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

NOTICE IS HEREBY GIVEN that on October 10, 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.

Date: October 1, 1984

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

Note
USFS has jurisdiction now over the 64 acre
over the 64 acre
100 ac. to T.C.

Re: Chapter 7
Be ready to discuss
Water allocation EIR
in context of next month's discussion
of Chap 7
PRELIMINARY AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  PLANNING MATTERS

A.  Regional Plan Status Report

   1.  Proposed Review Schedule
   2.  Progress of Ordinances
   3.  Plan Area Statements

B.  Draft Water Quality Ordinance, Chapter 7

C.  Draft, Transportation Portions of Chapter 8

D.  Review of Draft Plan Area Statements

   1.  Placer County

   2.  Douglas County

   3.  El Dorado County

   4.  Washoe County

E.  Discussion of Interpretation of Bailey System

   Regarding Soil Type and Slope Combinations

F.  Status of Redevelopment Under Regional

   Plan Development Limitations

V  REPORTS

A.  Staff

B.  Legal Counsel

C.  Public Interest Comments

D.  AFC Members
VI  RESOLUTIONS
VII  CORRESPONDENCE
VIII  PENDING MATTERS
IX  ADJOURNMENT
Ski Incline Lodge
Incline Village, Nevada

July 11, 1984 9:30 a.m.

The Advisory Planning Commission conducted a workshop to discuss the status of the Ordinances and the Plan Area Statements until such time as a quorum could be determined. A staff report was presented by Gordon Barrett on the status of the Ordinances, the progress of the public hearings in regard to the Plan Area Statements and the framework of the entire Regional Plan.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 10:20 a.m.

APC Members Present: Ms. Temple (arrived at 1:30 p.m.), Mr. Renz, Ms. Wilson, Mr. Pyerson, Mr. Hoefer, Mr. James, Mr. Rosse, Ms. McMorris, Mr. McMullen (arrived at 2:00 p.m.) Mr. Curtis, Mr. Poppoff, Mr. Murphy, Mr. Combs, Mr. Harper

APC Members Absent: Mr. Hoole, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

It was noted that Edith Wilson will be representing the City of South Lake Tahoe. Mike James was sitting in for Roy Hampson and Vern Rosse for Lew Dodgion. Mike Harper asked if Conservation and Natural Resources was going to appoint someone in Connie Sparbel's place as she had been taken off the APC due to fiscal reasons. It was stated that nothing had been decided on that matter. Mike Harper pointed out the difficulty of getting a quorum without having the position filled. He further pointed out that it is a requirement of the Compact to have the position filled.

II APPROVAL OF AGENDA

Mike Harper stated that agenda items V B.2. and 3. had been dispensed of in an informal fashion prior to the determination of a quorum.

MOTION by Mr. Hoefer, with a second, to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

Mr. Curtis asked to clarify his motion on page three to approve the redelineation for these portions of Incline Village and Ponderosa as presented by staff. Mr. Curtis's proposal was that the line delineations themselves be subject to review at the staff level. Mr. Midkiff stated that the boundary line adjustments are at a staff level determination. Mr. Curtis feels that should be acknowledged as part of the motion.

MOTION by Mr. Curtis, to accept the minutes as amended. The motion carried with two abstentions by Ms. Wilson and Ms. McMorris.

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APC REGULAR MEETING MINUTES JULY 11, 1984

Mr. Harper turned the meeting over to Mr. Combs to act as chairperson at this time.

V PLANNING MATTERS

A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village

Staff presentation by Greg George recommending that the APC find that the Final EIS for Bitterbrush is technically adequate and recommend that the Final EIS be certified by the Governing Board.

Milt Sharp, consulting engineer for Bitterbrush, had no presentation to make in regard to the technical adequacy but would be available to answer any questions the APC might have. Mr. Harper asked if the traffic impacts that were modeled were based upon the assumption that this project was timeshare. Mr. Sharp stated that it was not based upon that assumption and that Washoe County was under the assumption in the traffic analysis it was based on a condominium project. Mr. Curtis asked if there was any attempt to look at the water tank site as another possible alternate route. Mr. Sharp explained that that possibility had been reviewed and determined to be too costly and also disruptive to that portion of the site which is otherwise undisturbed. Mr. Harper wanted confirmation of the statement, in regard to Alternative A, that Bitterbrush's contact with IVGID has indicated that they have not taken a position as to whether they would oppose or not oppose the use of that portion of the road if Alternative A was to be constructed. Mr. Sharp stated that IVGID has not taken any formal action recently; any action that had been taken goes back a few years when a formal request was made of them to construct this Alternative A. Mr. Sharp stated he did discuss the matter with the Acting Manager who indicated that their position of not having made a final decision had not changed.

Stuart White, attorney for lower Bitterbrush, commented on his concerns of heavy trucks traveling through the lower portion of Bitterbrush and the wear and tear on that portion of the highway. Lower Bitterbrush solely maintains that road. Is mitigation for this concern included in the technical adequacy since it is an environmental impact on that section of the highway? Mr. Sharp responded that there is no question that construction puts a heavy burden on the existing roadway facility. He stated that Washoe County is in the best position to enforce any type of maintenance program or to comply with the developers to make repairs that are caused by the construction activities. Mr. Combs asked to have a brief rundown of the status of the project with Washoe County. Mr. Sharp stated that the project was approved in 1972 by Washoe County and later by TRPA by a litigation settlement. The project has been under construction since 1979 or 1980. The site work improvements are covered by an agreement by Washoe County and the developers and the subdivision agreement is backed by a letter of credit in the amount of 1.5 million dollars, which covers the value of the site improvements. Mr. Combs asked if the money could be used as site restoration from damage done by construction. Mr. Sharp felt the response would require a legal decision, but that technically the money is to guarantee completion of construction of site improvements. Mr. Sharp further stated that he felt that Washoe County has enough authority to refuse to release the bond until they are
satisfied that the site improvements are being constructed to their satisfaction. Mr. Harper clarified the question by stating that the question asked was could Washoe County take those bond monies and go back and tear up foundations and revegetate and reslope, the answer is no. Counsel has advised that monies are for completion of improvements, not for restoration.

Ms. McMorris asked what is the status with the Fire Department. Mr. Sharp responded that the fire trucks could come through Tyrolian Village if they had to. Mr. Curtis asked if the 2nd Alternate route were constructed, could it be used for construction access rather than using lower Bitterbrush access. Mr. Sharp said yes, if it were constructed. The only problem is that it is a major project to construct that access and funds are not available for it. Mr. Poppoff made the comment that he does not feel that the APC should be involved in the approval of an EIS when the project is already under construction.

MOTION by Ms. McMorris, with a second by Mr. Harper, finding that the Bitterbrush EIS is technically adequate by the following vote:

Ayes: Mr. Renz, Mr. Ryerson, Mr. Hoefer, Mr. Rosse, Ms. McMorris, Mr. Curtis, Mr. Murphy, Mr. Combs, Mr. Harper
Nays: Mr. James
Abstain: Ms. Wilson, Mr. Poppoff
Absent: Ms. Temple, Mr. Hoole, Mr. McMullen, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

Mr. Harper commented on the status of Washoe County with the Bitterbrush settlement. In 1982, Leroy Development Company approached Washoe County and requested if they would issue building permits out of 1982 allocations, not 1983 allocations. The permits were issued in December, 1982 with conditions, which included the finding or satisfaction of the North Tahoe Fire Protection District (NTFPD) that emergency access was available. The NTFPD is contending that emergency access is not available for the simple reason to have emergency access, you have to go through Tyrolian Village Unit #5. A ditch has been dug across the road to emphasize that Tyrolian Village is private. The District Attorney's office has contended that emergency access is available through Tyrolian Village; someone pointed out that it is rather tough to drive across the access and a fire truck could fall in that "legal access", and nothing stops Tyrolian Village from barricading the road if they so desire. Mr. Harper urges the APC to suggest a mitigation package utilizing the monies. $100,000 of the money must be committed for alternate transportation or secondary access. The difference between emergency access and secondary access needs to be discussed since secondary access is for air quality reasons also. Emergency access is nothing more than being able to get an emergency vehicle in there if necessary. The contention appears to be whether, in fact, a second emergency access can be constructed and how much of the mitigation package should be used and also the timing of that, because the monies are going for that fund as the units are sold. Mr. Harper asked if there are six mitigation packages, alternatives A, B, & C, plus one-way roads for Alternative A-1 and Alternative D-1.

Mr. George made a summary of the staff's recommended alternative of a combination of mitigation measures to be considered by the APC. Staff's first priority
is to achieve the highest amount of erosion control for the area. Monies would be collected and made available for the access problem. Collect $100,000 and hold in trust. Mr. Harper feels there is a better way to mitigate without impacting those particular funds. Mr. Ryerson feels that any use of mitigation funds, other than what they were set aside for, are to mitigate major project impacts on the environment and should not be used for any other use. Feels a recommendation to the Governing Board or a recommendation from the Governing Board to Washoe County include that concept. Ms. McMorris commented that public safety should be most important to this Agency, and the access road and Unit #1 should be taken care of regardless of where the funds come from. She also asked if the retaining walls were falling apart and what are they are made of. Mr. Sharp said they are made of a process called reinforced earth which is earth fill with stainless steel strips. She feels some of the mitigation funds go for the access and maintenance of the deteriorating retaining wall. Mr. Harper asked if the energy dissipation devices be funded first, $200,000 of the cut slope stabilization project be done second, and the third monies be added into construction of the cut slope stabilization program. Mr. Harper asked if one of those secondary accesses were built, does that take care of the construction of the remainder of the cut slope stabilization. Mr. George said it reduces the total cost because it would actually go up through that cut slope and some of the erosion control would be done as part of the access. Mr. Harper asked if a rate of sale had been determined, and what is a realistic timeframe when some of the secondary access could be built presuming it was recommended. For example, $262,000 could become $500,000 in five years due to interest rates and inflation. Mr. Sharp said that there is not an answer to that question and said he had never heard of anybody who could predict how rapidly the units could be sold. Mr. George stated that they may be sold faster if there were a secondary access. Staff feels the provision of a secondary access is definitely a benefit to that site. Mr. Sharp commented on staff's priorities. The first two priorities are also prioritized in the settlement agreement. The agreement doesn't say that $100,000 has to be used for emergency or secondary access, the agreement does make provisions for the fact that if there isn't any need for secondary access that the $100,000 be used for other purposes. Mr. White, attorney for lower Bitterbrush, commented on the necessity of a second access in the initial approval. He feels it is still possible to to build a two lane road on this Alternative A for about $240,000, and have enough other money for erosion control. If the Tyrolian Village access were open, everyone from Tyrol would use it as a short cut, which would be more traffic through lower Bitterbrush. The supplemental EIS that was in the packet this month says that 100% of the necessary erosion control and the construction of a one-way access can be done with the $750,000. The attitude of IVGID is not an opposition to the access, they realize that a very large portion of the mitigation money will be spent on their cut slope all the way around Ski Way which they built. Some possible trade-offs are equally available to satisfy their traffic concerns, such as closing the one-way access on heavy ski days or closing it with heavy snowfall. Mr. White feels that IVGID can be worked with in order to get an easement across their property, which was one of the main concerns. Also, IVGID will be dealing with the TRPA and working with the developers. Mr. White said he was surprised when the two engineers at least agreed to one access to be built one-way within the $750,000, that the staff would tell them to set aside $100,000 so that we can agree on how to use it and waste $100,000; and even more amazing was to have
$273,000 left where they are going to spend on other problems in the Basin. The only mention in the settlement agreement of the $100,000 limit on the road is their letter of credit on the road if it is not built, the letter of credit can not exceed $100,000. It says specifically in the settlement agreement that the TRPA can go higher on the road or lower on the road. In Mr. White’s opinion, to spend any of the $750,000 on any other project and just leave the road out would leave the $100,000 useless. The settlement agreement says if there is any money left over, the road is third. He does not feel that the staff recommendation can be followed since it is against the basis of the settlement agreement. The settlement agreement also says that when they commence construction on the 51st unit, an alternative access would have to be started also. Mr. White’s suggestion is to spend $18,000 on the energy dissipation devices, spend $200,000 on cut slope stabilization, spend money to build the secondary access and spend what’s leftover for more cut slope stabilization. Mr. Harper asked if there is a building schedule. Mr. Sharp said he is not aware of any schedule. Mr. Harper asked if those units built on the lower road are going to create more erosion than those on the higher. Mr. Sharp felt that that was not necessarily true. Mr. Harper asked if the $200,000 would take care of the problem period. Mr. Sharp said the $200,000 is offsite mitigation which has nothing to do with the work that is going on at the site. Mr. Harper asked how much problem exists on-site that needs to be rectified right now. Mr. Sharp said the problems on-site have been mitigated in other ways. Part of the litigation agreement required the developer to construct those big corrugated metal retention walls and to do some additional vegetation. Mr. Harper suggested that the APC recommend a mitigation package that essentially calls for first priority being the dissipation devices, the second priority being the $200,000 on construction of the portions of the cut slope and the third priority being construction of a one-way road on the bottom portion coupled with a one-way access incorporating Alternative A and that the units that are to be constructed in lieu of that are to follow a construction pattern along that bottom road. Mr. James asked if it is legally possible to get the access through Tyrolian Village. Mr. George stated that there is a letter from the District Attorney indicating that they do have a legal right for emergency access at that point. Mr. White feels that Alternative A is much more feasible than fighting Tyrolian Village. Mr. Curtis feels that Alternative A is the best solution for an already bad situation. Mr. Hoefer does not feel that $750,000 comes anywhere near enough to mitigate the impacts of this project, but feels he can accept the staffs recommendations without supporting anymore than $100,000 going into the road construction only as seed money to get the road on. The road is important, but the other ways of getting it done.

MOTION by Mike Harper, with a second by Bill Curtis, recommending that no more units be built in Bitterbrush until funds be expended on first 3 priorities up to secondary access until road is completed, if it takes $262,000 or whatever it takes to build the road with the stipulation that if something is worked out along the lines of Alternative D, that those funds ought to be reallocated. The motion was carried by the following vote:
Pursuant to a telephone conversation with Mr. Harper, the following is a clarification of his motion:

Priority 1 -- Sufficient funds to be expended first for the installation of energy dissipation devices, to be partially secured by a financial instrument of no more that $50,000.

Priority 2 -- $200,000 to be expended second for the construction of cut slope stabilization improvements, to be secured by a financial instrument of no more than $200,000.

Priority 3 -- Sufficient funds to be expended third for the construction of alternate access A, to be partially secured by a financial instrument of no more than $100,000, and with the following stipulations:

Units on the lower street to be constructed first.

Construction of units to commence from Unit #2, Phase 1, and proceed along the lower street.

No construction of units to be allowed beyond the pod of units where Access A intersects with the lower street until Access A is completed.

Credit for the construction of Access A is to be provided against the $750,000 provided for mitigation through the litigation settlement.

A one-way street system is to be required with one-way ingress from Fairview Boulevard through Bitterbrush U it #1 and one-way egress onto Ski Way via Access A, with the internal street pattern facilitating this one-way street system.

Priority 4 -- Sufficient funds to be expended fourth for remaining cut slope stabilization improvements.

Priority 5 -- Sufficient funds to be expended fifth for the preparation and implementation of an operation and maintenance plan for surface water management facilities.

Priority 6 -- Sufficient funds to be expended sixth on additional erosion control projects.

B. Regional Plan Status Report

1. Litigation
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Susan Scholley reported on the recent preliminary injunction issued against the Agency from the lawsuit involving the Attorney General of the State of California and the League to Save Lake Tahoe vs. TRPA. The Judge wrote his decision and is in the process of being implemented by an order. Rick Skinner has filed a proposed order; the Agency is the process of filing objections to that order. Ms. Scholley said a final order was expected by next week at the earliest. A long list of projects has been presented to Rick Skinner and Clem Shute, comprised of up coming public works projects, Caltrans projects, and other projects which need to be reviewed this summer. Ms. Scholley stated that any project creating more coverage would be pretty much out of the question for review.

Ms. Scholley also reported on the Tahoe Sierra Preservation Council's lawsuit which was filed in the Eastern District of California and the District of Nevada District court against the Agency involving 779 plaintiffs, divided somewhat equally between the two states. They have also sued the states of California and Nevada and the improvement districts. The reason for the suit is a charge of inverse condemnation of their property, which the plaintiffs charge is a violation of the 14th amendment and their civil rights. Mr. Ryerson asked if this case appears to be any different than any other inverse condemnation case that come against agencies like this. Ms. Scholley said it is not, but it's unique in that it is against our General Plan.

Ms. Scholley reported on the Lake Country settlement agreement between the State of California and Lake Country vs. TRPA. It is contingent upon the State of California introducing and passing by September of 1984 legislation which would provide the monies to buy the Lake Country property.

In regard to other lawsuits, Ms. Scholley said there are several others suing the Agency at the present time, (i.e., the City of South Lake Tahoe, re: Airport, and Forrester, re: Tahoe Keys Convenience Center).

D. Presentation: Water Quality Monitoring and Evaluation Program

Mr. Ziegler distributed copies of the Draft Monitoring and Evaluation Program: Water Quality Subelement along with a schedule of expenditures and revenues to the APC. A brief presentation was given by Mr. Ziegler on the status of the program. The schedule spreads out the program, ending in the spring of 1987, which is 3 years from the adoption of the Regional Plan. Mr. Ziegler reported on the involvement of the USGS Sediment Study and the Tahoe Research Group's Lake Monitoring in regard to the program. The Tributary Study is also a major part of the program which is conducted by the the Tahoe Research Group and the USGS. Mr. Ziegler asked for some direction from the APC as to what type of action would be appropriate from the APC and the Governing Board on a program like this. Mr. Harper said maybe staff should make recommendations to APC from the committee, but did not feel public hearings were necessary. Mr. Poppoff feels that the monitoring program is one of the most important parts of the Plan, and that the program should be laid out so we can see where we are going. Mr. Ziegler said the institutional arrangements are difficult. One possibility is to work it into the Tahoe Monitoring Program. Mr. Ziegler stated that the
monitoring program is not cheap. Mr. Harper suggested that a program should be set up by staff and rescheduled for APC recommendation after working through the subcommittee.

C. Subcommittee Reports and Recommendations to the APC

1. Air Quality/Transportation

Mr. Ziegler introduced the two new members of the staff, Barbara Maco, Senior Air Quality Planner and Jim Kellar, Senior Transportation Planner.

Ms. Maco pointed out the changes she is making to the Air Quality Ordinance - Chapter 8, which will be reviewed by the subcommittee before being brought to the APC for recommendations.

IV PUBLIC HEARING ON CODE OF ORDINANCES (continued from June)

A. Land Use Ordinance, Chapter 2

Mr. Barrett pointed out specific changes that were made since the last meeting. Mr. Ryerson expressed his concern for those Plan Area Statements that are inconsistent with the ordinance should be consistent with the goals and policies. Mr. Ryerson thinks it would be a good idea to note those plan area statements that are inconsistent and make a finding in the adoption on that issue to avoid any litigation. Mr. Hoefer commented on the problem on the issue of no signs on trees and asked for an exception for public agencies to be allowed to put signs in the forest on trees, i.e. boundary markers, marked wildlife trees, temporary signs for marked stream zones, cutting area boundaries, etc., since signs on posts just don't make it. Mr. Hoefer's proposal is to add except as provided for use by public agencies. No objections to this change were heard.

Mr. Gregg Lien, representing the Tahoe Sierra Preservation Council, commented on specific areas of concern in regard to Chapter 2 - Land Use Ordinance. Those specific areas include:

1. Page 2 - Local Government Specific Plans: Feels clarification necessary in language of last sentence on that page. Feels language should read that, "plan area statements will be prepared in more detail where they are needed in keeping with the general guideline nature of the Plan". Not accepted by the APC.

2. Page 3 - Second sentence on the page: add a comma at the end of that sentence and sec., "unless approved by the Agency". Not accepted by the APC.

3. Page 5 - Permitted Uses: In the first sentence after 2.01.03.4 add," or those to be determined to be similar in nature upon application and approval by the Agency". This language was accepted to be changed by the APC. Also on page 11, he feels that," VII." in the table be omitted; the APC did not agree.
4. Page 12 - Precise Boundaries: Second sentence of paragraph at the end, after project approval add, "or upon application to the Agency". Mr. Barrett suggested it to say, "subject to Agency approval", which was accepted by the APC.


6. Page 16 - a.3. - wants it scratched. Language left as is.

7. Page 19 - Top of page - wants Section e, put back in. APC recommended to leave Section e as is.

8. Page 21 - Height Standards - wants to stay with basis as it was before, don't go down. APC recommended to leave as is.

9. Page 30 - Real Estate Signs - Feels two square feet in size is too small. APC disagreed and recommended to leave as is.

10. Page 30 - Signs on trees - wants private use as well as public uses. APC recommended to leave as is.

Mr. McMullen added a change to Page 14 sentence (1) at the top of the page to read "...or was thereafter modified subject to an Agency permit or where an Agency permit was not necessary by man's placement of fill, dredging or grading in a fashion substantially altering the land's soil and geomorphic characteristics;". The APC accepted the recommendation.

MOTION by Mr. Ryerson with a second by Mr. Rosse to recommend 7/3/84 DRAFT Chapter 2 - Land Use Ordinance with today's amendments; the motion also includes direction to note where there are conflicts with other ordinances and plans now in effect and that those plans are superceding, i.e., the 208 plan. Motion carried on the following vote:

Ayes: Ms. Temple, Ms. Wilson, Mr. Ryerson, Mr. McMullen, Mr. Hoefer, Mr. Rosse, Mr. Curtis, Mr. Popoff, Mr. Murphy, Mr. Combs, Mr. Harper

Nays: Mr. James

Abstain: No one

Absent: Mr. Renz, Mr. Hoole, Ms. Sparbel, Mr. Pyle, Ms. McMorris, Mr. Hansen, Ms. Michael

B. Water Quality Ordinance, Chapter 7

Continued to August APC meeting.
APC REGULAR MEETING MINUTES JULY 11, 1984

VI REPORTS - none

VIII RESOLUTIONS - none

IX CORRESPONDENCE - none

X PENDING MATTERS - none

XI ADJOURNMENT - The APC meeting adjourned at 3:00 p.m.

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

Respectfully submitted

[Signature]

Barbara LeBlanc
Secretary II
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

September 12, 1984
10:00 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the regular meeting of the Advisory Planning Commission (APC) to order at 10:00 a.m.

Members Present: Ms. Temple, Mr. Renz (present at 11:25 a.m.), Ms. Wilson,
Mr. Ryerson, Mr. McMullen (present at 11:50 a.m.),
Mr. Hoefer, Mr. James, Mr. Rosse, Mr. Pyle, Mr. Hansen,
Mr. Curtis (present at 12:00), Mr. Popoff, Mr. Murphy
(present for afternoon session), Mr. Combs, Mr. Harper

Members Absent: Mr. Hoole, Ms. Michael, Representative from the Nevada
Department of Conservation (position vacant), Ms. McMorris

II APPROVAL OF AGENDA

Senior Planner David Creer advised that staff had no amendments to the agenda.

MOTION by Mr. Hoefer with a second by Mr. Popoff to approve the agenda as submitted. The motion carried unanimously.

III DISPOSITION OF MINUTES

MOTION by Mr. Pyle with a second by Mr. Popoff to approve the regular August 8, 1984 meeting minutes as submitted. The motion carried unanimously.

IV PUBLIC HEARING (continued)

Plan Area Statements - Washoe and El Dorado Counties

Chairman Harper opened the public hearing.

Mr. Peter D. Laxalt, representing the law firm of Laxalt and Berry, on behalf of Jack Dreyfus and Bill Rogers, presented comments on Washoe County Plan Area 055. This Plan Area contains a 143 acre site known as the Thunderbird Lodge, owned by Messrs. Dreyfus and Rogers. Because no map accompanied the 055 Plan Area text, an enlarged display from Rocky Point to Sand Harbor has been prepared and is on display. While there is no problem with the management strategy for this area, the concern arises with the proposed land use classification of Recreation for the entire area and the subject property, in particular. The recreation designation does not reflect present or historic residential uses of the property. Past TRPA and Washoe County zoning of the property has been Rural Estates, a residential use with a possible, theoretical capacity of 1 residence per acre (Sec. 7.40 of the previous Land Use Ordinance). This is the desired classification because it recognizes reality. The adopted TRPA Goals and Policies Plan defines recreational use, but that definition does not accommodate the true nature of the land in question. The recreation use designation would
create an island of nonconformity in a "sea" of recreational lands. To resolve this problem, the area in question can be designated as Recreational/Residential, which would clearly allow the residential uses within this Plan Area to be conforming uses subject to special treatment. Another option would be to create an A/B classification for Plan Area 055, i.e. 055A could be residential; 055B could encompass the other uses. This particular Plan Area has a special designation for employee housing which is a recognition and almost a commitment to residential uses on various parcels within the overall Plan Area. No plans are known of at this time for additional development, but the property owner wishes to protect his existing rights.

In setting forth the reasons for the recreation designation, Mr. Greer explained that the Regional Plan adopted by the Board requires that residential areas are to be within existing urban boundaries. These urban areas are defined as existing areas mapped as residential, commercial and tourist. A map of these areas was earlier presented to the Governing Board. What can be done in this case is to continue the recreation designation but, under the allowed uses section of the Plan Area, to show that existing residential uses may be permitted as allowed uses and continue to allow regular single family dwellings as special uses. This renders the issue of nonconformity moot, would allow existing uses to continue as conforming, and would provide the opportunity to build additional residential uses on the property in five years, the start of Phase II. The recreational designation does not mean that additional residential units cannot be built; it means that these units cannot be considered in the first five years of Plan implementation.

Further discussion followed on definitions of urban and suburban areas and on the planning concepts behind the Plan Area Statements. Plan Area Statements are not meant to be treated as traditional "zoning" districts but are designed to be much more flexible. Mr. Laxalt explained that the number of legal parcels was not known for certain at this time due to the complicated history of the property's ownership. There currently are three guest houses, a main house, and the caretaker's residence (the Admiral's house) on the site. Mr. Phil Caterino, on behalf of Mr. Dreyfus, explained that the Table of Uses treats residential uses as special uses which, even to be modified, must satisfy a long list of requirements.

Mr. Ron Alling, on behalf of Mr. Dreyfus, asked that the definitions be reviewed, since the Land Use Element provides that areas of similar use and character have been mapped and categorized within one or more of the five land use classifications. There is no reason why there can't be a hybrid classification here, i.e. Recreation/Residential. Also the Element talks about classifying areas of similar use and character. The definition of Recreation describes nonurban areas with good potential for outdoor recreation and other recreation uses; nowhere does the Dreyfus property fit into the definition. The residential area definition, while a catch-all, does speak to areas having the potential of providing housing for residents of the Region. The characteristics of this area meet the general characteristics of the residential definition.

Mr. Greer explained that residential uses were described as: 1) areas now developed for residential purposes; 2) areas of moderate to good land capability; 3) areas within urban boundaries and services lines; and 4) areas of centralized location having close proximity to commercial services and public facilities.
Mr. Hansen suggested that the matter be deferred until next month since the Land Use Committee would be meeting later today to come up with a definition of urban areas. Mr. Greer urged the APC to hear comments on Washoe County and El Dorado County Plan Areas as noted on the agenda and to send the Statements on to the Board to approve for drafting purposes. The process calls for the APC to make recommendations on each jurisdiction's Plan Areas for drafting purposes. The total package will come back then for final public hearing and recommendation.

Discussion followed among APC members on the proper method of proceeding at this point. Mr. Hansen suggested that he would find it difficult to make any recommendations on the Plan Area Statements until the ordinances are completed because of the interrelationships between the two documents. There are also other maps, i.e. those designating historically significant sites around the Basin, which are not even addressed in these Plan Areas. Historical structures cannot be modified in any way; if the Whittell area is historically significant, the structures in the area cannot be modified. This is not addressed in the Plan Area. In summarizing his concerns, Mr. Laxalt requested a meeting with staff at the workshop level as soon as possible to come up with a reasonable modification to the Statement to insure that the character of the subject property is treated as it has been in the past and as it is presently. Chairman Harper suggested that, in his opinion, the issues were residential vs. recreation classification and disclosure of the historic nature of the area.

Mr. Gregg Lien, representing the Ocheltree property, questioned the content of the current draft of Plan Area 048 due to the numerous previous modifications. Mr. Greer explained that the latest draft reflected the subcommittee's language. It also appears that a page is missing from the copies made available prior to the meeting. (New copies were made for the APC and the public.) Because of the big issues here and the major changes, Mr. Lien suggested 048 be taken up at a committee level.

While copies were being made, Mr. Lien raised the question of a caretaker's residence on the John Sells property in Plan Area 033. As the Plan Area is currently drafted, it is not possible to have such a unit here without a special allocation for a bonus unit. It is urged that a change be made in the special designation item to indicate that this Plan Area is a "transfer receiving area for bonus units"; also the new development limitation section should be amended to show 1 unit per parcel of record "plus bonus units".

There was some question whether the APC had previously determined that a caretaker's unit would require a separate allocation. Mr. Lien explained that the earlier discussions had tied a caretaker's unit to a minimum number of acres in a parcel. This property in question is 7 acres. Mr. Combs suggested that, if a caretaker's residence had a kitchen and was an independent living unit, an allocation would be required. A guest house without a kitchen does not require an allocation. Mr. Lien explained that his client would be willing to buy a sensitive lot and to transfer its building right for a caretaker's unit. Chairman Harper suggested that this whole issue would better be addressed on a broader level. Ms. Temple explained that the Committee had recommended that a caretaker unit be permitted on parcels of 5 acres or more. The concern can be resolved by modifying this Plan Area to show it as a TDR receiving area and to amend the Growth Management Ordinance to permit such transfers only on 5-acre minimum parcels. Mr. Harper suggested that the whole issue should be addressed
in more general terms and that whatever standard is ultimately proposed should be equally applied to everyone. It is not appropriate to address this concern in the specific Plan Area but rather in Chapter 9 of the code (Growth Management). Mr. Pyle cautioned that allowing an additional unit on these large parcels, i.e. caretaker unit, could lead to potential enforcement problems. How can it be assured that these are "caretaker units" and not rental units? Mr. Harper directed that the concerns regarding the caretaker's unit and the ability to transfer in units for this use be taken up as an amendment to Chapter 9 and possible amendment of the use tables in Chapter 2 (Land Use). Mr. James suggested that caretaker's units should be restricted in size. Mr. Alling advised the APC that the Douglas County Plan Area Committee felt this issue was best addressed in the specific Plan Area Statements.

Because of the problems with coordinating Plan Area Statements and ordinances as evidenced by this discussion, Mr. Hansen urged that action on the Plan Areas be held off until the ordinances are completed. Before taking action on the Plan Areas in general, Mr. Harper asked that those persons wishing to testify on specific Plan Areas be given an opportunity to complete their remarks.

Mr. Lien asked that Plan Area 048 containing the Ocheltree property be referred back to the Planning Area Subcommittee and staff to work out the problems between the latest and earlier drafts. Specific concerns relate to the inappropriate designation of management strategy as "mitigation"; the designation should be "redirection" to allow existing development to be transferred onto this site from other properties. Mitigation would prohibit any action on this property until Phase 2 of the Plan; whereas, redirection activities can proceed in Phase 1 of the Plan. Also, the new development limitation indicates 100 multiple density units are permitted, but the example says no tourist units are allowed. This is a tourist area, and what is needed are enough units to make the ultimate project work, i.e. 300t. Staff explained that later drafts have been modified to reflect the subcommittee's language. Mr. Pyle suggested that Mr. Lien meet with staff to iron out the concerns.

No other public comments were forthcoming on Washoe County Plan Area Statements.

APC member Stan Hansen abstained from participation in the discussion on the Plan Area containing Heavenly Valley.

Attorney Ron Alling, from the firm of Manoukian, Scarpello and Alling on behalf of Heavenly Valley, spoke on Planning Area 087 and explained that the Plan Area boundaries shown on maps H-17 and H-18 were inaccurate; they do not correspond with the lines of Heavenly Valley's Forest Service lease. A new map showing the entire lease area, as discussed at the Committee meeting, has been delivered to staff and should be incorporated into this Plan Area. Mr. Greer explained that the proposed Plan Area boundary reflects the boundaries of the existing, developed downhill ski facilities, not the entire lease area, which actually extends into two adjacent Plan Areas. There may be recreational uses beside downhill skiing which are appropriate in these other Plan Areas. Mr. Hoofer agreed that the permitted area extends into two additional Plan Areas; however, 087 and 086 represent what the Forest Service has on its Land Management Plan as the developed and presently-utilized boundaries of the developed ski area. At this time, the Forest Service is not planning to change that boundary but to recognize that the permit area does extend into other portions outside that Plan Area. This does not prohibit future consideration of downhill skiing in these
areas. Mr. Harper suggested that this was an issue to be discussed between Heavenly and the Forest Service.

Continuing with his remarks, Mr. Alling questioned the description of the existing environment as "highly disturbed". There is nothing to support this unless staff is considering only the existing cut trail. Under Planning Considerations (item #4, visual quality), there is a question whether visual quality is significantly affected by manmade structures. This is a statement of opinion not based on fact. After consultations with the Forest Service hydrologist, item #6 should be redefined to say that during the 30-day peak spring runoff period water quality standards are not being attained, not a blanket statement that water quality standards are not being attained. Item #7 should be modified to show that major drainage improvements should be made "below" the Heavenly Valley parking lot. The problems do not emanate from the parking lot. There is also a concern why the ski-related traffic is contributing to CO violations along Highway 50, when it is recognized that 50% of the traffic in the hot spot areas along the Highway 50 corridor is local. Why is Heavenly Valley being singled out? Item #4 of Special Policies speaks to lots adjacent to Heavenly Valley Creek. These lots and the Creek are not within this Plan Area. Under the section on special regulations for commercial activities, it would be appropriate to allow food and beverage retail sales, i.e. a deli-type operation. The addition of 5 miles of hiking trails to the development limitations has not previously been discussed. Why is this here? Mr. Hoefler explained that the Forest Service had indicated a need for a certain amount of trails to be considered as potential for development in the Basin. These have been distributed by Planning Area; that is why it shows up here. Mr. Alling explained that this would have to be addressed in light of the permit between Heavenly Valley and the Forest Service.

Speaking on ski areas in general, Mr. Combs explained that the Persons At One Time (PAOT) or ski hill capacity (12,600) was divided up among all Basin ski areas. At some time, there will need to be a review of the entire picture to insure that the PAOT distributions are done equitably.

Mr. Jere Williams, consulting engineer, commented on Plan Area 129 (Fallen Leaf North) on behalf of the Crowell family. An earlier transmittal from Mr. Crowell requested that the Plan Area recognize and incorporate in its general description 11 parcels of land. While the latest draft speaks to 11 parcels, it refers to them as a paper subdivision; Mr. Crowell owns two parcels of the 11, which total six acres. There is no definition of a paper subdivision. The Assessor's map shows 11 recorded lots. Mr. Greer explained there is a question whether this is a vested subdivision under the Agency's standards. There are legal questions which must be addressed before this can be resolved.

Mr. Williams continued with his remarks and explained that an earlier request to adjust the boundary of E-18 has been accomplished. It is recommended that the Plan Area map also recognize a strip of land in capability 5. The current maps show the entire area in levels 1 and 1B; nowhere on the map is there a capability 5. Mr. Greer explained that the point evaluation screening process will help pick up these discrepancies. Mr. Pyle suggested that these maps should not be used to tell people their lots are buildable or unbuildable, and there must be a way to inform people of the evaluation process for verifying correct capability. These maps should not be the foundation of the whole system. As a last item, Mr. Williams questioned the number of parcels in good
land capability with existing public facilities which would be affected by the policy which prohibits building of single family residential units in recreation zones until Phase 2 of Plan implementation.

Mr. Gregg Lien, speaking for the Tahoe Sierra Preservation Council, explained that one of the Council's members had a parcel in Plan Area 129, adjacent to 131. The capability is class 5; the property has sewer and water facilities; but because it is in a recreation zone, it cannot be built on in Phase 1. There is a concern on the part of the Council that there are parcels that under any Agency criteria would be able to develop, but by the mere coincidence that they are in a Recreation or Conservation area they cannot be developed for at least five years. This is wrong; there should be flexibility built into the system.

Chairman Harper closed the public hearing.

MOTION by Mr. Hansen that the APC not review Plan Area Statements until the Board adopts the implementing ordinances that control the Plan Area Statements. Second by Mr. Renz.

One of Mr. Hansen's concerns was that modifying the Plan Area Statements once adopted would require a General Plan amendment. Mr. Ryerson concurred with Stan on this point but reminded the APC that staff was being directed to move this process forward. What is the relationship of the various documents being considered and what is the process? In some ways the public is being fooled with all these public hearings if it is expecting the APC to take action on a unified program at this time. Mr. Harper suggested that the APC continue to take testimony on the Plan Areas as they are presented because these input sessions are pointing out problems with the ordinances. There is a real problem, however, with recommending the Statements beyond the APC level.

Motion restated that the APC will hold public hearings on the other three Plan Areas to take testimony and will refer specific items of concern back to the staff to see if they can be resolved. While these matters will be brought back to the APC for review, the APC will not recommend any Plan Area Statements until the ordinances are adopted by the Governing Board.

Mr. Lien suggested that many of the policy concerns being addressed by the APC were determinations most appropriately made at the Governing Board level. These specific points should be sent on for policy direction. Mr. McMullen expressed a major concern that the APC members were being asked to go through the drill of looking at ordinances and Plan Area Statements, knowing that all documents will have to be reviewed again in the future. There is no certainty that the processes will come together in the end. Is there any point in going through this drill time after time when, in fact, there is every possibility, as evidenced by the past, that there will be some sort of political judgment involved which could modify the whole program? The APC should not have to go through illusory drills which build the sense of frustration any higher than it already is. Is the APC's function in this process a worthwhile effort? The Governing Board should be made aware of these concerns.

Mr. Greer explained that the intent of the Board is to adopt ordinance as one package and Plan Area Statements as one package, not necessarily in the same month. This would permit final recommendation on the Plan Areas after
completion of the ordinances. It is requested that if the motion passes a representative from the APC be present at the September meeting to explain the APC's concerns.

The motion carried unanimously.

Chairman Harper explained he would direct a letter to Chairman Norman Woods explaining the APC's action. The letter will basically state that public hearings will continue, that points at issue will be dealt with at staff level, but that generally the APC will not recommend Planning Area Statements to the Board until the ordinances are in some kind of final shape. The reason for this recommendation is that many policy issues must first be resolved before action can be taken on specific Plan Areas. Mr. McMullen suggested there may be a point in the future when the APC will feel more comfortable with the direction of the process and will be able to proceed with the Plan Areas.

The APC meeting recessed for a lunch break from 12:20 p.m. to 1:30 p.m.

Members Present: Ms. Temple, Mr. Renz, Ms. Wilson, Mr. Ryerson, Mr. McMullen, Mr. Hoefer, Mr. James, Mr. Rosse, Mr. Pyle, Mr. Murphy, Mr. Poppoff, Mr. Combs, Mr. Harper

Members Absent: Mr. Hoole, Ms. McMorris, Mr. Hansen, Mr. Curtis, Ms. Michael

V PLANNING MATTERS

B. Draft Transportation/Air Quality Ordinance, Chapter 8

Senior Planner Barbara Maco explained that the Air Quality Committee had met since the last APC meeting to resolve concerns that were raised. The APC's packet material contains issue papers setting forth a list of technical assumptions used in the Air Quality Plan and the Regional Plan. Also included in the material is a listing of the concerns raised at the August 8 meeting. Pursuant to that earlier discussion, contacts have been made with people currently implementing the California and Nevada I&M program and with representatives of the Nevada Department of Motor Vehicles; the Bureau of Automotive Repairs; the Air Pollution Control Districts; building departments; Colorado, Oregon and California certification programs; and public works departments. From these discussions and a further meeting of the Air Quality Committee, changes have been incorporated into the draft ordinance now before the APC members.

Ms. Maco itemized and described in detail each of the changes made in the ordinance since the last APC meeting and responded to APC questions. Again, there was considerable discussion on the limitation of 1 wood heater in any new residential unit, and Mr. Poppoff asked why an earlier suggestion was not included to base the number of stoves in a dwelling unit on the BTU requirements of the designed house. Ms. Maco responded that the APC had wanted energy efficiency numbers, and these calculations show (at a temperature comparable to the Tahoe Basin) that a 1,200 square foot home requires 35,000 BTU's per hour; a 1,600 square foot home requires 47,000 BTU's per hour. The design review standard is 29,700 BTU's per square foot per year. There was discussion whether the emission standards required in the thresholds could be correlated to a BTU figure. Ms. Maco explained that in no emission control programs had standards been set in BTU's.

- 7 -
Mr. Earl Withycombe, air quality consultant, presented survey figures showing that 95% of all single family residential structures have a fireplace or wood stove; 90% of those that are occupied during the winter burn from 2 to 3 cords per year; less than 10% burn 4 to 6 cords per year. All units surveyed had alternative sources of heat, and only about 20% of the fully resided in winter units depended entirely upon wood for heating. Conclusions indicate that the use of more standard heating devices is prevalent here; wood is not being used as sole source of heat by a majority of people. Looking at the goals of the Plan to reduce visibility, whatever measures are being employed to discourage use of heat for aesthetic reasons should be focused on. The initial method reviewed was to limit the number of stoves in newly-constructed units to 1. Because this strategy has been implemented elsewhere, it was included in the ordinance. The alternative strategy of sizing the stove to the house is an option that is available to limit the amount of wood burned in a single structure but would require a very time-consuming enforcement program. There will be a real problem convincing building departments to calculate for each model stove the size house that stove would heat under the regulations. The easier approach is to limit the number of stoves. Mr. Poppoff asked that calculations be made on BTU requirements for a well-insulated home to be completely heated with wood in case of downed power lines in the winter.

Mr. Withycombe advised the APC that residential wood combustion research suggests very significant health effects inside the residential structure from the fugitive emissions of products of incomplete combustion. Hydrocarbons emitted in wood smoke are, pound for pound, as carcinogenic as those same organic materials emitted from coal smoke and cigarette smoke. For public health reasons, there is a real concern with encouraging wood combustion. In balance, the issue of enforceability is the reason for his support of the 1 stove limit.

Mr. Hoefer suggested that the APC take into consideration the long-term availability of fire wood. This will dictate how much will be burned. Sixty-thousand cords per year are burned in the Basin, i.e. 30 million board feet of timber. This is a tremendous amount of wood if the figures are extended to a national scale. A backlog of available material is being gobbled up, and less and less fire wood will be available.

Mr. McMullen suggested that, in making a determination on wood heaters per unit, the APC was being asked to make a choice about one threshold without looking at impacts on others. Increased use of gas because wood stove use is restricted may have an effect on an air quality threshold other than visibility. What is the trade-off and what is the comparison? Mr. Ryerson explained that the survey figures on the number of people using wood stoves show that, in fact, limiting the number of stoves will not cause a major shift in heat source but will bring about installation of more efficient stoves. Another alternative would be to require calculations to show equivalent emission reductions for more than 1 stove. There will then be a choice. Mr. Withycombe explained that the only difficulty with this type of calculation is making the assumption of typical activities, i.e. would a person with two stoves burn only one at a time? There are various scenarios which are available. The APC asked that these calculations be made. Mr. Withycombe responded that he would make the calculations to show what would happen to the emissions, but he could not definitively tell the APC what would happen to visibility, because the
correlation between the emissions and actual levels of visibility in the Basin is fuzzy as a result of the number of unanswered question in EPA's visibility study. If the APC wants figures on visibility-reducing equivalents, more work is needed. There is a tremendous amount of particulate matter (visible smoke) produced by residential wood combustion that exceeds in mass the emissions of oxides of nitrogen and sulphur dioxide from gaseous fuels. These numbers can be researched. It is anticipated that, on an overall basis, emissions to the air probably double from wood combustion from what they are from gaseous fuel combustion.

Ms. Maco continued with her summary of ordinance modifications. The APC concurred with the concept of a window period for dooryard burning (Section 8.04.02).

Mr. Tony Van Curren, representing the El Dorado County Air Pollution Control District and a member of the subcommittee, asked that the ordinance include direction for the Agency to work with the State of California to amend the State Health and Safety Code regulations relative to allowed burning of disposable or combustible solid wastes on the premises of a single family dwelling site and on cooking and recreational fires. These State laws are in conflict with the dooryard burning sections of the ordinance. Ms. Maco explained that the definitions include an exemption for campfires and approved sites will be noted. Also, the Air Pollution Control Districts do have the power to ban dooryard burning of certain materials. This will be verified, however.

Considerable discussion followed on stationary source review; Ms. Maco explained that the requirement for an EIS was deleted in favor of an environmental analysis check list. New sources emitting over certain levels should apply Best Available Control Technology (BACT), and the application of the Lowest Achievable Emissions Rate shall be required if warranted by the demonstration of significant impact through the checklist. Mr. McMullen expressed concern that the imposition of the latter may prohibit a good project from proceeding. There should be some flexibility here. Ms. Maco suggested that the ordinance could be rephrased such that application of additional controls shall be required or may be required if warranted. Mr. Withcombe concurred with this approach. Best Available Control Technology is a less restrictive standard that allows several technologies to be analyzed and ultimately approved. It permits taking into account the unique environmental, energy and socio-economic situation. Staff should have the flexibility of a BACT determination if there is a significant impact found in the checklist. The APC concurred. Mr. Ryerson agreed so long as the ordinance intent to eliminate any significant problem pointed out in the check list is clear. Emission reductions may be required beyond BACT if warranted in the checklist.

Rather than moving into the transportation sections of the ordinance, Associate Planner Jim Brennan suggested that the APC take up the Transportation Program due to the lateness of the hour and due to new information to be incorporated into the ordinance.

Ms. Maco reminded the APC that Section 8.09 was an added section to the ordinance dealing with diesel vehicle controls. The section was described.
APC REGULAR MEETING MINUTES SEPTEMBER 12, 1984

Mr. Gregg Lien suggested that continuing concerns were the cost of the I&M program, the application of a basinwide CO program when the problem exists primarily at the South Shore, regulations on buses as well as the individual car, resulting enforcement problems caused by limiting the number of wood heaters and encouraging use of more expensive heating methods, and capacity of land fills for disposal due to dooryard burning restrictions.

C. Action on the TTD Short-Range Implementation Program

APC member Bill Murphy, on behalf of the TTD, directed the members to the pages in the document which set forth the proposed routes. The mass transportation portion of the 5-year program is responsible for a portion of the overall goal of VMT reduction. In this program, the TTD is also responsible for dealing with other problems such as traffic congestion and improving mobility of the region's citizens. The chart on 1-8 and 1-9 sets forth the goal/policy, the responsible agency, the service provider, and action to date. Additional detail was presented on specific routes. The total program calls for a $4 million budget annually and a capital budget of $9 million. It is anticipated that 75% of the $9 million will be received from UMTA grants, if the TTD is able to secure a revenue source such as the sales tax which will be before the public in November. While the goal of the program is to get people off the highway, Mr. Poppoff suggested that there were not enough incentives to get people out of their vehicles in the North Shore and particularly for the North to South Shore trip. Mr. Murphy explained that these concerns will have to be addressed as time goes on. If the demand for service is higher, service will be improved in particular areas. The Goals and Policies Plan calls for a North to South Shore route to be implemented within the second five years of the program. What is requested here is direction on how closely this program is able to meet the Goals and Policies set forth in the Transit Component of the Transportation Element. The basic Goals and Policies are not the issue. The Board will be asked to enter into an MOU with TTD to permit certain kinds of things to be changed by the TTD Board without having to come back before the TRPA Board, i.e. route modifications.

(It was noted that all the pages in the exhibit were not in the document mailed to the APC members and the Goals were not numbered consecutively.)

Mr. Pyle reminded the APC members that earlier decisions on the Goals and Policies of this program were based on the future flexibility to modify them should it become necessary to attain the standards. Mr. Murphy explained that 40% of the South Shore routes are devoted to the Highway 50 corridor. Once a monitoring program is set up to analyze the actual VMT reduction along each route, it will be shown most likely that those routes with the longer mileages will have the greatest reductions. As an example, a North to South Shore route would likely show higher reductions than a Y to Stateline route, the latter needing a very high ridership to show a significant VMT reduction.

Mr. Hoefer commented that the Emerald Bay route would seem to be one of the most desirable transit routes of any in the Basin. Mr. Murphy explained that this route was looked at in conjunction with the beach bus service as an excursion type of run leaving from a particular staging area, as opposed to a mass transit route with numerous stops along the way. If this route is desired, the TTD can look at brokering it to an excursion service.

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Further discussion followed on development of the program, the emphasis given to particular features of the program to achieve VMT reductions, and possible route modifications.

MOTION by Mr. Popoff to support the TTD's Short-Range Transit Program 1985-1989 with the understanding that it will be revised as required. Second by Mr. Hoefer. The motion carried unanimously.

3. Regional Transportation Plan Update

MOTION by Mr. Popoff with a second by Mr. McMullen to forward the Transportation Element of the Regional Plan to Caltrans as the Regional Transportation Plan Update. The motion carried unanimously.

Draft Air Quality Ordinance (continued)

Mr. Ryerson summarized the remaining concerns, one of which is 1 stove vs. multiple stoves. The multiple stove issue really boils down to a calculation and an equivalent 1-stove emissions factor. If the APC can agree in concept that several alternatives will be sent on and staff will prepare the calculations to permit an alternative to the 1-stove situation, the ordinance can be transmitted on to the Board.

MOTION by Mr. Ryerson to send the Air Quality Ordinance on to the Governing Board by approving Sections 8.00 through 8.05 and 8.09, with the understanding that Section 8.03.02 will contain a concept for potential multiple stove installations. Second by Ms. Wilson. The motion carried unanimously.

Chairman Harper directed that the transportation sections of the ordinance be placed back on the agenda in October.

VI REPORTS

D. APC Members

Sam McMullen advised the APC that he had written a letter to the Agency requesting that a designated alternate be appointed to serve in his stead when he was unable to attend APC meetings because of other commitments. The legal opinion from Agency counsel, however, has denied the ability to designate an alternate. Sam explained that he disagreed with the opinion and requested the APC to support appointment of a lay member alternate, especially because of the difficulty in always obtaining a quorum. Mr. Ryerson commented that he felt Sam's input and background knowledge of the issues were valuable. It was critical that he be present as much as possible, rather than to appoint a new individual altogether. Sam explained that the reason for the denial was that only "official" members can appoint a proxy. What is requested is that the Board designate an alternate; this alternate would be the only person to serve in his place.
APC REGULAR MEETING MINUTES SEPTEMBER 12, 1984

MOTION by Mr. McMullen to endorse the concept that APC lay members be allowed to have an alternate designated by the Governing Board. Second by Mr. Hoefer. The motion carried unanimously.

Chairman Harper directed that this action be transmitted on to the Governing Board as an item discussed by the APC.

Edith Wilson commented that she had enjoyed working on the APC as an interim member. The City’s new Planning Director Teri Jamin has arrived from Mono County and will be serving on the APC. Ms. Jamin was introduced from the audience. Chairman Harper thanked Edith for her past involvement on the APC.

Jon Hoefer explained he was going to comment today on the California Wilderness Bill but would report on it next month.

VII RESOLUTIONS - none

VIII CORRESPONDENCE - none

IX PENDING MATTERS - none

X ADJOURNMENT - The meeting adjourned at 4:25 p.m.

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

Respectfully submitted,

Julie D. Frame
Administrative Assistant
MEMORANDUM

October 2, 1984

To: The Advisory Planning Commission
From: The Staff
Subject: Regional Plan Status Report

The Regional Plan documents are at various stages of review and completion. Staff now anticipates that all the Plan documents, including Design Review Guidelines, Plan Area Statements, Regulations, and Programs, will be adopted as a package in March 1985. Meeting this deadline will still require an aggressive review schedule. Progress towards adoption of the ordinances and Plan Area Statements are as follows:

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

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<th>Chapter</th>
<th>Staff Draft</th>
<th>APC Committee</th>
<th>APC Recommendation</th>
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X = Completed Review

The APC and the Governing Board have recommended that the Code of Ordinances be reviewed by chapter but be adopted as a whole package. This generally is the same procedure that was followed for the Regional Goals and Policy Plan.
Memo to the APC  
Regional Plan Status Report  
October 2, 1984  
Page Two  

Plan Area Statements: The status of each jurisdiction at the date of this APC mailing is as follows:

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X = Completed Review

The APC and the Governing Board have recommended that the Plan Area Statements be reviewed jurisdiction by jurisdiction for drafting purposes. Final adoption will, however, be of the total package of Plan Area Statements.

DG: jf

10/2/84
MEMORANDUM

October 3, 1984

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Re-draft of Water Quality and Water Resources Chapter, Code of Ordinances

In response to comments received at the August APC meeting, the staff has redrafted Chapter 7 of the Code of Ordinances. Changes have been made to the sections on runoff controls (7.01.02.0), snow disposal (7.01.03.0), pesticide use (7.01.06.0), and mitigation fees (7.02.02.0).

The staff has reviewed the changes with the chairman of the water quality subcommittee and has agreed to present additional alternative mitigation fee schedules at the next commission meeting on October 10, 1984.

We hope to obtain APC approval of the draft language of Chapter 7 on October 10, 1984. Please contact Dave Ziegler or Jon Hoefer (544-6420) if you have any questions or comments on the redraft of Chapter 7.

DSZ:bl
10/3/84

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

7.01.00.0 WATER POLLUTION CONTROL:

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

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

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

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

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

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

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

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

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

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

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

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

7.01.02.1 **Best Management Practices:** Best management practices as described in the TRPA Handbook of Best Management Practices shall include, at a minimum, the standards of Subset 2.03.05. Where special circumstances obviate the need for standard BMP's, the TRPA Executive Director shall prescribe required BMP's based on best professional judgment.

7.01.02.2 **Other Management Practices:** For situations not covered in the Handbook of Best Management Practices, the TRPA Executive Director may define required BMP's based on best professional judgment.
7.01.02.3 Compliance with Application of Best Management Practices (BMP's): Unless specified elsewhere in this Code, application of BMP's shall be mandatory five years after the adoption of this Ordinance, unless there is a schedule of compliance approved by the Governing Body which sets a different deadline. For projects included in the Water Quality Capital Improvements Program, the schedule shall be consistent with with 20-year CIP. In addition, application of BMP's will be required as follows:

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

b. As a mandatory condition of approval for all new development approved by the Agency. (See also 2.03.05.)

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

7.01.02.4 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.

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

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

a. Minimum Requirements for Snow Removal from Individual Parcels: Removal of snow shall be limited to structures and paved areas. No vegetation shall be removed nor shall any grading occur in the act of snow removal. The TRPA will encourage all persons to utilize appropriate provisions to confine snow removal to structures and paved areas.
b. **Minimum Requirements for Snow Storage at New Development:** All new development shall provide areas sufficient to contain the expected volume of snow, in accordance with data provided by the Soil Conservation Service. Plans for new development shall designate stable snow storage areas with infiltration systems of sufficient capacity for the melt volume. Acceptable storage areas shall not include areas adjoining streams or the shoreline of lakes.

c. **Minimum Requirements for Streets and Highways:** Public agencies performing highway and street snow removal operations shall not grade (road shoulders in the process of clearing roads. To control air quality problems caused by reentrained dust, sand, cinders and other particles shall not be allowed to accumulate and shall be removed utilizing highway vacuum equipment or other equally-effective techniques for controlling dust. State and local highway maintenance crews may clear snow from unpaved road shoulders as necessary to provide safe turnouts for slow or disabled vehicles.

d. **Minimum Requirements for Dirt Roads:** Snow removal from dirt roads is prohibited unless authorized in a TRPA permit. Where a TRPA permit authorizes snow removal from a dirt road, it shall specify required winterization practices, necessary BMP's, the specific means of snow removal, and a schedule for either paving the dirt road or eliminating the need for snow removal.

e. **Compliance with Snow Removal Minimum Requirements:** Application of the minimum requirements in (a), above, shall be required as set forth in 7.01.02.4. Sections (b) through (d), above, shall take effect upon the adoption of this Code.

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

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

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

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

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

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

7.01.06.0 Pesticide Use: The use of insecticides and herbicides within the Tahoe Basin shall be consistent with the Handbook of Best Management Practices and shall meet the criteria set forth below:
7.01.06.1 Criteria for Agency Review:

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

b. Alternatives: Alternatives to chemical application must be employed where feasible in terms of effectiveness, cost, and environmental impact.

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

7.01.07.0 Vessel Wastes: See provisions of 4.07.02.0.

7.01.08.0 Fertilizer Management: See provisions of 6.06.02.0.

7.01.09.0 Off-Road Vehicles: See provisions of 6.05.03.0.

7.02.00.0 WATER QUALITY MITIGATION:

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

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

b. Mitigation Fund: Contributing to a fund established by the Agency for implementing offsetting programs. The amount of such contributions is established in Subsection 7.02.02.0.

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

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

b. Fees Where Coverage Exceeds the Bailey Coefficients: In the first year after adoption of this Code, the following fees shall be assessed for each new square foot of land coverage when the total coverage created exceeds the limits of the coefficients set forth in Subsection 2.02.04.0:

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

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

d. Inflation Adjustment: The Executive Director will adjust the fee schedule in (a) and (b), above, for inflation each year based on changes in the construction cost index of the Engineering News Record.

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

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

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

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

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

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

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

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

7.03.00.0 WATER SUPPLY AND CONSERVATION:

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

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

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

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

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

Date: October 2, 1984

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Draft, Transportation Portions of Chapter 8

Attached is a copy of the transportation portion of Chapter 8 - Transportation/Air Quality Ordinance. At this point, the development of the ordinance has been a product of numerous APC subcommittee meetings. There has been input from Caltrans, Nevada Department of Transportation, Air Resources Board, Nevada Division of Environmental Protection, El Dorado County and the Tahoe Transportation District.

This is the first time the ordinance has been presented to the full APC. Staff would like the APC's input and suggestions before we return the ordinance to the subcommittee level for final drafting.
8.05.02.0 Environmental Impact Analysis: The Agency shall require preparation of an environmental impact analysis checklist for new and modified stationary sources of air pollution that, with application of Best Available Control Technology, increase emissions for the peak 24-hour period more than the limits below. Additional emission reductions shall be required if warranted by the demonstration of significant impact through the checklist.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td>11</td>
</tr>
<tr>
<td>Particulate matter</td>
<td></td>
</tr>
<tr>
<td>less than 10 microns</td>
<td>10</td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td>57</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>6</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>100</td>
</tr>
</tbody>
</table>

8.05.03.0 Exemptions: Emergency power generators are exempt from the requirements of Subsection 8.05.01.0.

8.05.04.0 Enforcement Provisions:

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

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

8.06.00.0 *TRAFFIC MITIGATION PROGRAM: This rule provides for offsets of the impacts from new development on traffic volumes and movement in the Tahoe region. The rule applies when a proposed project will result in an increase in vehicle trips. New development shall also observe the requirements of the Design Review Guidelines to avoid adverse traffic impacts. Vehicle trips will be determined from trip generation rates in the official trip table.

*Traffic Mitigation Program, Transportation Systems Management, and Aviation Facilities are still in the process of APC Subcommittee Review.
8.06.01.0 Capacity Planning Areas: The Agency will develop and maintain a list of Plan Areas which contain or are proximate to intersections or roadway segments where the 30th highest hour of the preceding 12 month period exceeds Level of Service D. These Plan Areas will be known as "Capacity Planning Areas". The Agency will also identify the remaining capacity of key intersections and highway segments, defined as the difference between volume at the 30th highest hour and Level of Service E.

8.06.02.0 Traffic Reports: The Agency shall require the preparation of a traffic report, in a format specified by the Agency, for any project located in a Capacity Planning Area if 20% of the project's new trips per day exceeds 20% of the remaining capacity of any key intersection or highway segment. The Agency shall also require a traffic report if the project is located outside a Capacity Planning Area and generates more than 200 trips per day.

8.06.02.1 Contents: The traffic report will address ingress and egress characteristics, trip generation rates, and trip assignment patterns. A certified transportation professional or qualified individual on a TRPA list of approved consultants shall attest to the information in the report.

8.06.02.2 Agency Review: The Agency shall review, in consultation with the applicant, based on the traffic report, impacts on intersections and highway segments, alternatives to the proposed project to lessen the impacts, and measures necessary to mitigate the impacts. If, after consultation with the applicant, the Executive Director finds that 20% of the project's distributed assigned new trips per day exceeds 20% of the remaining capacity in any key intersection or highway segment, he shall require the preparation of an EIS as set forth in 8.06.03.0.

8.06.03.0 Environmental Impact Statements: The Agency shall require the preparation of an Environmental Impact Statement under the rules and regulations of the TRPA for any project in which:

a. The applicant was directed to prepare an EIS under section 8.06.02.2. The EIS shall identify, at a minimum, all traffic and air quality impacts and provide for mitigation of all such impacts, and evaluate alternatives.

b. The traffic report identifies a significant impact, which in the opinion of the Executive Director, justifies preparation of an EIS.
8.06.04.0 Mitigation Fees: In addition to the mitigation required in 8.06.02.0, and except as provided in 8.06.04.2, all new development in the region shall pay a mitigation fee as a condition of Agency approval at the time of such approval, according to the schedules below. The Agency will distribute funds generated to public agencies implementing transportation improvement programs under the Regional Plan Goals and Policies.

8.06.04.1 Fees: The mitigation fees for new development in the Tahoe region shall be calculated using the following table of charges. The number of trips shall be determined, as necessary, from the Trip Table (Table 8-1).

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Charge (units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$1000/unit</td>
</tr>
<tr>
<td>Tourist</td>
<td>$1000/unit</td>
</tr>
<tr>
<td>Campsite</td>
<td>$500/site</td>
</tr>
<tr>
<td>Commercial</td>
<td>$35/trip</td>
</tr>
<tr>
<td>Public Service</td>
<td>$35/trip</td>
</tr>
</tbody>
</table>

8.06.04.2 Exemptions: Erosion control projects and public projects included in the Agency's Transportation Capital Improvements Program, Air Quality Plan and consistent with the Regional Plan shall be exempt from traffic mitigation fees. Also highway projects which improve internal traffic flow without increasing capacity to the Basin shall be exempt from mitigation fees.

8.06.04.3 Debits and Credits: Certain features of development, such as drive-up windows, shall be considered in the determination of trips, only as set forth in the Trip Table (Table 8-1).

8.06.04.4 Change in Use: The fee for a change in use of any development shall be based on the net change in trips using the unit charges set forth in 8.06.04.1. The net change in trips shall be calculated from the Trip Table (Table 8-1). After a development is vacant for one year, the mitigation fee for a new use of that development shall be computed under 8.06.04.1.
8.06.04.5 TSM Credit: The Agency shall reduce the mitigation fee for tourist, commercial, or public service projects by 5% if the applicant agrees to assist the Agency in distributing information on TSM measures to employees and the public.

8.06.05.0 Mitigation Fund Management:

8.06.05.1 Administration: The Agency shall collect and administer the mitigation funds, which shall be known collectively as the Air Quality Mitigation Fund. The funds shall be deposited in commercial bank accounts, liquid asset funds, or certificates of deposit.

8.06.05.2 Distribution: Air quality mitigation funds shall be disbursed to public agencies implementing air quality and traffic mitigation projects called for in the Regional Plan, including units of local government and the Tahoe Transportation District, as follows:

a. The Agency shall accept applications from implementing agencies for the use of mitigation funds on an annual basis. Such applications shall be submitted no later than February 1 of each year.

b. Agency staff shall rank the applications in priority order, based on the Regional Plan Goals and Policies and other criteria to be developed by the Agency. The Agency shall disburse the mitigation funds to the highest-priority projects as funds are available through the following January 31.

c. No implementing agency shall receive more than 50% of the total mitigation funds disbursed on an annual basis, and no implementing agency (except for Carson City, Nevada) shall receive less than 5%.

8.06.05.3 Monitoring Set-Aside: To evaluate the effectiveness of traffic mitigation measures, up to 5% of collected mitigation funds will be spent by TRPA on transportation monitoring for carrying out, in part, the Monitoring and Evaluation Program of the Regional Plan.

8.06.05.4 Administration Set-Aside: One-half percent of the total Traffic 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.
8.07.00.0 TRANSPORTATION SYSTEMS MANAGEMENT: Both the Regional Plan Goals and Policies and the 1982 Air Quality Plan adopt transportation systems management (TSM) measures to help attain and maintain air quality standards. The Air Quality Plan adopts TSM programs in the areas of ridesharing, pedestrians, driver advisories, and parking management. The Agency will implement these TSM measures through the design review guidelines, intergovernmental coordination, and a remedial program.

8.07.01.0 TSM Measures for New Development: All permits for new development issued under this Code shall require application of the Design Review Guidelines for parking design, ingress/egress, street and highway construction, and participation in ridesharing programs.

8.07.02.0 TSM Measures for Existing Uses: [Reserved]

8.07.03.0 TSM Measures for Redevelopment: [Reserved]

8.08.00.0 AVIATION FACILITIES: In accordance with the Regional Plan Goals and Policies, Transportation Element, this section limits aviation facilities to the existing facilities in the Tahoe region. This limitation is necessary to meet noise thresholds and reduce other impacts of aviation facilities.

8.08.01.0 General: Aviation facilities shall be limited to the locations shown on the Aviation Facilities Map (Figure 8-1). This map identifies all TRPA- and FAA-approved facilities in existence as of April 26, 1984.

8.08.01.1 Periodic Update: The Agency shall update the Aviation Facilities Map as appropriate to reflect abandonment of aviation facilities. The Agency shall consider an aviation facility abandoned if it is unused for two years.

8.08.01.2 Exemptions: Aviation facilities used in search and rescue operations by public entities are exempt from the provisions of this section.

8.08.01.3 Facility Expansion: The Agency shall consider expansion of existing aviation facilities under the provisions of Chapter 2 of this Code, Land Use.

How does this address the possible need to relocate the W-shore sea plane base?
MEMORANDUM

October 2, 1984

To: The Advisory Planning Commission

From: The Staff

Subject: Draft Plan Area Statements

Included in this mailing are drafts of the Placer and Douglas County Plan Area Statements as recommended by the Plan Area Committees for those two jurisdictions. Please include these drafts with the Plan Area package sent to you in last month's packet.

The Governing Board has recommended that review of the Plan Area Statements by the APC continue and that recommendations on the Plan Area Statements be forwarded to the Governing Board. Action at this time by the APC and Governing Board is to approve these Plan Area Statements as working drafts pending final public hearings and ultimate adoption of the entire package.

DG:jf
MEMORANDUM

October 3, 1984

To: Advisory Planning Commission

From: Agency Staff

Subject: Interpretation of Bailey System Regarding Soil Type and Slope Combinations

At the June meeting of the Governing Board, the staff asked the Board to consider the technical adequacy of several land capability redefinitions, previously concurred in by the APC. During the public comment on this subject, a question arose regarding the proper land capability classification of a soil with a slope greater than that described in the Soil Survey. (See attached staff memorandum of August 14, 1984.)

The Governing Board continued the item to the July meeting, then failed to take a position action of the staff's recommendations. The Board then removed the item from its August agenda on August 22. The staff desires, at this time, additional discussion with the APC before placing this item on the Board Agenda again.

The staff desires recommendations from individual APC members or the Commission as a whole regarding the most appropriate policy position on this issue. Please contact Dave Ziegler (541-0249) if you have any questions or comments prior to October 10.

Attachment

DSZ:mmi
10/3/84
TAHOE REGIONAL PLANNING AGENCY
P.O. Box 8996
South Lake Tahoe, California 95731

MEMORANDUM

August 14, 1984

To: TRPA Governing Body

From: Agency Staff

Subject: Interpretation of Bailey System Regarding Soil Type and Slope Combinations (including response to comments raised at July Governing Board meeting.)

Introduction

At the June Board meeting, the staff asked the Board to consider the technical adequacy of several land capability redelineations. During the public comment on this subject, a question arose regarding the proper land capability classification of a soil with a slope greater than that described in the Soil Survey.

Specifically, public comment focused on an area in Incline Village, in the vicinity of Dale Drive, Knotty Pine Drive, and Sugarpine Drive. The staff had recommended reclassifying this area from Land Capability 4 to 2 based on the presence of Inville stony coarse sandy loam (I5E) at slopes greater than 30 percent. The public commented that the Bailey report doesn't cover the land capability of I5E soils over 30 percent and, therefore, these soils should be treated as a land capability 4, the normal classification for an I5E. (For further details on the position of the staff and the land capability review team, see the attached memo from John R. Munn, January 29, 1983.)

The Governing Board continued this item to the July meeting to allow the staff an opportunity to respond to these comments. After the Board failed in July to act on the staff's recommendations, the staff placed the item on the August agenda, hoping for resolution of the issue.

Background

The USDA Soil Survey for the Tahoe Basin Area (March, 1974) identifies 73 different soil/slope combinations, including four types of Inville soils:

- IgB Inville gravelly coarse sandy loam,
  0 to 5 percent slopes

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IsC Invilie stony coarse sandy loam, 2 to 9 percent slopes
IsD Invilie stony coarse sandy loam, 9 to 15 percent slopes
IsE Invilie stony coarse sandy loam, 15 to 30 percent slopes

The Bailey report classifies IgB as a land capability 5, IsC as a 6, and IsD and IsE as 4's. Neither the Bailey report nor the Soil Survey designates the presence in the Tahoe region of soil mapping units with the characteristics of an Invilie soil at slopes greater than 30 percent.

When field investigations reveal soil characteristics which are other than those described for a soils mapping unit in the Soil Survey, it is generally impractical for the Agency to pursue creation of a new soil mapping unit with the USDA. Therefore, the Agency must treat such situations as "inclusions," that is, soils that are not homogeneous with the identified mapping unit but that were considered too small to map separately. (In dealing with the related matter of land capability challenges, the Agency has said in the past that it will not create new mapping units for inclusions under five acres. The disputed area in Incline Village is approximately 20 acres.)

Discussion

When faced with inclusions where the slope is other than identified in the Soil Survey, the Agency has three options pertaining to land capability classification:

Option 1. Leave the land capability unchanged from that of the larger mapping unit. (This has been the Agency policy in the past.)

Advantages:

-- consistent with previous Agency policy
-- no cost to the Agency

Disadvantages:

-- ignores large land areas that the Land Capability Review Team identified as having a different land capability

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Based on a report from the Land Capability Review Team, make a Governing Board decision on each inclusion of this type, defining the land capability without modifying the Soil Survey or Bailey per se. (The CTRPA used this approach in a redelineation in Rubicon.)

Advantages:

-- more sensitive to the characteristics of an area that determine land capability; consistent with the intent of the Regional Plan Goals and Policies, Land Use subelement
-- Agency incurs costs for the Land Capability Review Team only as needed

Disadvantages:

-- higher cost than Option 1

Based on technical assistance from an expert soil scientist, and other experts as appropriate, develop a set of specific criteria for determining the land capability of all such inclusions; make determinations of land capability based on these criteria, subject to an appeal to the Board.

Advantages:

-- sets up standard Agency procedures for interpreting the Bailey system for all soil/slope combinations not covered in the Soil Survey
-- provides for consistent Agency position

Disadvantages:

-- significant cost to Agency to develop criteria
-- significant lead time required to develop criteria

At the July Board meeting, some Board members expressed a concern that the staff should not be creating new soil mapping units, based on their lack of expertise in this area. The Board's concern is well-founded and for that reason, Option 2 is based on the findings of the Land Capability Review Team and Option 3 is based on the work of an acknowledged soils expert.
If the Agency decides to develop standard procedures or criteria for classifying the land capability of soil/slope combinations not included in the Soil Survey, these procedures will be based on such factors as soil thickness, texture, chemistry, depth, and slope; hydrologic soil group; soil drainage; rockiness and stoniness; and geomorphic setting.

**Recommendation**

The staff affirms the Land Capability Review Team's designation of the disputed area in Incline Village as a land capability 2, based on the facts recited in John Munn's letter. However, as legal counsel has pointed out, it is desirable to have a consistent set of procedures for assigning a land capability classification wherever soils display slopes or characteristics other than those described in the Soil Survey.

Therefore, the staff recommends:

1. That the Governing Body first make a decision whether to consider the technical adequacy of the Incline redelineation in total, or to consider the disputed area separately. (If the disputed area can be treated separately, the Board may elect to make a finding of technical adequacy for the rest of the Incline redelineation.)

2. That the Governing Body select Option 2 or Option 3, above, to resolve the question of the appropriate land capability of the disputed area. The practical result of each option will be as follows:


   Option 3: there would be no redelineation of the disputed area & this time, pending preparation of standard procedures for identifying land capability for soil/slope combinations not covered in the Soil Survey.

On August 22-23, the staff will make a brief presentation on this subject and answer questions from the Board and the audience. Please direct any questions or comments to Dave Ziegler, Chief, Long Range Planning Division (916) 541-0249.

**Attachment**

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AGENDA ITEM V E.
February 1, 1983

Tahoe Regional Planning Agency
Attention: Jim Dana
P. O. Box 8896
South Lake Tahoe, CA 95731

Re: Relative Erosion Potential of Inville Soils on Slopes Steeper Than 30 Percent

Dear Jim:

This letter is in reply to your request for an assessment of the relative erosion potential of Inville soils on slopes greater than 30 percent.

Inspection of erosion hazard and relative erosion potential interpretations listed in the "Tahoe Basin Area Soil Survey" (Rogers, 1974) and the "Geomorphic Analysis of the Lake Tahoe Basin" (Bailey, 1974) shows that the erosion hazard is rated as high for all soil units mapped on slopes steeper than 30 percent, and high erosion hazard ratings are assigned to soils that are mapped on slopes steeper than 30 percent and have profile characteristics similar to the Inville series. Therefore, Inville soils on slopes steeper than 30 percent should have a relative erosion potential rating of high. This rating is consistent with a land capability class rating of 2 as described in my memo dated January 29, 1983.

Sincerely,

John R. Munn, Jr.
Soil Scientist
2811 Almeria Street
Davis, CA 95616
MEMORANDUM

Date: October 2, 1984

To: TRPA Advisory Planning Commission

From: Agency Staff

Subject: Allocation Limits and Redevelopment

The City of South Lake Tahoe is seeking clarification on how the allocation limits on new development apply to redevelopment areas. Specifically, the City questions whether additional development approved pursuant to redevelopment plans is subject to the residential, tourist, and commercial allocation limits.

Staff has indicated to Dennis Crabb, City Attorney, that the plan sets forth development limitations which apply throughout the Basin and that redevelopment is subject to those limitations. It is staff's opinion that any new development created through a redevelopment process in excess of the existing development would be counted against the allocation limits. In reference to development limitations, Goal 2 Policy 4 of the Land Use Subelement of the Regional Goals and Policies Plan reads as follows:

Each plan area statement as finally adopted shall specify the maximum number of multiple density residential and tourist units allowable, as well as the maximum commercial square footage allowed. Total development in the region permitted by all the plan area statements, including existing development, shall not exceed the number of existing multiple density residential units by more than 2,700, shall not exceed the number of existing tourist accommodation units by more than the 1,100 units estimated to be vested, and shall not exceed the amount of existing gross commercial floor area by more than 1,100,00 square feet. For areas not designated eligible for redevelopment, the total number of multiple density units allowable basinwide, including existing units, shall not exceed the number of existing multiple density units in those areas by more than 500.

Dennis Crabb will be prepared to offer his viewpoints and recommendations on this subject. Following any related discussions, the staff requests that the APC make a recommendation to the Board on the proper interpretation of the language in the Plan.

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