implementation of capital improvements in the political jurisdiction where the proposed development is located. TRPA shall adopt schedules, consistent with the timetables for implementation of public transportation improvements, remedial erosion control projects and stream environment zone restoration projects under the regional plan, specifying the years when capital improvements must be implemented, or binding financial commitments must be made, before additional development may be permitted.

The motion carried on the following vote:

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

MOTION by Mr. Sawyer, with a second by Mr. Renz, that the APC recommendation to the Governing Board to approve the Implementation Element with the amendments agreed to through Goal #2 including the new Policy 1 without prejudice to the other policies thereafter.

The motion carried on the following vote:

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

Earlier Mr. Hoefer had distributed copies of a proposed resolution with recommendations from the APC to the Governing Board regarding Plan Area Statements. The APC finds that: (1) the statements are of considerable significance to proper implementation of the Goals, Policies and Ordinances of the Regional Plan; (2) many, if not all, of the statements require the thorough and critical review now occurring with the Goals and Policy Plan; (3) the statements should undergo greater public participation for local understanding and review. The APC recommended that: (1) Action to approve the Planning Area Statements be deferred for up to 12 months; (2) Further development and review of the statements be conducted with adequate local involvement especially at the community level to assure understanding and commitment to the special direction that results; and (3) that a schedule for review of the statements be prepared by staff and the APC.

Staff suggested instead that projects other than single family dwellings on land capability 4 through 7 or projects with applications already on file should not be processed until the Planning Area Statements are approved; change 12 months to 4 months for completion of the process as it would give staff a reasonable period of time and to get the ordinances on line to begin reviewing new projects; with 200 applications already on file staff will suggest to the Governing Board to include in these applications a "pipeline" theory which provides more than an adequate amount of work to handle during this timeframe or until the first of January. Process those applications under the old standards to make a clean break with new applications coming in under the Regional Plan requirements as well as the planning area statements and to have them ready by the January, 1984 timeframe.

Mr. Hoefer explained the reason for the 12 months was in order to give the public and local governments an opportunity to review and provide comments, which would take a considerable amount of time. Mr. Overeynder stated he thought a public education program was needed.

Mr. Sawyer suggested that projects other than (1) single family dwellings on land capability 4 through 7 or (2) projects with applications already on file should not be processed until the Planning Area Statements are approved.

MOTION by Mr. Hoefer, with a second by Mr. Randolph, that the APC recommendations to the Governing Board regarding Planning Area Statements adopt Resolution No. 83-24, as amended, that projects other than (1) single family dwellings on land capability 4 through 7 or (2) projects with applications already on file should not be processed until the Planning Area Statements are approved; and that action to approve the Planning Area Statements be deferred for up to 4 months after the Governing Board has adopted the Policy Plan.

The motion carried on the following vote:

Ayes: Mr. Renz, Mr. Combs, Mr. Randolph, Mr. Hoefer, Mr. Sawyer, Mr. Pyle, Mr. Curtis, Mr. Poppoff, Ms. Bogush, Mr. Harper

Nayes: None

Abstain: None

Absent: Mr. Milam, Mr. Sullivan, Mr. McMullen, Ms. Sparbel, Mr. Dodgion, Ms. McMorris, Mr. Hansen, Ms. Michael

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VIII CORRESPONDENCE

The APC members received copies of a memorandum to the Governing Board dated September 20, 1983 pertaining to the financing strategy for the Regional Plan with an attachment of an overview of potential financing techniques prepared for Peat, Marwick by the underwriting firm of A.G. Becker and Associates. The memorandum noted that this overview constituted much of the raw material that Peat, Marwick would use to develop its financing recommendations.

The APC also received copies of the list of commenters on the EIS for adoption of a Regional Plan for the Tahoe Basin, dated September 21, 1983.

ADJOURNMENT

The APC meeting adjourned at 5:15 p.m.

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

Respectfully submitted

Mary Bailey
Secretary II
MEMORANDUM

January 3, 1984

To: The Advisory Planning Commission

From: The Staff

Subject: Planning Area Statement Hearing Schedule

Following is the schedule of Planning Area Statement hearings to be held at the local level. Should you have any questions on this schedule, please contact Gabby Barrett.

<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</td>
</tr>
<tr>
<td>Placer County</td>
<td>Tues. 1/24/84</td>
<td>7:00 p.m.</td>
<td>Heart Savings &amp; Loan, Tahoe City</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, 8318 No. Lake Blvd., Tahoe Vista</td>
</tr>
<tr>
<td>El Dorado County/South Lake Tahoe</td>
<td>Wed. 2/1/84</td>
<td>7:30 p.m.</td>
<td>South Tahoe Airport</td>
</tr>
<tr>
<td>Douglas County</td>
<td>Thurs. 2/2/84</td>
<td>7:00 p.m.</td>
<td>Douglas County Library, Zephyr Cove</td>
</tr>
<tr>
<td>South Lake Tahoe</td>
<td>Mon. 2/6/84</td>
<td>1:30 p.m.</td>
<td>South Tahoe Recreation Complex, 1180 Rufus Allen Boulevard</td>
</tr>
<tr>
<td>South Lake Tahoe Planning Commission</td>
<td>Wed. 2/8/84</td>
<td>7:30 p.m.</td>
<td>South Lake Tahoe Council Chambers, 1900 Lake Tahoe Boulevard at Tata Lane</td>
</tr>
</tbody>
</table>

GWB:jf
MEMORANDUM

January 3, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff
SUBJECT: Development of TRPA Regulations for the Regional Plan

The regulations to implement the Regional Plan are concentrated in four major documents which are:

I The TRPA Code of Ordinances
II The TRPA Rules and Regulations of Practice and Procedure
III The TRPA Design Review Guidelines
IV The TRPA Plan Area Statements

Included in this packet for your consideration is an outline of the TRPA Code of Ordinances and working drafts of four of the chapters as noted on the outline.

GWB:md
Enclosures
OUTLINE

TRPA CODE OF ORDINANCES
WORKING DRAFT

1.00 GENERAL PROVISIONS (Draft Not Included)

1.01 Findings
1.02 Standard Provisions
1.03 Definitions
1.04 Activities Exempt From Agency Review
1.05 Projects requiring Agency Review
1.06 Project Findings
1.07 Variances
1.08 Enforcement

2.00 LAND USE (Draft Not Included)

2.01 Nature of Land Use Provisions
2.02 Land Capability Districts
2.03 Management Strategies
2.04 Plan Area and Land Use Classifications
2.05 Development Standards
2.06 Nonconformity
2.07 Historic Preservation
2.08 TRPA Design Review Guidelines
3.00 SUBDIVISION (Draft Not Included)

3.01 General Explanation
3.02 Prohibition
3.03 Exceptions to Prohibition
3.04 Best Management Practices
3.05 Agency Review Requirements
3.06 Subdivision Standards

4.00 SHOREZONE (Draft Not Included)

4.01 Standards for Regulating all Construction and Uses Within the Shorezone, Underlying Land or within the Lake
4.02 Shorezone Tolerance Districts and Development Standards
4.03 Standards for Piers, Mooring Buoys, Boat Ramps, Launching Facilities and Floating Docks or Platforms
4.04 Jetties, Breakwaters and Fences
4.05 Marinas
4.06 Shoreline Protective Structures
4.07 Filling and Dredging
4.08 Man-made Lagoons, Artificial Islands and House Boats for Residential Use
4.09 Navigation Structures
4.10 Construction Standards
4.11 Maintenance, Repair and Removal of Structures
4.12 Nonconforming
4.13 Noise and Motion limitations and Discharge from Boats
5.00  GRADING (Draft Included)

5.01  Special Information Report Requirements
5.02  Required Investigations, Reports and Plans
5.03  Inspections
5.04  Standards for Grading, Filling and Clearing
5.05  Security
5.06  Vegetation Protection
5.07  Objects of Antiquity
5.08  Snow Removal Operations

6.00  RESOURCE MANAGEMENT (Draft Included)

6.01  Tree Removal
6.02  Prescribed Burning Programs
6.03  Livestock Grazing
6.04  Vegetation Protection
6.05  Landscaping
6.06  Revegetation
6.07  Wildlife Resources
6.08  Fish Resources
7.00 WATER QUALITY AND WATER RESOURCES (Draft Included)

7.01 Discharge Limitations
7.02 Water Quality Management Plan
7.03 Water Quality Mitigation
7.04 Water Supply and Conservation

8.00 TRANSPORTATION/AIR QUALITY (Draft Included)

8.01 Inspection and Maintenance
8.02 Water Heaters
8.03 Space Heaters
8.04 Wood Heaters
8.05 Open Burning
8.06 Air Quality/Traffic Mitigation Program
8.07 Stationary Source Review

9.00 GROWTH MANAGEMENT (Draft Not Included)

9.01 Allocation of Remaining Development Capacity
9.02 Transfer of Development Rights
9.03 Phasing of Development
9.04 Evaluation System
9.05 Redevelopment Plans
5.00.0000 **Grading Provisions:** 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 shall require an Agency permit and be reviewed against the following criteria:

5.01.0000 **Special Information Report Requirements:** Applicants for a grading permits shall submit an application to the Agency upon a form prescribed by the Agency. The Agency shall determine the adequacy of the report and may require the submission of additional information where necessary.

5.02.0000 **Required Investigations, Reports and Plans:**

5.02.1000 **General Requirements of Subsurface Investigations:** If a subsurface soil and geological report is required pursuant to Section 5.02.2000, subsurface investigations shall be performed throughout the area to sufficiently describe the existing conditions.

5.02.2000 **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 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 extremely competent rock;

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

j. Where side hills 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; or

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

Where any of the particular problem areas listed above or other weaknesses 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 recommendations.

5.02.3000 Revegetation and Slope Stabilization:

5.02.3100 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.

5.02.3200 Submittal of Plan: The revegetation and slope stabilization plan shall be submitted with the grading plan required under Section 5.02.3100, unless the revegetation plan is a part of an application for clearing of vegetation which does not include or contemplate grading or filling.

5.02.4000 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.

5.03.0000 Inspections:

5.03.1000 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.

5.03.2000 Required Inspections:

a. Prior to any work commencing, the excavation contractor shall arrange a pregrading inspection. At this time all temporary erosion controls and vegetation protection devices shall be in place.

b. On single family dwellings and commercial sites, prior to sheet-rock nail inspection by the local building department, and whenever otherwise applicable, an inspection shall be arranged by the general contractor with Agency personnel for required slope
stabilization, permanent erosion controls, revegetation and other required improvements for water quality. At this time, all such facilities shall be in place and effective. Revegetation shall be accomplished to the point of being seeded, mulched and otherwise planted.

c. Upon completion of all construction activities, a final site inspection shall be arranged by the owner, prior to occupancy, to insure compliance with permit conditions.

5.03.3000 Inspection Scheduling: The Agency will perform any of the required inspections within 48 hours of a request.

5.04.0000 Standards of Grading, Filling and Clearing:

5.04.1000 Seasonal Limitations:

5.04.1100 Grading in Land Capability Districts 1-3: Grading, filling, clearing of vegetation or other disturbance of the soil may not occur in land capability districts 1 through 3 between October 15 and May 1 unless an extension has been granted by the Agency pursuant to subsection 5.04.1300. All sites shall be winterized prior to October 15th.

5.04.1200 Grading in Land Capability Districts 4-7: Provided the site is dry and stable, grading may continue in land capability districts 4, 5, 6, and 7 after October 15. Initial grading may not occur in said land capability districts until after May 1. During the period of October 15 to May 1, the site shall be winterized per subsection 5.05.0000.

5.04.1300 Grading Extensions: An extension of a permit for grading in land capability districts 1-3 may be granted as a separate permit to a public agency 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 public agency must show that an extension will not increase the risk of environmental damage caused by the grading, filling or clearing of vegetation.

5.04.1400 Prohibition of Grading During Inclement Weather: Grading, filling, clearing of vegetation 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.

5.04.2000 Winterization: All construction sites regardless of the status shall be winterized by October 15 in the following manner:

a. Sites that will remain inactive between October 15 and May 1:

(1) Installation of temporary erosion controls;

(2) Installation of vegetation protective fencing;
(3) Stabilization of all open and/or disturbed dirt areas;
(4) Clean-up and removal of all on-site construction slash and debris;
(5) Installation of all permanent on-site mechanical BMP's that will serve to further stabilize the site; and
(6) Removal of all spoil piles from site.

b. Sites that will remain active over the winter:

(1) Installation of temporary erosion controls;
(2) Installation of vegetation protection fencing;
(3) Stabilization of open dirt areas;
(4) Installation of BMP's including roadside drainages;
(5) Paving of driveways;
(6) Limiting parking and access to designated areas;
(7) Weekly removal of all on-site construction slash and debris; and
(8) Removal of all fill/spoil piles from the site.

5.04.3000 Criteria for Grading, Filling and Clearing Operations: All grading, filling and clearing operations, whether or not requiring a permit under this ordinance, shall be designed:

a. To utilize step foundations for all parcels exceeding 5% slope;

b. To allow excavation for on-site parking only for that which satisfies the minimum parking requirements of the agency;

c. To eliminate all excavations associated with basements, cellars, crawl spaces, or other below grade improvements;

d. To preserve, match or blend with the natural contours and undulations of the land;

e. To retain trees and other native vegetation, to stabilize hill-sides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty;

f. To eliminate scars from cuts and fills;

g. To reduce the amount of cuts and fills and to round off sharp angles at the top, toe and sides of all necessary cut and fill slopes;
h. To limit development on steep or hazardous terrain;

i. To take into consideration geologic hazards and adverse soil conditions and their effect on the future stability of the development;

j. To assure that all cleared slopes, including ski slopes, cuts and fills and other areas vulnerable to erosion are stabilized utilizing both mechanical and revegetation techniques;

k. To assure that construction, clearing of vegetation or disturbances of the soil is limited to those areas of proven stability;

l. To assure that the natural geologic erosion of hillsides, slopes, graded areas, cleared areas, filled areas, or stream-banks will not be exceeded;

m. To assure that sediment or other material deposited in Lake Tahoe, or other lakes in the region, their flood plains or tributaries, or any other public or private lands will not exceed that which would have been deposited if the land had been left in its natural state; and

n. To assure that disturbance does not occur within stream environment zones.

5.04.4000 Discharge Prohibitions:

5.04.4100 Direct Discharge: No person shall discharge solid or liquid waste materials including soil, silt, clay, sand or other organic or earthen materials into any area of water or on to any lands within the Tahoe Basin unless written approval is obtained from this Agency.

5.04.4200 Indirect Discharge: No materials shall be placed in any location from which it would be susceptible to erosion.

5.04.4300 Discharge Control Devices: In order to prevent such discharges from occurring, approved erosion and siltation control devices and measures shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:

a. Energy absorbing devices to reduce the velocity of runoff waters;

b. Sedimentation controls such as desilting basins and catch-basins. (Any trapped sediment shall be removed to a disposal site approved by the permit-issuing authority or the Agency);

c. Dissipation of water runoff from developed areas over large undisturbed areas;

d. Discharge of water runoff from developed areas into infiltration facilities to dissipate the runoff into the subsoil;
e. Multiple discharge points to reduce the volume of runoff over the localized discharge areas; and

e. Physical erosion control devices as depicted in the Handbook of Best Management Practices.

g. Temporary Control: Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction as depicted in the Handbook of Best Management Practices.

5.04.5000 Dust Control: Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to eliminate dust arising from the exposed material. Dust control methods must be approved by the Agency.

5.04.6000 Disposal of Cleared Vegetation: Vegetation removed during clearing operations shall be disposed of prior to final foundation inspection in a manner approved by the Agency.

5.04.7000 Disposal of Earthen Materials: Earthen material removed during operations hereunder shall be disposed of in a manner approved by the Agency. These may include:

a. By stockpiling all or some of the topsoil on the site for use on areas to be revegetated.

b. By disposal of the material at a location approved by the Agency.

5.04.8000 Cuts:

a. Maximum Slope: The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.

b. Slope Material: If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, the Agency shall require measures necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.

5.04.9000 Fills:

a. Maximum Slope: The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.
b. **Fill Material:** No organic material, such as vegetation or rubbish, or any other material not subject to proper compaction, or otherwise not conducive to stability, shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in the top six (6) feet of fills.

c. **Borrowing:** Borrowing for fill is prohibited unless a permit under this ordinance has been issued for it.

d. **Compaction:** Each layer of material for fill shall be compacted to relative compaction of not less than ninety percent (90%) ASTM D1557-70 as certified by the applicant to the Agency.

e. **Moisture Content:** At the time of compaction, the moisture content of the fill material shall be such that the specified relative compaction may be obtained with the equipment being used.

5.05.0000 **Security:** Adequate Security shall be posted with the Agency to ensure the completion of the work as depicted on the site plan and the slope stabilization and revegetation plan. Such security shall be posted for all projects required grading wherein any slope stabilization or revegetation is to occur.

5.06.0000 **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 actual area to be graded according to the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.

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 are within the actual construction area and are to be removed according to the Agency approval.

c. **Protective Barriers:** During construction the permittee shall provide appropriate barriers around all native vegetation proposed for retention. A tree barrier shall be installed pursuant to Section 6.04.2100.

d. **Responsibility of Contractor:** The permittee, contractor and subcontractor shall be fully responsible for compliance with the requirements of this ordinance, including, without limitation, any damage caused to existing trees or other vegetation. Each shall be responsible for all employees from the first day of construction until the notice of completion is filed. Each shall be
aware of and comply with all laws, ordinances and regulations of
the permit issuing authority effective as of the date of permit
issuance which in any way affect the work; and each shall protect
and indemnify the Agency and all officers and employees thereof
connected with the work.

If any discrepancy or inconsistency is discovered in the plans,
drawings, specifications, or contract for the work in relation to
any such law, ordinance, or regulation, the contractor shall
immediately report the inconsistency to the project engineer and
Agency in writing.

5.07.0000 Objects of Antiquity:

a. Prohibition of Grading: No grading, filling, clearing of vegeta-
tion, 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. 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 permit-issuing authority determines what precautions should
be taken to preserve the historic artifacts.
6.00.0000 **RESOURCE MANAGEMENT:** The purpose of this chapter is to set forth standards and guidelines for the management and protection of vegetation, wildlife, and fisheries. Such standards shall apply to the review of all projects and to existing development and uses when remedial actions are determined to be necessary.

6.01.0000 **Tree Removal:** Trees shall not be cut down or otherwise damaged in the region without prior approval from the Agency. All actions involving the removal of trees shall take place within the framework of this chapter to protect against indiscriminate loss of trees and to provide for the long term health and maintenance of the forest vegetation.

Applicants for any permit required pursuant to the terms of this ordinance shall provide information and reports as required by the Agency Rules and Regulations and Agency staff.

6.01.1000 **General Performance Standards:**

a. The cutting, moving, removing, killing, or materially damaging of live trees, the removal of disease infested and hazardous trees, and the attachment of appurtenances to trees shall be in compliance with the terms of this Section, and permits shall be granted or denied in conformity with the provisions of this Section, provided, however, that this Section shall not apply to lands devoted to the growing and harvesting of timber for commercial purposes for which permits have been granted authorizing timber harvesting. All such tree cutting shall also conform to the provisions of all other applicable sections of the Agency ordinance.

b. Existing trees and vegetation not approved for removal shall be preserved and protected during tree removal activity.

c. Tree removal within stream environment zones shall be limited to cutting diseased or hazardous trees or to thinning needed to protect the health and vigor of remaining trees or to improve fish or wildlife habitat.

d. Trees damaged during removal operations in urban areas or developed sites shall be treated with tree sealer and with any necessary tree surgery.

e. All tree removal sites shall be stabilized prior to, during, and after operations so as to prevent erosion from the site.

f. Insect infested wood from tree removal sites shall be tightly covered with plastic until all insects are dead.

g. A registered professional forester, Agency staff member, or other qualified forester must determine that specific trees, individually marked, are dead, dying, diseased, insect infested, hazardous or in need of thinning prior to any Agency tree removal permit being issued for this purpose on private, state, or local government property.

a. The Agency, upon receipt of a written report from an individual competent in the discipline of solar design may issue a permit to allow the removal of healthy trees that unreasonably impede the operation of a solar energy system.

b. The number of healthy trees that may be removed shall be the minimum necessary to remove the impediment.

c. The only trees that shall be considered for removal are those that lie generally south of the proposed solar collector and are in the sun’s path as determined by a 30° angle measured from the base of such solar collector(s).

d. Three trees shall be planted elsewhere on the property for every tree removed. The appropriate size of the replacement trees, species, and location for planting shall be determined by a qualified forester, TRPA staff, or by the appropriate state division or department of forestry.

6.01.3000 Dead, Dying, or Diseased Tree Removal: To enhance forest health, trees certified by a qualified forester or Agency staff to be dead, dying or diseased may be removed after the Agency has issued the required permit. Insect-infested wood must be disposed of or treated as appropriate and specified by Agency staff or a qualified forester.

6.01.4000 Hazardous Tree Removal: To protect lives and property, trees certified by a qualified forester or Agency staff to be hazardous to property or people may be removed upon the issuance of an Agency permit. Other vegetation must be protected during removal operations to prevent their injury.

6.01.5000 Tree Removal for Enhancement of Forest Health and Diversity: Tree removal may be permitted in instances when the Agency deems the species or structural diversity of the area unacceptable. The determination of when and where tree removal to enhance forest health and diversity is appropriate shall be guided by the following criteria:

a. A management plan must be prepared to justify the need for the project and the means of accomplishing specific objectives.

(1) If improvement to forest health is the objective, removal of trees must not exceed minimum stocking levels as determined by a qualified forester and Agency staff.

(2) If improvement to structural diversity is the objective, removal of trees must be linked to a reforestation program that provides for the establishment of younger aged trees.
(3) If improvement to species diversity is the objective, removal of trees must be linked to a reforestation program that provides for the establishment of conifer species other than the local dominant.

b. The site proposed for tree removal must be within a contiguous area of at least 5 acres in which a single tree species of similar age class dominates.

c. Tree removal shall be accomplished by selective thinning.

d. Existing access to the site must be adequate to avoid the need to construct additional roads.

e. The site must have adequate restocking potential such that reforestation is feasible as determined by site characteristics of soil productivity, slope, aspect, and precipitation.

f. Other conditions of project approval may be applied as necessary to achieve the intent of this Section.

g. This provision of the ordinance shall not be liberally interpreted so as to prevent indiscriminate removal of trees for any other reason than which it is intended.

6.01.6000 Protection of Stream Environment Zones:

a. Harvests within Stream Environment Zones: Harvest within stream environment zones is prohibited except for early successional stage vegetation management, sanitation cuts, and fish and wildlife habitat improvement projects when adverse impacts can be minimized or avoided. At a minimum the following standards shall apply:

(1) All motorized equipment shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones.

(2) Trees shall be felled away from stream environment zones whenever possible and in no instance shall a tree be felled into a stream channel.

(3) Work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable or when snow depth is adequate enough for over snow removal without causing damage to soil or vegetation.

(4) Harvest debris shall be kept out of all perennial and intermittent streams and if deposited shall be removed immediately.
(5) The traversing of perennial or intermittent streams shall be limited to improved crossings meeting Best Management Practices standards or to temporary bridge spans that can be removed upon project completion or at the end of the work season whichever is sooner. Any damage or disturbance to the stream environment associated with the temporary bridge span must be restored within one year of its removal. In no event shall log culverts, or any method requiring the placing of rock and earthen material into the stream or streambed, be considered improved crossings.

b. Harvests adjacent to a Stream Environment Zone: Special permit conditions shall apply to all timber harvests within one hundred feet of a perennial or intermittent stream and within the transition or edge zone adjoining stream environment zones as necessary to protect instream values and wildlife habitat diversity.

6.01.7000 Timber Harvest: The following standards shall apply to all timber harvest activities.

6.01.7100 Information Report or Environmental Assessment: All applicants for timber harvesting permits shall file a report with the Agency that details the purpose of the harvest, the long-term management goals, timber harvest techniques to be used, proposed mitigation, and any other information that might be necessary to evaluate the project.

6.01.7200 Review Procedures:

a. All public and private lands shall be reviewed under the provisions of this and other applicable ordinances.

b. All public and private timber harvests shall be initially reviewed by the appropriate state and federal agencies in coordination with the Agency.


(1) Harvest plan written by registered professional forester or other professional forester;

(2) Harvest proposal submitted to the Agency;

(3) Agency Review:

   i. Pre-approval field review;

   ii. Pre-harvest field review; and

   iii. Post-harvest review.
d. Review on Public Lands.

   (1) U. S. Forest Service administered lands:

      i. Coordination with the Agency at the initial planning stages;

      ii. Environmental Assessment;

      iii. Final marking and layout; and

      iv. Agency approval or denial.

   (2) Other Public Lands:

      i. Same as applicable to private land review.

6.01.7300 Permit Conditions: A timber harvesting permit may be issued upon any conditions necessary to assure compliance with the standards and criteria of this Ordinance including, but not limited to:

a. Performance Bond: Adequate security shall be posted with an agency of jurisdiction prior to commencement of any harvest operation in an amount necessary as determined by the agency of jurisdiction, to correct soil erosion damages, water quality impediments, and vegetation losses that might occur because of failure to conform to the standards of this Section. Such security shall not be released until the agency of jurisdiction has conducted a final inspection and has issued written clearance covering compliance with such standards;

b. Restrictions on roads, tractor trails, and skid trails;

c. Provisions for the protection of fish, wildlife vegetation, and other resource values;

d. Provisions for forest pest control and plant disease prevention;

e. Provisions for revegetation;

f. Provision for slash disposal;

 g. Provision for protection of stream environment zones and other sensitive lands;

h. Onsite mitigation;

i. Silvicultural practice;

j. Best Management Practices; and

k. Harvest techniques.
6.01.7400 Performance Standards:

a. Cutting Practices: Sufficient trees shall be reserved and left uncut to meet the standards described herein under definition of minimum acceptable stocking except where patch cutting is necessary for regeneration harvest or early successional stage management.

b. Silvicultural Methods: Silvicultural methods shall be encouraged that accomplish the following objectives:

1. Restoration/expansion of stream environment zones and riparian vegetation;
2. Improvement to the structural diversity of yellow pine and red fir forests;
3. Enhancement of species diversity;
4. Provision for the enhancement/protection of such minor tree species as incense cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;
5. Protection of sensitive lands;
6. Minimization construction of new roads;
7. Encouragement of revegetation of existing temporary roads;
8. Minimization of disturbance of stream environment zones;
9. Compliance with all appropriate noise standards;
10. Utilization of existing openings or disturbed areas as landings;
11. Provision for revegetation; and/or
12. Limited use of patch cuts to be consistent with adopted thresholds.

c. Timber Marking Requirements: All timber to be cut is to be marked on bole and stump with paint prior to the issuance of a timber harvesting permit.

d. Fall and Limb:

1. Damage to unmarked trees and residual vegetation shall be avoided and all trees shall be felled in line with the skidding direction wherever possible.
2. All trees shall be limbed on three (3) sides and topped prior to yarding.
(3) Stumps shall be kept to a height of six (6) inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical.

6.01.7600 Skidding:

a. Ground skidding shall be limited to land capability districts 4, 5, 6, and 7. Special limitations shall apply to land capability 3 lands.

b. No logging arches other than integral arch equipment is permissible.

c. Best Management Practices including cross drains shall be installed, as required by this section and the Handbook of Best Management Practices prior to seasonal shutdown for all skid trails, landings, and other roads.

(1) Cross drains shall be installed as follows:

<table>
<thead>
<tr>
<th>Gradient</th>
<th>Slight</th>
<th>Moderate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10%</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>10 - 20%</td>
<td>150</td>
<td>90</td>
</tr>
<tr>
<td>21 - 30%</td>
<td>90</td>
<td>50</td>
</tr>
</tbody>
</table>

(2) Cross drains shall be placed at such lesser intervals as may be necessary to prevent soil erosion caused by firebreaks, trails, or landings.

(3) Construction of water breaks shall be kept current with operations. Erosion control work including the design and interval of water breaks, shall be subject to approval of the Agency.

(4) Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

(5) Logs shall only be skidded endwise.

(6) Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. Every effort shall be made to keep the number of skid trails at a minimum and to restrict their width to fifteen (15) feet or less. Main skid trails will be flagged in advance and subject to the approval of the Agency.
6.01.7700 Removal Methods: The following timber removal methods shall be the only methods that may be used on lands located within the land capability districts shown on the official Land Capability Maps of the Agency.

<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Removal Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a, 1c, 2</td>
<td>Aerial removal and use of existing roads meeting BMP standards for fire prevention and suppression or insect and disease suppression. Over-the-snow removal may be permitted on occasions when suitable snow conditions exist.</td>
</tr>
<tr>
<td>1b</td>
<td>As permitted in District 1a and cable skidding over snow and as otherwise permitted under Section 6.01.7500.</td>
</tr>
<tr>
<td>3</td>
<td>As permitted in District 1a and skidding when deemed acceptable by Agency staff.</td>
</tr>
<tr>
<td>4 - 7</td>
<td>As permitted in District 1b and ground skidding</td>
</tr>
</tbody>
</table>

6.01.7800 Logging Roads and Skid Trails: No road or skid trail shall be constructed or otherwise created other than in accordance with the requirements of this section and the Handbook of Best Management Practices.

a. Standards: The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width, and maintenance, by road type as determined by the Agency shall be as follows:

<table>
<thead>
<tr>
<th>ROAD TYPE</th>
<th>DESIGN</th>
<th>MAXIMUM GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Administrative Roads</td>
<td>Plans and Specifications</td>
<td>10%</td>
</tr>
<tr>
<td>Limited Use</td>
<td>Plans and Specifications</td>
<td>10% with occasional 15%</td>
</tr>
<tr>
<td>Limited Use Roads closed after logging</td>
<td>Plans and Specifications</td>
<td>10% with occasional 15%</td>
</tr>
<tr>
<td>ROAD TYPE</td>
<td>DESIGN</td>
<td>MAXIMUM GRADE</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------</td>
<td>---------------</td>
</tr>
<tr>
<td>Temporary Road</td>
<td>Flag line</td>
<td>20%</td>
</tr>
<tr>
<td>Tractor Roads and Main Skid Trails</td>
<td>Flag line</td>
<td>30%</td>
</tr>
<tr>
<td>Secondary Skid Trail</td>
<td>None</td>
<td>30%</td>
</tr>
</tbody>
</table>

*Roads, cuts, and fills shall be stabilized in a manner approved by the Agency*
<table>
<thead>
<tr>
<th>ROAD TYPE</th>
<th>RIGHT OF WAY</th>
<th>SLASH CLEANUP</th>
<th>MAXIMUM WIDTH</th>
<th>MAINTENANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Administrative Roads</td>
<td>Prefall</td>
<td>Removal within 50 feet of road</td>
<td>30 feet*</td>
<td>As determined by Agency</td>
</tr>
<tr>
<td>Limited Use Roads Remaining Open</td>
<td>Prefall</td>
<td>Removal within 50 feet of road</td>
<td>30 feet*</td>
<td>Annual maintenance required</td>
</tr>
<tr>
<td>Limited Use Roads Closed After logging</td>
<td>Prefall</td>
<td>Lop and scatter/stack and burn</td>
<td>23 feet*</td>
<td>Put to bed</td>
</tr>
<tr>
<td>Temporary Roads</td>
<td>Prefall</td>
<td>Lop and scatter/stack and burn</td>
<td>15 feet*</td>
<td>Put to bed</td>
</tr>
<tr>
<td>Tracker Roads and Main Skid Trails</td>
<td>Concurrent</td>
<td>Lop and scatter/stack and burn</td>
<td>15 feet</td>
<td>Put to bed</td>
</tr>
<tr>
<td>Secondary Skid Trails</td>
<td>Concurrent</td>
<td>Lop and scatter/stack and burn</td>
<td>15 feet</td>
<td>Put to bed</td>
</tr>
</tbody>
</table>

*Unless the Agency determines that greater width is necessary for feasible use or safety.

**"Annual Maintenance" means such activities as restoring drainage features and smoothing the road surface, and making other road repairs as necessary.

Drainage and live stream crossings are as per this section and the Handbook of Best Management Practices.
6.01.7900 Slash Disposal: Slash shall be disposed of by the following methods:

a. Lop and scatter, pile and burn (consistent with air quality subsection of this ordinance), chipping, and haul away.

b. Cull logs and other material shall be disposed of in a manner consistent with the permit conditions.

c. Disposal operations shall be completed within one year following project completion.

6.01.8000 Harvesting of Christmas Trees: To allow for the continuance of existing Christmas tree cultivation operations, such operations, when certified by a qualified forester or Agency staff to be utilizing proper silvicultural methods, may continue upon the issuance of an Agency permit. The criteria utilized for timber harvest review shall be used in reviewing Christmas tree harvest and cultivation applications.

6.02.0000 Prescribed Burning Programs:

a. Information Report: All applicants shall file a prescribed burning plan with the Agency. The information to be included in the plan will be specified by Agency staff.

b. Persons Undertaking Prescribed Burning: Prescribed burning activities shall be limited to public lands under the auspices of the responsible public agencies.

c. Purpose of Prescribed Burn: Prescribed burning shall be limited to the following practices:

1. Seral stage management;
2. Slash disposal;
3. Fuels management;
4. Wildlife habitat management; or
5. Silviculture.

d. Scope and Timing: The scope and timing of prescribed burning shall be consistent with other provisions of this ordinance. Prescribed burning shall be conducted utilizing state of the art practices so as to minimize the risk of wildfire, excessive smoke, and to meet the goals of the prescription.

6.03.0000 Livestock Grazing: To allow for livestock grazing in selected areas, the Agency may grant a grazing permit. Applicants shall provide such information and reports as are required by the Agency ordinance. Individuals that have exercised historical use of an area for grazing may have to come into compliance with this ordinance.
6.03.1000 Performance Standards:

a. Livestock are allowed on the site only when the soil is firm enough to prevent trampling damage to soil and vegetation.

b. Livestock shall not conflict with the use of the property by wildlife.

c. Livestock shall not be allowed in areas where sensitive plant species exist.

d. The use of livestock as a seral stage management technique may be encouraged.

e. Range improvements shall not interfere with migration routes of deer and other wildlife.

f. The applicant shall provide sufficient information to determine the proper forage carrying capacity and then shall not exceed that number.

g. Livestock use shall not conflict with the attainment of water quality standards.

h. Livestock confinement facilities shall be in conformance with BMP x 11-A.

6.04.0000 Vegetation Protection: The preservation of vegetation is necessary to help maintain the significant scenic, recreational, educational, scientific, and natural values of the region. The standards for the preservation/management of vegetation contained herein are necessary to provide for that purpose.

6.04.1000 Project Design: The siting and design of a project shall provide for the maximum protection of existing vegetation and require a plan for revegetation of existing disturbed sites within the affected parcel.

6.04.2000 During Construction: It is the responsibility of the contractor and/or the property owner to insure maximum protection of all vegetation on the project site except where disturbance is otherwise allowed by Agency permit.

6.04.2100 General Provisions for the Protection of Vegetation:

a. Vegetation may not be disturbed, injured, or removed prior to issuance and approval of all necessary Agency permits.

b. All trees, major roots, and other vegetation not specifically designated and approved for removal shall be protected.

c. Construction equipment and associated activity shall be limited to the area of building footprints and approved access ways.
d. Equipment of a size and type that, under prevailing site conditions, will do the least amount of damage to the environment shall be used.

e. No slash, trees cut for the project, or uprooted stumps may remain on the site after final foundation inspection. Any remaining stumps must be cut flush with the ground on the uphill side of trees.

f. Revegetation shall be required for all disturbed areas outside of the building footprint and approved access as per an approved revegetation plan and other applicable provisions of Agency ordinances.

g. Removal of trees and other materials in conjunction with an approved project shall be accomplished in the fashion least damaging to the environment.

6.04.200 Minimum Standards for Vegetation Protection:

a. Construction equipment and materials shall be restricted to designated roads and as otherwise permitted under other applicable provisions of Agency ordinances.

b. Landscaping involving the removal of existing native vegetation shall generally be prohibited except as otherwise permitted under Section 6.05.0000 of this ordinance.

c. A forest management plan to treat trees found on the parcel shall be developed in conjunction with other project permit requirements. At a minimum, the plan shall include the following:

(1) Identification and treatment provisions for diseased or insect infested trees;

(2) Identification and removal provisions for hazardous trees; and

(3) Provisions for optimum stocking levels of trees.

d. Trees may be removed from within 6 feet of foundation footprint.

e. All vegetation beyond 6 feet of the foundation footprint must be suitably protected from construction damage by installing temporary fencing to prevent encroachment of machinery or construction materials.

f. All trenches associated with the project should be located, to the extent feasible, outside the driplines of trees.

g. Large roots (4 inches in diameter and larger) encountered during excavation of utility trenches shall not be severed.
h. All roots of residual trees 4 inches in diameter or larger severed during excavation of foundations or roadways shall be cut flush and treated with an asphaltic-based paint.

i. Compaction and paving should not encroach closer than the distance between one-half the dripline and the tree trunk on one side of any tree being retained within permit boundaries.

j. All trees designated for removal must be felled and removed in such a manner that damage to residual trees and vegetation will be minimized. Inadvertent injury to remaining trees shall be immediately treated in a prudent manner, using an asphaltic-based tree paint for open-faced injuries.

k. Tree trunks shall not be used for the purpose of sign posts, telephone wires or temporary power, bracing for forms, or other similar types of uses.

6.04.3000 Open Space Barriers: Encroachments upon open space can cause loss of vegetation, erosion, and other water quality impacts. Restrictions of activities are necessary to allow existing disturbance to heal and to prevent disturbance of new land areas. At a minimum, the following standards shall apply to open space lands:

a. Motorized vehicles shall not be permitted off of improved roads or designated trails except where otherwise allowed by Agency permit or an approved off highway vehicle plan.

b. Physical barriers shall be erected on existing improved property and required for new projects as necessary to prevent vehicular encroachment into areas where disturbance and/or coverage has not been authorized.

c. Barrier materials shall blend to the extent feasible with the natural background. Preferred materials include wooden posts, boulders, and wooden fence material.

d. Locations and/or situations where barriers may be required are as follows:

(1) Open space islands within parking lots and lands adjoining commercial and industrial parking lots;

(2) Open space areas adjacent to residential and recreational facilities;

(3) Sensitive lands;

(4) Revegetated sites;

(5) Unauthorized roads/trails; and
(6) Other areas as deemed necessary to prevent damage or destruction of vegetation.

6.04.4000 Sensitive Plants/Uncommon Plant Communities: Distinction of plants for special significance is usually determined based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities for which environmental thresholds apply and to any other plant or plant community later identified for such distinction. The general locations of sensitive plant habitat are depicted on Agency maps.

6.04.4100 Sensitive Plants: Individual species and the habitat on which they depend shall be preserved. At a minimum, the following standards for protection shall apply:

a. As a condition of project approval, the applicant shall consult with the TRPA staff to determine whether sensitive species and/or habitat for sensitive species are likely to occur on the project site.

b. Activities and/or development proposed or currently existing in the vicinity of sensitive species and associated habitat will be regulated as necessary to preserve the species and its habitat. Any use or activity that could harm, destroy, or otherwise jeopardize the species or its habitat will be prohibited. Acceptable measures to protect the species and/or associated habitat from existing or intended uses may include the following:

1. Fencing to enclose individual populations or habitat;

2. Restricted access and permitted intensity of use;

3. Modifications to project design as necessary to avoid or minimize impacts;

4. Dedication of open space to include entire area of suitable habitat; and

5. Restoration of already disturbed habitat.

6.04.4200 Uncommon Plant Communities: Uncommon plant communities shall be managed and protected as necessary to preserve their unique ecological attributes and other associated values. Activities/uses proposed on or in the vicinity of uncommon plant communities shall require a permit from the Agency. The locations of uncommon plant communities are depicted on Agency maps. At a minimum, the following standards for protection shall apply:

a. No use or activity shall be undertaken that may adversely impact uncommon plant communities such that normal ecological functions or natural qualities of the community are impaired.
b. Management practices that enhance the qualities of the plant community without artificially interfering with natural plant succession are permitted uses when approved by the TRPA.

6.05.0000 Landscaping: The use of ornamental vegetation and landscape practices that involve the removal of existing native vegetation shall generally be discouraged according to the following criteria:

a. Landscaping with other than native or approved plant species shall not be permitted except under Section 6.05.3000 of this ordinance.

b. Revegetation plans shall emphasize the use of native or approved species that require minimal use of water and fertilizer.

6.05.1000 Approval Species: Only native or other approved plant species shall be used for all landscaping and revegetation programs/projects. The list of acceptable species is found in the Handbook of Best Management Practices. Until the current list is amended (within one year following adoption of this Ordinance), all revegetation and landscaping plans must demonstrate compliance with the intent of this ordinance.

6.05.2000 Fertilizer Management:

a. A fertilizer management program to be incorporated into the Handbook of Best Management Practices shall guide the use of all fertilizer in the Basin. At a minimum, the program will develop standards for:

(1) The appropriate type of fertilizer to avoid rapid release of nutrients;

(2) The rate of application to avoid excessive application;

(3) The frequency of application to minimize the use of fertilizer;

(4) Appropriate watering schedules to avoid excessive leaching and runoff of nutrients;

(5) Preferred plant materials to minimize the need of fertilizer;

(6) Landscape design that minimizes the use and impacts of fertilizer application; and

(7) Critical areas where the use of fertilizer shall be avoided.

b. Until such time as standards are developed for each component of the fertilizer management program, all new projects that include provisions for landscaping or revegetation must incorporate a fertilizer management program that addresses each of the above considerations.
c. Existing uses that require regular fertilizer maintenance such as golf courses, parks, cemeteries, recreational ball fields, and residential yards shall comply with the TRPA fertilizer management program within 1 year following its adoption.

6.05.3000 Turf/Lawns:

a. Landscaping shall emphasize the use of approved plant species and avoid the planting of lawns. The following exceptions may be permitted:

(1) Recreation ballfields;

(2) Areas of intensive pedestrian traffic adjoining commercial or tourist facilities where other types of landscaping are infeasible due to problems of trampling or constant disturbance;

(3) Limited areas adjoining community or public pools;

(4) Limited areas within public or community parks;

(5) Residential lawns within areas approved for impervious coverage.

b. New lawns and/or turfed areas shall be prohibited within 50 feet of all water bodies and adjacent to stream environment zones.

c. Existing areas of lawn/turf in close proximity to water bodies and stream environment zones may be required to mitigate any adverse impacts to water quality, soil stability, or wildlife and fish habitat.

d. The maintenance of all turf/lawn areas shall comply with an approved TRPA fertilizer management program.

6.06.0000 Revegetation: Revegetation may be required as a condition of project approval or as necessary to effectuate other provisions of Agency ordinances. In general, the purpose of revegetation is to stabilize soil and to improve the mix of vegetative cover.

6.06.1000 Approved Species:

a. All revegetation programs shall require the use of TRPA approved plant species (refer to Section 6.05.1000).

b. Selection of plant species shall be appropriate to site conditions and all revegetation plans shall specify whether reestablishment of vegetation will be accomplished with or without irrigation.
c. Small scale revegetation programs will emphasize the use of approved grass species in conjunction with mulching or other temporary soil stabilization treatments as suggested by the Handbook of Best Management Practices.

d. Revegetation of disturbed sites larger than 10,000 square feet will require reseeding with grass species as well as planting with appropriate shrub and tree species.

e. Fertilizer may be permitted as necessary to help establish vegetation immediately following planting but should not be a long term solution to the maintenance of vegetation on disturbed sites.

6.06.2000 Soil Stabilization

a. Site preparation for revegetation shall include both permanent and temporary measures as necessary to stabilize the soil until such time as revegetation is successful.

b. Revegetation programs for disturbed sites should minimize the use of extensive grading whenever practical. Situations where extensive grading and/or contour change may be necessary include the following:

1. Oversteepened cut slopes;
2. Quarry sites;
3. Abandoned landfills;
4. Reclamation of already developed sites; or
5. Abandoned roads.

c. Revegetation plans may include provisions that allow for the importation of top soil for sites that lack an acceptable growth medium.

6.06.3000 Compliance:

a. Adequate security will be required as a condition to project approval or as necessary to effectuate the water quality plan. The security shall be in the amount of 150% of the estimated cost of revegetation.

b. The security posted shall be released within 6 years or sooner when it is determined that the site has been satisfactorily revegetated. Failure to comply with project conditions within 1 year will cause the forfeiture of the security to the Agency to complete the required revegetation.
6.07.0000 Wildlife Resources: This section of the ordinance establishes minimum standards for the management and protection of the region's fish and wildlife resources. Standards are also presented for the control of non-native species.

6.07.1000 Wildlife Habitat: Wildlife habitat is a generic term that describes the basic requirements necessary for the survival of wildlife populations. For any particular species, the basic requirements include food, water, cover, and space. Standards for the preservation/management of wildlife habitat include, but are not limited to, the following:

6.07.1100 Riparian Vegetation:

a. No activity or use shall be undertaken within the boundaries of a riparian plant community except as otherwise permitted for habitat improvement or vegetation management and when demonstrated not to be detrimental to water quality and scenic quality.

b. All development shall be set back from riparian vegetation bordering meadows and streams so that, at a minimum, 100 feet of undisturbed vegetation will be maintained as a buffer for use by wildlife and for maximizing plant diversity.

6.07.1200 Movement/Mitigation Corridors:

a. Stream environment zones adjoining creeks and major drainages link islands of habitat and shall be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors shall be designed so as not to impede the movement of wildlife.

b. Activities and/or proposed uses in the vicinity of deer migration corridors may be required to mitigate or avoid any possible adverse impacts. The location of deer migration corridors shall be verified by respective State Wildlife or Fish and Game agencies.

6.07.1300 Critical Habitat:

a. Under no circumstance shall any project and/or activity cause, or threaten to cause, the loss of any habitat component considered critical to the survival of a particular wildlife species.

b. No project and/or activity shall threaten, damage, or destroy nesting habitat of raptors and waterfowl or fawning habitat of deer.

6.07.1400 Snags

a. Hard, standing dead trees with diameters (dbh) 11 inches or greater should not be removed except when otherwise necessary for
reasons of public safety or when densities of snags in the immediate area exceed 2 per acre.

b. Provisions for the protection of snags suitable for wildlife habitat shall be incorporated into all timber harvest plans and other conditions of project approval when applicable.

6.07.2000 Special Interest Species: The habitat locations of special interest species are depicted on Agency maps. At a minimum, the following standards shall apply for the protection of special interest species and associated habitat:

a. Perching sites and nesting trees of goshawks, eagles, and osprey shall not be physically disturbed in any manner nor shall the habitat immediately adjacent to such tree be manipulated in any manner unless such manipulation is necessary to enhance the quality of the habitat.

b. All activities shall be regulated within the disturbance zone of special interest species. Any activity/use proposed within this zone must demonstrate that the proposed use will not directly or indirectly adversely affect the habitat or cause the extirpation of the population.

c. Conditions of project approval may be required to mitigate or avoid adverse impacts to recovery species or special-interest species listed by of the U.S. Forest Service for the Lake Tahoe Basin.

d. Beaver should be appropriately controlled as necessary to protect the fishery, minimize destruction of riparian vegetation, and prevent downstream degradation of water quality.

6.07.3000 Non-Native Species: Animal species other than those indigenous to the Basin impact native wildlife and vegetation. At a minimum, the following standards shall apply to non-native animals:

6.07.3100 Domestic Animals:

a. Local animal control agencies, in association with state wildlife agencies, shall require a permit declaring ownership and liability for possession of any animal species that could (a) pose a threat to the health of the residing household or public in general or (b) could create an imbalance to native wildlife populations should the exotic escape or be freed into the wild.

b. The raising and/or release of domestic waterfowl including ducks, geese, and swans is prohibited. Any such species found in the waters of the Basin shall be removed in the most appropriate and efficient manner.

c. Local jurisdictions shall amend existing animal control ordinances as necessary carry out the following guidelines:
(1) Provisions to destroy dogs caught in the act of harassing wildlife or people.

(2) Provisions to require the vaccination of all dogs over 4 months of age for rabies.

(3) Provisions to require the licensing of all dogs as a measure to enforce vaccination requirements.

(4) Provisions that require paying double the license fee for dogs not spayed or neutered.

(5) Provisions that set forth substantial monetary penalties for dogs picked-up for local ordinance violations. The owner shall pay a fine commensurate to the size of the dog such that the fine shall be $1.00 for each pound but not to exceed $100. A fee of $1.50 per pound shall be required for all subsequent violations with no upper fine limit.

(6) Provisions that prohibit the keeping of more than 2 mature dogs per household without a valid kennel license.

(7) In addition to the provisions of the aforementioned and language of existing animal control ordinances (when consistent with the aforementioned), the intent of the following language shall apply to all animal control ordinances:

It shall be unlawful for any person owning or having charge of any stray dog as defined herein, to cause, permit or allow such dogs, whether licensed or unlicensed to stray, wander or otherwise be at loose or at large upon any public street, alley, park, beach, way or other public property, or upon any private property other than private property of which the owner of the dog has ownership or control, unless such dog is kept securely confined by a leash, rope, cord or chain not over ten feet in length held by some person or securely attached to some stationary object. Nothing contained in this section shall be deemed to prevent a dog from being used without a leash to herd, guard or gather domestic animals in the normal and customary manner of working dogs. Nor shall this section be deemed to prohibit participation in obedience trials or dog shows without a leash so long as the dog is under the charge and control of a person competent to control such dog and the dog does not harm or damage, or threaten to harm or damage, any person or public or private property.

6.07.3200 Livestock: The keeping and raising of livestock shall comply with the standards set forth under Section 6.03.0000 as well as the following:

a. Livestock containment facilities such as corrals, barns, and other similar enclosures shall be prohibited within stream environment zones.
b. Livestock containment facilities and/or holding areas shall not contribute to erosion or water quality degradation.

c. Livestock shall not be allowed to graze on lands with standing water to prevent excessive uprooting of vegetation and displacement or compaction of soil.

d. Livestock shall be restricted from the banks of streams except where improved access points are provided for crossing and watering.

e. The density of livestock on a particular parcel shall be regulated as necessary to prevent excess removal of vegetation, destruction of streamside vegetation and banks, soil compaction, and water quality degradation.

6.08.0000 Fish Resources: The health of the Tahoe fishery depends upon a complex set of ecological relationships linked to both the lake and stream environments. In general, all fishes require sufficient quantities of habitat to satisfy needs for spawning, food, and escape cover. The location and quality of fish habitat in the Lake Tahoe Basin is depicted on Agency maps. In general, new and existing uses within identified habitat areas must provide for the protection and improvement of the habitat as indicated by said maps. The following standards shall apply when reviewing projects proposed in areas of stream and lake habitat.

6.08.1000 Lake Habitat:

a. Activities and/or uses in the shorezone of the region's lakes may be prohibited, limited, or otherwise regulated in areas designated by this Agency as being especially vulnerable or critical to the needs of fishes.

b. Special conditions of project approval may be required for development proposals in the shorezone as necessary to mitigate or avoid impacts to the habitat and to the normal activities of fishes.

c. Habitat restoration projects may be permitted in the nearshore/foreshore.

d. Development in the nearshore/foreshore shall be prohibited within 200 feet of all stream tributaries.

e. The physical alteration of the substrate in areas of prime fish habitat is prohibited except as otherwise permitted by this ordinance.

f. The placement of nearshore/foreshore structures shall be strictly limited and discouraged in areas of prime fish habitat until such time as this ordinance can be amended to reflect the findings of
a study that identifies and quantifies the effect of piers and their associated uses on the normal foraging and spawning behavior of fishes in Lake Tahoe.

g. Conditions of project approval involving uses permitted in the shorezone ordinance may be required as necessary to minimize impacts to nearshore trolling opportunities.

6.08.2000 Stream Habitat:

a. No modifications to stream channels or other uses that may physically alter the natural characteristics of the stream will be permitted unless such actions can demonstrate a net benefit to the fishery.

b. All stream crossings as otherwise permitted under other provisions of Agency ordinances shall in no way restrict the upstream or downstream movement of fishes.

c. Existing structures within stream environment zones that pose as unnatural barriers to fish migration shall be removed or modified as necessary to effectuate attainment of environmental thresholds for the fishery.

d. Stream improvement projects should include provisions for the planting and management of trees, when necessary to supplement streamside shade.

e. Development proposed adjacent to tributaries may be required to mitigate any offsite impacts to the fishery.

f. Wildlife habitat improvement projects or other projects requiring the diversion of stream water shall minimize any detrimental impacts to the tributary by:

(1) Ensuring adequate instream flows adjacent and downstream from the project site;

(2) Preventing the introduction of nutrients or sediment-enriched water from reentering the tributary; and

(3) Allowing unobstructed flow of water through the main stream channel.

g. Small scale hydro projects shall be discouraged but may be permitted if impacts can be mitigated by providing for:

(1) A net improvement to instream flows through improved flow regulation;

(2) Preservation of riparian vegetation;

(3) Protection of other relevant instream values such as recreation, aesthetics, and wildlife habitat; and
(4) Enhancement of the fishery.

h. Diversions of water from creeks shall be discouraged except when adequate provisions and conditions of project approval ensure compliance with instream flow standards established for the creek. Approvals for instream flow diversions where such standards are not yet established shall be contingent on compliance with the respective flow standard once established.

6.08.3000 Wetland Habitat:

a. Wetlands shall be preserved and managed for their ecological significance including their value as nursery habitat to fishes, nesting and resting sites for waterfowl, and as a source of stream recharge.

b. As otherwise provided for under other provisions of this ordinance.
WATER QUALITY AND WATER RESOURCES PROVISIONS:

Water Pollution Control:

Discharge Limitations:

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

Surface Discharges: Surface water discharges which directly enter Lake Tahoe or a tributary thereto shall not exceed the following constituent levels:

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Nitrogen as N</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Total Phosphate as P</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Total Iron</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Turbidity</td>
<td>2.0 JTU</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>200 JTU</td>
</tr>
</tbody>
</table>

a. If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters should meet the quality level listed above prior to discharge from the site.

b. If the constituent levels of waters entering a site do not meet the above, there should be no statistically significant increase (at a 90 percent confidence level) in the water discharge from the site.

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

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

Where there is a direct and immediate hydrologic connection between ground and surface waters, discharges to groundwater shall meet the standards for surface discharges.
7.01.1130 Prohibition of Wastewater Discharge: The discharge of municipal or industrial wastewater to Lake Tahoe, its tributaries, the groundwaters of the Tahoe region, or the Truckee River within the Tahoe region is prohibited, except for discharges existing on the date of adoption of the Regional Plan under alternative plans for wastewater disposal approved by the state agency of appropriate jurisdiction.

7.01.1131 Holding Tanks and Other No-Discharge Systems: To avoid a discharge of wastewater that is prohibited under 7.01.1000, holding tanks or other no-discharge systems may be used, only in the following instances:

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

b. As a permanent measure associated with a remote recreational site, including but not limited to trailheads and undeveloped walk-in campgrounds.

7.01.2000 Runoff Controls: All persons who own or manage land within the Region shall meet the discharge standards of Section 7.01.1110 and Section 7.01.1120. Unless monitoring tests prove otherwise, the Agency shall consider the application of best management practices as recommended by the TRPA Handbook of Best Management Practices sufficient to meet the discharge standards.

7.01.2100 Best Management Practices: Best management practices as described in the TRPA Handbook of Best Management Practices shall include, at a minimum, the standards of Section 2.05.5200.

7.01.2200 Other Management Practices: For situations not covered in the Handbook of Best Management Practices, the TRPA Executive Director may define required BMP's based on best professional judgment, after consultation with appropriate experts.

7.01.2300 Off-site BMP's: Where, for technical reasons, the application of BMP's on the property is infeasible and all feasible alternatives have been exhausted, the property owner or managing public agency may propose off-site BMP's of equal or greater effectiveness, subject to the approval of the TRPA Executive Director. Required easements or purchase of additional property for offsite application of BMP's shall be the discharges responsibility and not binding on the Agency. Such off-site BMP's shall:

a. Directly treat the runoff of the property in question; and

b. May not be used as a credit for water quality mitigation required under section 7.03.0000 of this ordinance.

7.01.2400 Compliance with Application of Best Management Practices (BMP's): Application of BMP's shall not be mandatory until five years after the adoption of this Ordinance except as follows:
a. A mandatory action required pursuant to Section 1.08.3000 abatement of nuisance and or Section 9.02.3000 mandatory compliance.

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

7.01.2500 Maintenance of BMP's: All BMP's shall be maintained as described in the Handbook of Best Management Practices. For situations not covered in the Handbook, the TRPA Executive Director may prescribe appropriate maintenance practices, based on best professional judgment, after consultation with appropriate experts. Failure to maintain a BMP shall constitute a violation of this ordinance.

7.01.2600 Vegetation Protection: All property owners and public property managers shall protect the vegetation on their property from unnecessary damage in accordance with the provisions of Chapter 6 of this ordinance.

7.01.2700 Disturbed Areas: BMP's deemed appropriate by Agency staff shall be applied to all barren areas, compacted areas, denuded areas, cut slopes, and fill slopes; the maintenance of a disturbed area on any piece of property without application of appropriate BMP's shall be a violation of this ordinance.

7.01.3000 Snow Disposal: All persons operating public, commercial or private snow disposal operations in Tahoe Region shall dispose of snow in accordance with site criteria and management standards in the Handbook of Best Management Practices, and the following criteria.

a. Snow Removal: On private and public properties removal of snow shall be limited to paved areas. No vegetation shall be removed nor shall any grading occur in the act of snow removal.

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

c. Highway/Street Clearing: Public agencies involved in highway and street snow removal operations shall not grade road shoulders in the process of clearing roads unless such activity cannot be avoided. Sand, cinders and other materials shall not be allowed to accumulate and shall be removed as soon as the roadway is dry.

7.01.4000 Salt Control: Deicing salt shall be a regulated use as per the following standards:

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

c. The use of deicing salt may be prohibited where damage to vegetation in specific areas can be linked to its use. Mitigation for the use of road deicing salt will be required and may include requirements to use alternative mixes/salts, and changes as to distribution patterns, frequency of application, and amount of application. Revegetation of some sites will be required where evidence indicates deicing salts have caused vegetation mortality.

7.01.5000 Sewage Spills: Sewage collection, conveyance, and treatment districts shall have approved spill contingency, prevention, and detection plans.

7.01.5100 Cooperative Plans: Such agencies may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan and bear the signature of an officer of each agency.

7.01.5200 Spill Plan Criteria: Spill contingency, prevention, and detection plans shall comply with the criteria set forth by the Agency. Such plans shall include provisions for detecting and eliminating sewage exfiltration from sewer lines and facilities.

7.01.6000 Pesticide Use: The use of insecticides and herbicides within the Tahoe Basin is discouraged as a means of pest management. Integrated pest management practices recognized by the federal government and other entities include many alternatives to chemical applications which must be investigated, including management of forest resources in a manner less conducive to pest problems, reduced reliance on potentially hazardous chemicals and development of additionally environmentally sound pest management tactics.

7.01.6100 Criteria for Agency Review:

a. Only Environmental Protection Agency, State Health Department, local government and other applicable agency approved chemicals may be used and only for their registered application.

b. All alternatives to chemical application, whether economically feasible or not, must be employed and utilized if possible.

c. At no time shall any amount of any pesticide enter any stream environment zone or within 100 feet of a stream environment zone unless otherwise approved for use associated with mosquito control and with reintroduction efforts for the Lahontan cutthroat trout.
d. Pesticides shall be applied only by pesticide applicators registered with the applicable local or state agency.

e. Insecticide use, in connection with prevention and eradication of structural pests such as termites and carpenter ants in buildings, is exempt from Agency review.

7.02.0000 Water Quality Management Plan:

7.02.1000 Compliance with Water Quality Management Plan: Water quality management practices within the Tahoe region shall be consistent with the Handbook of Best Management Practices, applicable state or federal discharge permits, the Lake Tahoe Basin Water Quality Management Plan ("208 Plan"), and all other applicable plans, ordinances, and policies of the Agency. Provisions of the Water Quality Management Plan regarding priorities for erosion and runoff control practices shall guide the scheduling and implementing remedial erosion and runoff control projects.

7.02.1100 Action Plans and Problem Assessment: The Agency will use voluntary and mandatory action plans to implement the remedial water pollution control provisions of the ordinance. The Agency shall develop, adopt, and maintain a problem assessment which identifies areas with significant erosion or runoff problems. The problem assessment will identify affected persons, erosion control measures, estimated costs, sources of funding, and prior expenditure of funds for implementation of erosion-control measures, for which credit shall be given in action plans.

7.02.1200 Consultation: The Agency shall consult with affected local governments and state and federal agencies which have administrative or regulatory jurisdiction with respect to water quality in the region, both in development of the problem assessment, including financial strategies, and subsequent action plans.

7.02.1300 Jurisdiction: The Agency may assert its jurisdiction to control significant or emergency erosion or runoff problems, whether before or after adoption of the problem assessment or specific action plans, pursuant to its regulatory authority.

7.02.2000 Procedure--Voluntary Compliance:

7.02.2100 Preparation of Voluntary Action Plan: A person may at any time prepare an action plan and deliver it to the agency for review and approval. In the event staff, during the course of regular planning, project review, and other duties, becomes aware of erosion or runoff appropriate for preparation of an action plan, it may advise the responsible person and, through consultation, request the preparation of an action plan to be delivered to the Agency for review and approval. The Agency shall emphasize consultation with the persons involved to achieve voluntary preparation of an action plan.
7.02.2200 **Staff Guidance:** The Agency shall provide guidance to the person preparing an action plan with respect to the nature and technical requirements of the plan, priorities for treatment practices, and other pertinent matters.

7.02.2300 **Compliance with Action Plan:** Notwithstanding its voluntary character, a person shall make all reasonable efforts to comply with an action plan, including, but not limited to, the schedule for implementation set forth in the plan. The Agency shall monitor implementation of action plans and may provide technical advice and guidance for purposes of implementation.

7.02.3000 **Procedure—Mandatory Compliance:**

7.02.3100 **Grounds:** In the event a person, after being requested to do so by staff, fails or refuses to prepare, deliver, or obtain agency approval of a voluntary action plan pursuant to section 7.02.2000, or within 60 days comply with the provisions of an action plan pursuant to section 7.02.2000, the Governing Body may issue a notice to prepare a mandatory action plan.

7.02.3200 **Notice to Prepare Action Plan:** The notice to prepare an action plan shall be in writing and include:

a. The grounds for issuance of the notice;

b. A requirement that an action plan be prepared; and

c. A reasonable time limit for preparation and delivery of the action plan, depending on the nature and extent of the erosion or runoff to be addressed and other pertinent circumstances.

The notice shall be delivered to the responsible person personally or by registered or certified U.S. Mail, with return receipt requested. The notice shall be deemed given upon the date of receipt in the case of personal delivery or, in the case of mailing, upon the date of deposit in the U.S. Mail, in which event three (3) days shall be added to the time limit for preparation and delivery of the action plan. The time limit may be extended by the staff or the Governing Body upon a showing of good cause.

7.02.3300 **Preparation and Approval of Action Plans:** A person receiving a notice to prepare an action plan shall prepare the plan and deliver it to the Agency within the time limit set forth in the notice. The staff shall guide the person in preparation of the action plan as set forth in section 7.02.2200. Upon receipt of the action plan, staff shall initially review and take action to approve, require modification, or reject the proposed plan. An appeal from such staff action may be made to the Governing Body by lodging a written notice of appeal with the Agency within ten (10) days of the date such a person receives notice of the staff action. On appeal, the Governing Body shall review the proposed plan and either approve it, require modification,
or reject it. In the event of a rejection, the Governing Body shall prescribe and approve an appropriate action plan. Such action by the Governing Body shall be final.

7.02.3400 Failure to Deliver an Action Plan: If a person fails or refuses to prepare and deliver an action plan to the Agency within the time limit set forth in the notice (or as extended), staff shall prepare or cause to be prepared an appropriate action plan. Such person shall be liable to the Agency for the cost of preparing the action plan. The Governing Body shall review the action plan prepared by the staff and either approve or require modification to it. Such action by the Governing Body shall be final.

7.02.3500 Compliance with Action Plans: A person shall comply with all provisions of an approved action plan under sections 7.02.3300 and 7.02.3400, including, but not limited to, the schedule for implementation set forth in the plan. The Agency shall monitor implementation of action plans and may provide technical advice and guidance for purposes of implementation. If a person fails or refuses to comply with an approved action plan, the TRPA Executive Director may schedule a hearing before the Governing Body, at which hearing the person responsible for carrying out the action plan shall be given a reasonable opportunity to show why he should not be held in violation of this ordinance. Such person shall be given reasonable notice of, and opportunity to present oral testimony and documentary evidence at the hearing. After a hearing, the Governing Body may take appropriate action, including, but not limited to, direction that legal action be commenced for the assessment of civil penalties.

7.02.4000 Procedure--Appeals:

7.02.4100 Matters Subject to Appeal: In addition to those matters for which an appeal procedure is specifically provided by section 7.02.0000 of this ordinance, a person may appeal determinations or actions pursuant to section 7.02.0000, including, but not limited to, the grounds for a staff request to prepare an action plan under subsections 7.02.2000 or 7.02.3000. Such an appeal may be made to the Governing Body by lodging with the Agency a written notice of appeal within ten (10) days after the date the person receives the request or notice to prepare an action plan. On appeal, the Governing Body shall review the matter and render appropriate action. Such action by the Governing Body shall be final.

7.02.4200 Procedure: With respect to appeals under subsection 7.02.4100 and other appeals under section 7.02.0000 of this ordinance, notice of any determination or action by the staff pursuant to this ordinance shall be in writing and delivered to the person either personally or by U.S. Mail, first class, with postage prepaid. Notice shall be deemed given upon the date of receipt in the case of personal delivery or, in the case of mailing, upon the date of deposit in the U.S. Mail. In the event of mailing, three (3) days shall be added to the time limit upon filing an appeal. Pendency of an appeal shall stay otherwise applicable time limits, including, but not limited to, the statute of limitations, until the appeal is finally resolved.
7.02.500 Action by Agency Staff: Action by the staff, including the Executive Director, pursuant to this section shall be final action of the Agency for purposes of the Compact in the absence, or until disposition, of any appeal.

7.02.600 Other Requirements, Permits, or Procedures: Approval of an action plan by the Agency shall not constitute a permit to discharge to surface or ground waters and shall not exempt the recipient of any such approval from compliance with any other applicable section of this ordinance. To the extent practicable, an application for approval of an action plan under this section shall be processed by the Agency as a project, pursuant to its applicable rules of practice and procedure.

7.03.0000 Water Quality Mitigation:

7.03.1000 Required Offsets: New residential, commercial, and public projects in the Tahoe region shall offset 150% of the water quality impacts of the project through one of the following methods:

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

b. Contributing to a fund established by the Agency for implementing offsetting programs. The amount of such contributions is established in subsection 7.03.2000.

7.03.2000 Fee Schedule: When a person or public entity responsible for a new residential, commercial, or public project elects to offset the water quality impacts by contributing to a fund established by the Agency for implementing such offsets, a fee shall be assessed in accordance with the below table. Such fees must be received by the Agency within 30 days of project approval.

a. The following base fees shall be assessed for each new square foot of land coverage (net for the site) created within the limits of th coefficients set forth in Section 2.02.4000 Limitations on Land Coverage.

<table>
<thead>
<tr>
<th>New Land Coverage Within Land Capability Limits (Square Feet)</th>
<th>Base Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 - 500</td>
<td>250</td>
</tr>
<tr>
<td>501 - 1,500</td>
<td>500</td>
</tr>
<tr>
<td>1,501 - 3,000</td>
<td>750</td>
</tr>
<tr>
<td>3,001 - 4,000</td>
<td>1,000</td>
</tr>
<tr>
<td>4,001 - 5,000</td>
<td>1,500</td>
</tr>
<tr>
<td>5,001 - 10,000</td>
<td>2,000</td>
</tr>
</tbody>
</table>
New Land Coverage Within Land Capability Limits
(Square Feet)                  Base Fee ($)
10,001 - 15,000                 3,000
15,001 - 20,000                 4,000
20,001 - 30,000                 6,000
30,001 - 40,000                 8,000
40,001 - 50,000                 10,000
50,001 - 100,000                20,000

*Extrapolation will be utilized for coverage in excess of this chart.

b. Additional fees will be added to the base mitigation fee for the number of square feet of impervious coverage in excess of the land capability system.

(1) For each square foot of impervious coverage beyond that permitted by the land capability system, a fee of $3.10 per square foot will be assessed in addition to the appropriate base fee for any project located in land capability districts 1 or 2.

(2) For each square foot of impervious coverage beyond that permitted by the land capability system, a fee of $2.80 per square foot will be assessed in addition to the appropriate base fee for any project located in land capability districts 3 or 4.

(3) For each square foot of impervious coverage beyond that permitted by the land capability system, a fee of $1.90 per square foot will be assessed in addition to the appropriate base fee for any project located in land capability districts 5, 6 or 7.

c. Where there is a net reduction of coverage which existed prior to development of the proposed project and total resulting coverage is less than allowable coverage the project is exempt from offset requirements.

d. Development as part of an approved redevelopment plan under Chapter 9.05.0000 is exempt from the above fee schedule. Specific offset mitigation requirements of Section 7.03.1000 shall be determined as part of the redevelopment plan approval.

e. Development of impervious coverage on parcels with multiple land capabilities shall calculate mitigation fees based on the actual coverage located on the specific land capability class.

f. Impervious coverage which is permitted as a result of TDR for a project is exempt from offset requirements.
7.03.3000 Use and Distribution of Mitigation Funds: The Agency shall collect and administer mitigation fees based on the offset requirements and such fees shall be known collectively as the Water Quality Mitigation Fund. The mitigation fees shall be deposited into commercial bank accounts, liquid asset funds, and/or purchase of certificates of deposits. Records will be kept by the Agency of the individual county or city's Water Quality Mitigation fund balances. All investment income earned on the mitigation funds will be accrued to the individual county's or city's mitigation fund balance based on individual monthly portion of the total Water Quality Mitigation fund.

Water Quality Mitigation Funds shall be dispersed to the counties or city upon request for expenditure on remedial erosion control projects within the jurisdiction of origin for such funds as set forth in the Regional Plan and with the approval of the Agency.

7.03.4000 To evaluate the effectiveness of water quality mitigation measures, 5% of collected mitigation funds will be spent on water quality monitoring to be managed by TRPA staff only for carrying out, in full or in part, the Monitoring and Evaluation Program of the Regional Plan.

7.03.5000 One-half percent of the total Water Quality Mitigation fund balance per month will be utilized for the TRPA administration of the fund. However, at no time shall such administration costs exceed 1/2 of the monthly investment income.

7.04.0000 Water Supply and Conservation:

7.04.1000 All new development shall employ appropriate devices to conserve water and reduce water consumption. Existing development shall be retrofitted with water conservation devices on a voluntary basis in conjunction with a public education program operated by the utility districts. The installation of these water conservation devices shall include shower and faucet flow restricters, toilet tank devices, and practices such as odd and even watering days for landscaped areas. The installation of these devices shall be completed within 5 years following plan adoption.

7.04.2000 No additional development requiring water should be allowed in any area unless it can be demonstrated that there is adequate water supply with an existing water right. The Agency shall not accept applications for new developments without adequate proof from the appropriate state agency.

7.04.3000 TRPA, water purveyors, and the states shall monitor the use of water within the Tahoe Region and evaluate conformance with the California-Nevada Interstate Compact (1969) which addresses water diversions in the Basin. No water purveyor shall supply or cause to be supplied water to any proposed or existing subdivision so that the total gross diversion as stated in the Nevada-California Interstate Compact, is exceeded.
7.04.4000 No additional development requiring water shall be allowed in any area unless there exists adequate storage and distribution systems to deliver adequate quantity and quality of water for domestic consumption and fire protection. The Agency shall not accept applications for new developments without adequate proof from the appropriate fire protection agency. Proof of adequate water supply and distribution systems are contained in Section 3.06.2200.

7.04.5000 In accord with the Nevada-California Interstate Water Compact and the TRPA plan, the appropriate state agencies shall report on an annual basis, the uses of waters within the Basin. This report shall be received by June 1 of each year and shall be in a format developed by the Agency.
8.00.0000 TRANSPORTATION/AIR QUALITY

8.00.1000 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 Pollution Control Coordinating Council

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.

8.01.0000 Inspection and Maintenance:

8.01.1000 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 residents and governmental entities in the basin be inspected upon initial registration and annually thereafter, and upon change of ownership. 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.

8.01.2000 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 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.

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.

(5) 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 section 8.13.0000. The report will also include any recommendations on how to improve the effectiveness of the program.

8.01.3000 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 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.
8.01.5000 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.

8.02.0000 Water Heaters: This rule limits emissions of nitrogen oxides from natural gas-fired water heaters.

8.02.1000 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 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 subparagraph 8.02.2000.

8.02.2000 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:

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

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 Section 8.02.1000. 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.

8.02.3000 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.

8.02.4000 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.

8.03.0000 **Space Heaters:** This rule limits emissions of nitrogen oxides from natural gas-fired fan type central furnaces.

8.03.1000 **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 subparagraph 8.03.2000.

8.03.2000 **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:

\[
N = \frac{(4.566 \times 10^2) (P)(U)}{(H)(C)(E)} \quad \text{or} \quad N = \frac{(3.655)(10)(P)}{(20.9 - Y)(Z)(E)}
\]

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
\[ C = \text{Volume percentage of carbon dioxide in water free flue gas assuming complete combustion and no carbon monoxide present} \]
\[ H = \text{gross heating value of gas, BTU/Cu. foot (60°F, 30" hg)} \]
\[ E = \text{Seasonal efficiency, percentage} \]
\[ Y = \text{Volume percent oxygen in flue gas} \]
\[ Z = \text{Heating value of gas, joules/cu. meter (0.0 C 1 ATM)} \]

(c) The manufacturer shall submit to the Agency the following:

(1) A statement that the model is in compliance with sections 8.31. 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.

8.03.4000 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.

8.03.5000 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.

8.04.0000 Residential Wood Heaters: This rule limits emissions of nitrogen oxides and particulate matter from residential wood heaters and reduces the threat of fires in residential units from such heaters.

8.04.1000 Program Requirements:

a. After July 1, 1984, a person shall not install the following within the Tahoe Basin:
(1) Residential wood heaters that emit (1) 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 ___________ gm/joule of heat output, averaged over at least six tests, or not more than ___________ gm/joule of useful heat output for any single test.

(2) Residential wood heaters that are not certified in accordance with subparagraph 8.04.2000.

b. Only fireplace inserts that comply with subparagraph 8.04.2000 are allowed in new residential units.

c. In existing residential units, any new fireplaces must comply with subparagraph 8.04.2000.

d. 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.

e. A restaurant or bar may have either one fireplace or residential wood heater.

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

8.04.2000 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 section 8.04.1000. 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.
8.04.3000 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.

8.05.0000 Open Burning: This ordinance regulates open burning of material within the Tahoe Basin to reduce the threat of fire hazards and improve air quality.

8.05.1000 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 ___ tonnes of material can be burned on an annual basis.

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.

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:

i. (TO BE DEVELOPED)

8.05.2000 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.

8.06.0000 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 by applicants, if appropriate, to fully mitigate impacts from projects.

8.06.1000 Program Requirements:

a. Residential projects shall pay a mitigation fee of $_______/vehicle trip for the peak 24-hour period.

b. 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. 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. Commercial and public projects that generate more than 50 vehicle trips 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 traffic circulation.
8.07.0000 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.

8.07.2000 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 more than any one of the the following over the peak 24-hour period shall be required to complete an environmental impact statement.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
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<tbody>
<tr>
<td>Nitrogen oxides</td>
<td>10</td>
</tr>
<tr>
<td>Fine particulate matter</td>
<td>10</td>
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<tr>
<td>Hydrocarbons</td>
<td>30</td>
</tr>
<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>10</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 more than any one of the following over the peak 24-hour period shall be prohibited:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td>15</td>
</tr>
<tr>
<td>Fine particulate matter</td>
<td>20</td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td>40</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>20</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>100</td>
</tr>
<tr>
<td>Lead</td>
<td>100</td>
</tr>
<tr>
<td>Noncriteria Pollutants</td>
<td>20</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.
MEMORANDUM

January 4, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff
SUBJECT: Selection of Committees to review the TRPA Code of Ordinances

At the regular December 14, 1983 APC meeting, the APC formed the following committees to review the subject areas as noted on the attached. The first meeting of all committees shall be at the January 11, 1984 APC meeting.

GWB:md
Attachment
I PROCEDURE Staff Contact - Greg George

A. Rules and Regulations
   1. Project Review
   2. EIS

B. Chapter I - General Provisions
   1. Definitions
   2. Projects Exempt
   3. Variances
   4. Findings

II LAND USE Staff Contact - Greg George, Gabby Barrett

A. Chapter II - Land Use
   Bill Combs
   Liz Temple
   Stan Hansen
   Connie Sparbel
   Bill Curtis
   John Renz
   1. Permitted Uses
   2. Land Coverage
   3. Nonconforming

B. Design Review Guidelines
   1. General
   2. Special

C. Chapter III - Subdivision
III GROWTH MANAGEMENT  Staff Contact - Gabby Harpott

APC COMMITTEE

A. Chapter IX - Growth Management
   Sam McMullen
   Mike Harper
   Ann Bogush
   Germaine McMorris

   1. Allocation
   2. Phasing
   3. Transfer Development Rights (TDR)
   4. Evaluation System -
      (Special Committee)
      Bill Combs
      Andy Sawyer
      Bill Curtis
      Dick Pyle

   5. Redevelopment

IV TRANSPORTATION/AIR QUALITY  Staff Contact - Dale Neiman

A. Chapter VIII
   Stan Randolph
   Sarah Michael
   Lew Dodgion
   Caltrans Rep
   NDOT Rep
   Bill Murphy

   1. Implementation and Maintenance (I & M)
   2. Woodstoves, Gas Heaters
   3. Indirect Source

B. Design Review
   1. Parking
   2. Highway and Streets

V RESOURCE MANAGEMENT  Staff Contact - Dave Greer

Jon Hoefer
Andy Sawyer
Leo Poppoff
Dick Pyle

A. Chapter IV - Shorezone

B. Chapter V - Grading
C. Chapter VII - Water Quality

D. Chapter VI - Resource Management

1. Timber Harvest
2. Vegetation Management
3. Wildlife
4. Fisheries