TRPA
APC
PACKETS

DECEMBER
1991
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on December 11, 1991, at the TRPA Office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

December 2, 1991

[Signature]
Jerry Wells
Acting Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Al Tahoe, Tahoe Valley, and Tahoe City, California.
All items on this agenda are action items unless otherwise noted.

AGENDA

I  CALL TO ORDER AND DETERMINATION OF QUORUM

II  APPROVAL OF AGENDA

III  DISPOSITION OF MINUTES

IV  PUBLIC HEARING AND RECOMMENDATION

A. Amendment of Chapter 33, Allocation of Development, Relative to 1992 Residential Allocations and Related Amendments to the Goals and Policies

B. Amendment of Chapter 82, Water Quality Mitigation, Relative to Update of Water Quality Mitigation Fee

C. Amendment of Maps for Delineating Water Quality Improvements in the Vicinity of the Parcel (IPES Working Map)

D. Amendment of Chapter 4, Project Review and Exempt Activities to Adopt MOU Between TRPA and the Tahoe-Douglas District

V  PLANNING MATTERS

A. Presentation on the Regional Transportation Plan/Air Quality Plan Update

VI  REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

D. Public Interest Comments

VII  PENDING MATTERS

VIII  RESOLUTIONS

A. For Former APC Members Vivian Roberts, Steve DeMello and Ken Greenwood

IX  ADJOURNMENT
MEMORANDUM

December 4, 1991

To: The Advisory Planning Commission
From: The Staff

Subject: Amendment of Chapter 33, Allocation of Development, Relative to 1992 Residential Allocations and Related Amendments to the Goals and Policies

The staff's summary on this item will be presented under separate cover for the December 11 APC meeting.
MEMORANDUM

November 27, 1991

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 82, Water Quality Mitigation, Relative to Update of Water Quality Mitigation Fee

Proposed Action: To amend Section 82.3 of TRPA's Code of Ordinances as set forth below.

Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing and, if appropriate, recommend that the Governing Board adopt the following Code amendment:

82.3 Fee Schedule: A fee shall be assessed at $1.29 per square foot of additional land coverage. On January 1 of each year, TRPA shall adjust the fee for inflation, based on changes in the construction cost index of the Engineering News Record.

Background: Mitigation of development impacts is often financed through impact fees imposed at the time of project approval and permit issuance. Impact fees have traditionally been used to finance road improvements, sewage and water extensions, fire protection, police protection, and other services necessary to serve new development. More recently, impact fees have also been imposed to mitigate environmental impacts caused by development.

To determine appropriate impact fee levels, Frank and Rhodes (1987) recommend the application of the following three criteria:

DG:rd 11/27/91

AGENDA ITEM IV.B.

Planning for the Protection of our Lake and Land
Amendment of Chapter 82, Water Quality
Mitigation, Relative to Update of Water
Quality Mitigation Fee -- Page 2

1. The rational nexus test requires that:
   a. the occupants of the development will use the service;
   b. the service is one the government has a legitimate authority to
      provide; and
   c. there is likely to be a shortage of the service if steps aren’t taken
      to provide it.

2. The impact fee must be proportional to the expected usage level. To meet
   this requirement, any generally accepted methodology can be used to estab-
   lish a fee schedule.

3. The linkage between the development and the impact fee must be established
   by determining that:
   a. the problem the service is intended to correct is created by the
      development;
   b. the amount of the impact fee is at least roughly proportional to the
      share of the problem created by the development; and
   c. the impact fee will be used to alleviate the problem created.

TRPA (1986, 1987) requires new development to offset 150 percent of its water
quality impacts. This can be accomplished by implementing offsite erosion and
runoff control projects and SEZ restoration projects, or by contributing to a
mitigation fund established by TRPA for the implementation of these projects.
As stated in TRPA’s 1988 208 Water Quality Plan, development generates both
onsite and offsite water quality impacts. To mitigate both new and existing
developmental impacts, the 208 plan requires onsite installation of BMPs and
completion of the Capital Improvements Program for Erosion and Runoff control
and the SEZ Protection and Restoration Program (CIP/SEZ Program). To fulfill
these requirements, project proponents are required to install BMPs on their
property to mitigate onsite impacts and to contribute their share toward the
completion of the CIP/SEZ programs to mitigate offsite impacts.

To determine the required offsite mitigation, the total remaining cost of the
CIP/SEZ Program must be determined and existing and proposed land coverage
estimated to develop a prorated cost per square foot of coverage assigned to new
development.

11/27/91

AGENDA ITEM IV.B.
Cost of the CIP/SEZ Programs

CIP

TRPA developed the original CIP as part of the 208 plan which was adopted in 1981. The CIP from the 1981 208 plan estimated the total cost of the program at $77 million (1976 dollars). TRPA, local government, and the affected state agencies have used the CIP for planning, administering, and reviewing capital improvement projects since its adoption. The current estimated cost of the CIP is based on the CIP from the 1981 208 plan, but has been revised to account for new problem areas which have been identified, for projects completed since 1977, and for updated estimates of costs of specific projects or problem areas. In the Final Environmental Impact Statement: Plan Area Statements and Implementing Ordinances of the Regional Plan, TRPA estimated the total cost of the program at $163 million (1986 dollars), and estimated that $148 million remained to be spent.

The Tahoe Conservancy report post-dates the TRPA's 1987 estimate, and is the basis for the revised California-side cost estimates which appear in this document. The Conservancy identified 101 project areas with a total cost of $160 million. The average estimated project cost was about $1.6 million.

TRPA's 1988 208 plan estimated CIP costs, excluding operations and maintenance (O&M), as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Cost ($ Millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California side</td>
<td></td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td>$58.9</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>49.8</td>
</tr>
<tr>
<td>Placer County</td>
<td>78.0</td>
</tr>
<tr>
<td>Caltrans</td>
<td>18.4</td>
</tr>
<tr>
<td>Nevada side</td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>19.3</td>
</tr>
<tr>
<td>Douglas County</td>
<td>14.6</td>
</tr>
<tr>
<td>NDOT</td>
<td>25.2</td>
</tr>
<tr>
<td>Total</td>
<td>$264.2</td>
</tr>
</tbody>
</table>

Since the estimated CIP costs included in the 1988 208 plan are the most current, staff recommends using these figures in the calculations for water quality mitigation fees.
Since 1988, the seven public agencies (City of South Lake Tahoe, El Dorado County, Placer County, Washoe County, Douglas County, Caltrans, and NDOT) have expended $27.57 million on 53 projects as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>California side</td>
<td></td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td>$4.92</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>6.03</td>
</tr>
<tr>
<td>Placer County</td>
<td>4.90</td>
</tr>
<tr>
<td>Caltrans</td>
<td>3.21</td>
</tr>
<tr>
<td>Nevada side</td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>4.08</td>
</tr>
<tr>
<td>Douglas County</td>
<td>4.13</td>
</tr>
<tr>
<td>NDOT</td>
<td>0.30</td>
</tr>
</tbody>
</table>

This leaves a remaining cost estimate of $236,630,000 for completion of the CIP. Jurisdictional responsibilities are as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Remaining Cost ($ Millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California side</td>
<td></td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td>$ 53.98</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>43.77</td>
</tr>
<tr>
<td>Placer County</td>
<td>73.10</td>
</tr>
<tr>
<td>Caltrans</td>
<td>15.19</td>
</tr>
<tr>
<td>Nevada side</td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>15.22</td>
</tr>
<tr>
<td>Douglas County</td>
<td>10.47</td>
</tr>
<tr>
<td>NDOT</td>
<td>24.90</td>
</tr>
<tr>
<td>Total</td>
<td>$236.63</td>
</tr>
</tbody>
</table>
Amendment of Chapter 82, Water Quality
Mitigation, Relative to Update of Water
Quality Mitigation Fee -- Page 5

SEZ

To estimate the cost of the SEZ Protection and Restoration Program, estimated contract prices supplied by the United States Forest Service (USFS, 1987) were used. This report estimated the cost of restoring disturbed lands and SEZs at approximately $23,000 per acre. In 1988, TRPA's 208 plan set a Region-wide restoration target of 1,100 acres of disturbed SEZs. Since 1988, approximately 100 acres of SEZs have been restored. This reduces the target to approximately 1,000 acres. Using the USFS restoration estimate, the cost of this restoration would be approximately $23 million.

The total estimated cost to complete the CIP/SEZ program is:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CIP</td>
<td>$236,630,000</td>
</tr>
<tr>
<td>SEZ</td>
<td>23,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$259,630,000</strong></td>
</tr>
</tbody>
</table>

O&M Estimated Costs

O&M costs for El Dorado County were estimated by Jim Haen, County Engineer. For 1989, these costs were estimated at $42,000 and predicted to increase to approximately $100,000 in 1995 with a yearly incremental increase after that. To calculate the O&M costs for the 20 year program, $100,000 per year is considered to be a reasonable estimate. To arrive at an estimated O&M cost for the Basin, staff multiplied $100,000 per year by 20 years to arrive at an estimated O&M cost of $2 million per jurisdiction.

Land Coverage

Land coverage calculations have been previously determined by TRPA (1983). The estimated existing hard coverage was approximately 6,524 acres and was broken out as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Coverage (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California side</td>
<td></td>
</tr>
<tr>
<td>El Dorado County (includes CSLT)</td>
<td>3,148.1</td>
</tr>
<tr>
<td>Placer County</td>
<td>1,468.7</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>4,616.8</strong></td>
</tr>
</tbody>
</table>

11/27/91

AGENDA ITEM IV.B.
Amendment of Chapter 82, Water Quality Mitigation, Relative to Update of Water Quality Mitigation Fee -- Page 6

Nevada side

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Coverage (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>1,113.0</td>
</tr>
<tr>
<td>Carson City</td>
<td>59.9</td>
</tr>
<tr>
<td>Douglas County</td>
<td>742.1</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>1,909.0</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,525.8</strong></td>
</tr>
</tbody>
</table>

TRPA (1988) estimated growth in the next 20 years to add an additional 331 acres of hard coverage. For the period between 1983 and 1988, an estimated 83 acres of additional hard coverage was created for an estimated total hard coverage of 6,939.8 acres at the 20 year buildout schedule as anticipated in TRPA's 208 plan. TRPA does not have the acreage by jurisdiction breakdown for the additional 414 acres of coverage created since 1983. For purposes of this analysis, this additional coverage has been equally apportioned to the four major jurisdictions (El Dorado County, Placer County, Washoe County, and Douglas County) resulting in the following coverage approximations to the year 2008:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Coverage (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California side</td>
<td></td>
</tr>
<tr>
<td>El Dorado County (includes CSLT)</td>
<td>3,251.6</td>
</tr>
<tr>
<td>Placer County</td>
<td>1,572.2</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>4,823.8</strong></td>
</tr>
<tr>
<td>Nevada side</td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>1,216.5</td>
</tr>
<tr>
<td>Carson City</td>
<td>53.9</td>
</tr>
<tr>
<td>Douglas County</td>
<td>845.6</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>2,116.0</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,939.8</strong></td>
</tr>
</tbody>
</table>

11/27/91

AGENDA ITEM IV.B.
Amendment of Chapter 82, Water Quality
Mitigation, Relative to Update of Water
Quality Mitigation Fee -- Page 7

Discussion

Calculation of Water Quality Mitigation Fee

Staff proposes that this fee be calculated by dividing the total cost of the
CIP/SEZ program by the total estimated hard coverage to arrive at a cost per
square foot of hard coverage for determining a project's mitigation needs. This
calculation is outlined below:

\[
\text{Total CIP/SEZ Cost} = \frac{\$259,630,000}{6,939.8 \text{ acres (43,560 ft.}^2\text{)}} = \frac{\$0.86}{\text{ft.}^2}
\]

Then multiply this value by 150% to calculate the mitigation fee.

\[
0.86 \times 150\% = \frac{\$1.29}{\text{ft.}^2}
\]

For an average home creating 2,500 ft.\(^2\) of additional coverage, the offsite
water quality mitigation fee would be \$3,225.

Other Alternatives

Four other alternatives for calculating the water quality mitigation fee were
reviewed by staff and are outlined below:

1. Include O&M costs:

   O&M costs are not included in the mitigation fee proposed by staff. If O&M
costs for the City of South Lake Tahoe, El Dorado County, Placer County,
Washoe County, Douglas County, Caltrans and NDOT are included in the costs
of the CIP/SEZ program, the calculation would be as follows:

   \[
   \begin{align*}
   \text{Total CIP/SEZ cost} & = \$259,630,000 \\
   \text{O&M cost} & = 14,000,000 \\
   \text{Total} & = \$273,630,000
   \end{align*}
   \]

   \[
   \text{Total CIP/SEZ cost (including O&M)} = \frac{\$273,630,000}{6,939.8 \text{ acres (43,560 ft.}^2\text{)}} = \frac{\$0.91}{\text{ft.}^2}
   \]

11/27/91

AGENDA ITEM IV.B.
Then multiply this value by 150% to calculate mitigation fee.

$0.91 \times 150\% = \$1.37/ft.\textsuperscript{2}

2. Calculate mitigation fee by county:

This alternative provides for a county by county apportionment based on the CIP/SEZ costs and coverage associated with each county. For purposes of comparison, the calculation is made with and without O&M costs.

\textbf{Cost of Jurisdiction CIP/SEZ \times 150\%}

\textit{Jurisdiction coverage}

\textbf{A. Without O&M Costs}

El Dorado County (includes CSLT and one-half Caltrans cost)

\[
\frac{111,095,000}{3251.6 \text{ acres (43,560 ft.}^2 \text{)}} \times 150\% = \$1.18/\text{ft.}^2
\]

Placer County (includes one-half Caltrans cost)

\[
\frac{86,445,000}{1572.2 \text{ acres (43,560 ft.}^2 \text{)}} \times 150\% = \$1.89/\text{ft.}^2
\]

Washoe County (includes one-half NDOT costs and one-half Carson City acreage)

\[
\frac{33,420,000}{1243.45 \text{ acres (43,560 ft.}^2 \text{)}} \times 150\% = \$0.93/\text{ft.}^2
\]

Douglas County (includes one-half NDOT costs and one-half Carson City acreage)

\[
\frac{28,670,000}{872.55 \text{ acres (43,560 ft.}^2 \text{)}} \times 150\% = \$1.13/\text{ft.}^2
\]
 Amendment of Chapter 82, Water Quality Mitigation, Relative to Update of Water Quality Mitigation Fee — Page 9

B. With O&M Costs

El Dorado County (includes CSLT and one-half Caltrans cost)

\[
\frac{116,095,000}{3251.6 \text{ acres (43,560 ft.}^2\text{)}} \times 150\% = \$1.23/\text{ft.}^2
\]

Placer County (includes one-half Caltrans cost)

\[
\frac{89,445,000}{1572.2 \text{ acres (43,560 ft.}^2\text{)}} \times 150\% = \$1.96/\text{ft.}^2
\]

Washoe County (includes one-half NDOT's cost and one-half Carson City's acreage)

\[
\frac{36,420,000}{1243.45 \text{ acres (43,560 ft.}^2\text{)}} \times 150\% = \$1.01/\text{ft.}^2
\]

Douglas County (includes one-half NDOT's cost and one-half Carson City's coverage)

\[
\frac{31,670,000}{872.55 \text{ acres (43,560 ft.}^2\text{)}} \times 150\% = \$1.25/\text{ft.}^2
\]

3. Calculate mitigation fee by state:

This alternative provides for an apportionment to each state based on the CIP/SE2 costs and coverage associated with each state.

A. Without O&M Costs

California

\[
\frac{197,540,000}{4823.8 \text{ acre (43,506 ft.}^2\text{)}} \times 150\% = \$1.41/\text{ft.}^2
\]

11/27/91
Amendment of Chapter 82, Water Quality Mitigation, Relative to Update of Water Quality Mitigation Fee -- Page 10

Nevada

\[
\frac{62,090,000}{2116 \text{ acres (43,560 ft.}^2)} \times 150\% = \frac{1.11}{\text{ft.}^2}\]

B. With O&M Costs

California

\[
\frac{205,540,000}{4823.8 \text{ acres (43,560 ft.}^2)} \times 150\% = \frac{1.47}{\text{ft.}^2}\]

Nevada

\[
\frac{68,090,000}{2116 \text{ acres (43,560 ft.}^2)} \times 150\% = \frac{1.11}{\text{ft.}^2}\]

4. **Update existing water quality fee to account only for inflation:**

Original fee of $0.29/ft.² was established in 1983. By using a 5% annual inflation rate, the original $0.29/ft.² would be adjusted to $0.47/ft.² for 1992.

References


Amendment of Chapter 82, Water Quality Mitigation, Relative to Update of Water Quality Mitigation Fee -- Page 11


Findings: Prior to amending the Code, TRPA must make certain findings. Following each finding below, is a brief rationale for making the required findings.

Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

   Rationale: This amendment implements the Goals and Policies, the Code of Ordinances, the Regional Plan, and the 208 Water Quality Management Plan.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

   Rationale: The amendment is consistent with the Regional Plan and will help attain the environmental thresholds.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

   Rationale: See Findings 1 and 2 above.

4. Finding: The Regional Plan and all its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   Rationale: For the reason set forth in the rationale for Finding 1 above, this amendment better implements the Code and Regional Plan and will assist in the achievement and maintenance of the environmental thresholds.

11/27/91

AGENDA ITEM IV.B.
Environmental Documentation: Staff proposes a Finding of No Significant Effect (FONSE) for these proposed amendments. These amendments implement the Regional Plan.

If you have any questions on this agenda item, please contact Dan Greenlee at (702) 588-4547.
MEMORANDUM

November 25, 1991

To: The Advisory Planning Commission

From: TRPA Staff

Subject: Amendment to the Map Delineating Water Quality Improvements in Vicinity of the Parcel, an IPES Evaluation Criteria

Proposed Action: To amend the existing map delineating water quality improvements in vicinity of parcel as set forth below.

Recommendation: Staff recommends that the Advisory Planning Commission conduct a public hearing and, if appropriate, recommend that the Governing Board adopt the attached map amendments and their respective scores.

Background: At the October 1987 meeting, the Governing Board adopted the map delineating water quality improvements in vicinity of the parcel. Preparation of this map was based upon field data collected during the summer of 1987 pursuant to Section 37.2.G of the Code of Ordinances:

37.2.G Need for Water Quality Improvements In Vicinity of Parcel: The maximum score for need for water quality improvements in vicinity of parcel is 50 points.

(1) Preparation of Map: TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table G-1 of the Technical Appendices is the same. The Lake Tahoe Basin Water Quality Management Plan (208 Plan) maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table G-1 of the Technical Appendices. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

(2) Assigning Scores To Parcels: Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

AGENDA ITEM IV C.

Planning for the Protection of our Lake and Land
G. Need For Water Quality Improvements in Vicinity of Parcel

TABLE G-1

NEEDED WATER QUALITY IMPROVEMENTS

<table>
<thead>
<tr>
<th>Needed Improvement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>50</td>
</tr>
<tr>
<td>Revegetation</td>
<td>-6</td>
</tr>
<tr>
<td>Rock-lined or vegetated ditches</td>
<td>-8</td>
</tr>
<tr>
<td>Curb gutter or paved swales</td>
<td>-9</td>
</tr>
<tr>
<td>Storm drain pipes</td>
<td>-8</td>
</tr>
<tr>
<td>Retaining walls</td>
<td>-4</td>
</tr>
<tr>
<td>Rock slope protection</td>
<td>-4</td>
</tr>
<tr>
<td>Paved roads</td>
<td>-8</td>
</tr>
<tr>
<td>Sediments basins</td>
<td>-4</td>
</tr>
</tbody>
</table>

Since adoption of this map, numerous water quality improvement projects have been implemented within the Basin. As anticipated within the IPES system, one of the ways that a parcel's IPES score may be increased is if (37.10.A) "water quality improvements of the type considered in subsection 37.2.G. are installed in an area subsequent to TRPA preparing the maps in accordance with Subparagraph 37.2.G(1)."

Upon implementation of these projects: "TRPA shall amend the map by increasing the point values identified in Table G-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in this subsection shall be increased to reflect the new point value."

Amendments proposed by staff are intended to:

1. account for water quality improvement projects implemented since 1987; and
2. increase the point scores for those parcels affected by these projects pursuant to 37.10.A. of the Code of Ordinances.
Discussion: The proposed amendments are based upon field data collected during the fall of 1991. The proposed score increases are to account for projects implemented or completed after the original IPES scoring for this element was completed. Point values were assigned according to the scoring criteria in Table C-1. Properties affected by the score increases were restricted to only those parcels immediately within the vicinity of the water quality improvement project.

To maintain the original intention of identifying and scoring areas within which the need for improvements are the same, the proposed amendments delineate only those areas directly impacted by the water quality improvement project and may be different than those identified on the original map. This reflects the fact that quite often improvements addressed only portions of the originally mapped areas.

Findings: Prior to amending the Code, TRPA must make certain findings:

Chapter 6 Findings: The required Chapter 6 findings and brief rationales are set forth below:

1) **Finding:** The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

**Rationale:** The amendments are consistent with Chapter 37 of the Code of Ordinances. Subsection 37.10.A anticipated the need for amendments and established the criteria for the related IPES parcel score increases.

2) **Finding:** The project will not cause the environmental thresholds to be exceeded.

**Rationale:** The amendments are consistent with the Regional Plan and will not cause the environmental thresholds to be exceeded.

3) **Finding:** Whenever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

**Rationale:** See findings 1 and 2 above.
Memo to the Advisory Planning Commission
Water Quality Improvements Map
11/25/91
Page Four

4) **Finding:** The Regional Plan and all its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

**Rationale:** For the reason set forth in the rationale for finding 1 above, these amendments better implement the Code and Regional Plan and will assist in the achievement and maintenance of the environmental thresholds.

**Environmental Documentation:** Staff proposes a Finding of No Significant Effect (FONSE) for these proposed amendments. These amendments implement the Regional Plan.

**Attachments:** Proposed map amendments and proposed new scores.

If you have any questions on this agenda item, please contact Dan Greenlee at (702) 588-4547.
<table>
<thead>
<tr>
<th>Number</th>
<th>Jurisdiction</th>
<th>Water Quality Improvement</th>
<th>Project Cost</th>
<th>Year Completed</th>
<th>Proposed New Score</th>
<th>Existing Score</th>
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MEMORANDUM

December 2, 1991

To: TRPA Advisory Planning Commission

From: The Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding Between TRPA and the Tahoe-Douglas District

Staff proposes an amendment to Chapter 4 of the Code of Ordinances to exempt certain activities of the Tahoe-Douglas District from TRPA review.

Description and Discussion

Pursuant to Section 4.8 of the TRPA Code of Ordinances, TRPA may amend Chapter 4 to exempt those activities of public and quasi-public entities as set forth in memoranda of understanding (MOUs) between TRPA and such entities. The format of the MOU is similar to that found in Sections 4.2 and 4.3 of the Code. Activities are separated into categories of exempt and qualified exempt. Those activities are described in the attached MOU. The Tahoe-Douglas District may undertake exempt activities without contacting TRPA and may commence activity on qualified exempt activities provided they give written notice five business days prior to the activity commencing. All activities, whether exempt or not, must comply with the TRPA Regional Plan, including the Code of Ordinances and Handbook of Best Management Practices.

The Tahoe-Douglas District has reviewed the proposed MOU and is in agreement with the provisions contained therein.

Environmental Documentation

Staff has completed the Environmental Checklist for the initial determination of environmental impact. Based on the checklist, staff recommends a finding of no significant effect on the environment.

JW:rf
12/2/91

AGENDA ITEM IV D.

Planning for the Protection of our Lake and Land
Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs;

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU are minor in nature and are subject to all the provisions of the Regional Plan. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project will not cause the environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU are subject to the provisions of the Regional Plan. The activities are minor in nature, are subject to restrictions, and are geared toward essential activities and maintenance of existing facilities. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

12/2/91

AGENDA ITEM VI D.
Memo to the Advisory Planning Commission
December 2, 1991
Page Three

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Section 4.8 of the Code allows for the implementation of MOUs with public entities to exempt activities from TRPA review. The proposed MOU with the Tahoe-Douglas District exempts minor activities undertaken by public utility districts charged with providing essential public services. Under the MOU, the Tahoe-Douglas District will be able to more effectively and efficiently provide these services. The MOU has no impact on the regulatory structure and does not result in an increase in development. The minor nature of the activities, coupled with the limitations elsewhere in the Code, assures the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies or ordinances designed to make existing policies and ordinances more effective. The proposed MOU with the Tahoe-Douglas District will implement Section 4.5 of the Code which allows amendments to exempt certain activities of public and quasi-public entities.

Staff Recommendation

Staff recommends that the APC make a recommendation to the Governing Board to approve the attached MOU and adopt the amending ordinance.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
TAHOE-DOUGLAS DISTRICT

November 1991

This Memorandum of Understanding is entered into this _____ day of November, 1991, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the Tahoe-Douglas District (District), by and through its Board Chairman.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.A of the TRPA Code. All activities undertaken by the District pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of the District, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation, filling or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and/or revegetated within 72 hours to prevent erosion.

A. WATER SUPPLY ACTIVITIES

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

2. Install new service connections for TRPA-approved projects, and for existing improved properties which have abandoned their existing well provided there is no increase in development potential.

3. Prune vegetation around water facilities and within easement areas provided no plants are removed.

4. Install new valves, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within existing roadways and easements provided there is no increase in capacity.

5. Locate existing underground lines and appurtenances.
6. Install observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.

7. Repair emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.

8. Flushing of wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system and all required temporary EMPs are in place.

B. WASTEWATER COLLECTION ACTIVITIES

1. Repair and replace wastewater collection system related equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, pipes, service connections, odor control facilities, pumping stations, meters, and wet wells provided there is no increase in size or capacity and replacement facilities are similar in type and function.

2. Grouting, sealing and pressure testing of sewer lines, service laterals, and appurtenances.

3. Prune vegetation around existing sewer facilities and within easement areas provided no plants are removed.

4. Locate underground lines and manholes.

5. Repair of emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.

6. Smoke and dye test sewer lines to locate sources of surface and sub-surface water intrusion.

C. WASTEWATER PLANT, SEWER AND WATER PUMP STATION AND OTHER DISTRICT FACILITY SITES

1. Maintenance of existing roads, trails and related drainage facilities, including patching, sealing, overlaying of existing paved areas, and striping.

2. Landscape and revegetate with TRPA-approved species, including installation, repair and replacement of irrigation systems.

3. Pruning of vegetation to maintain adequate site distance and removal of hazardous limbs on roads and trails.
D. SIGNS

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

E. STRUCTURES

1. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repairs or remodeling pursuant to Section 4.2.A. of the TRPA Code.

F. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size.
   b. Swales
   c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class I bike paths, or recreation area.
   d. Rock-lined ditches.
   e. Willow wattling.
   f. Access barriers, i.e., bollards and split-rail fencing.
   g. Installation of temporary erosion control devices.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards.

G. MISCELLANEOUS ACTIVITIES

1. Land surveys, corner recovery, remonumentation and land-line posting.

2. Use of portable instruments for research and monitoring of sewer and water systems.
II. QUALIFIED EXEMPT ACTIVITIES

The following activities of the District are not subject to review and approval by TRPA, provided the District certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation, filling or backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4-7 and/or within an existing paved area, the site is stabilized and/or revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least five working days before the activity commences. For those activities involving in excess of 25 cubic yards of excavation (as provided below), the District shall submit the statement to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. WATER SUPPLY ACTIVITIES

1. Replace existing water lines and service connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, relocation of main lines is within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Repair or replace existing water intake lines, vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, and no increase in size or capacity.

3. Install new water lines and service connections for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which have abandoned their existing well, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity or development potential, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

B. WASTE WATER COLLECTION ACTIVITIES

1. Replace existing sewer lines and service connections for a distance of not more than 750 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, there is no relocation of main lines outside of existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.
2. Install new sewer lines for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

C. WASTEWATER PLANT, SEWER AND WATER PUMP STATIONS AND OTHER STPUD FACILITY SITES

1. Replacement of existing fences, provided there is no increase in height, and the fence is consistent with the TRPA Design Review Guidelines.

2. Tree removal for public health and safety pursuant to Section 71.4.E(2) of the TRPA Code.

3. Install directional and informational signs in District-operated recreation areas, provided the signs are consistent with Section 26.8.A(2) (a), (b), and (c) of the TRPA Code, and an inventory of existing signage for each individual site where additional signage is proposed is completed prior to the installation of any new signs.

4. Regrading and graveling of existing roads, parking lots and trails provided that BMPs are in place, including dust control measures.

D. STRUCTURES

1. Structural repair, remodeling or additions pursuant to Section 4.3.A. of the TRPA Code.

E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code, and an inventory of existing retaining walls is completed prior to the installation of any new walls.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by the District and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.
Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The District shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

TAHOE-DOUGLAS DISTRICT

DATED: __________________________

Chairman
Board of Directors

TAHOE REGIONAL PLANNING AGENCY

DATED: __________________________

David S. Ziegler
Executive Director
MEMORANDUM

November 27, 1991

To: Advisory Planning Commission

From: TRPA Staff

Subject: Presentation on the Regional Transportation Plan - Air Quality Plan Update

Proposed Action: No action by the Advisory Planning Commission is being proposed at this time. Staff wishes to present the draft Regional Transportation Plan - Air Quality Plan and the draft EIR/EIS to the APC and receive comments on the Plan from the APC and the public.

Recommendation: Staff is requesting comments from the APC on the Regional Transportation Plan - Air Quality Plan and draft EIR/EIS following the review by the APC at the December meeting.

Discussion: The Regional Transportation Plan - Air Quality Plan is comprised of five volumes: Volume I - Executive Summary, Volume II - Introduction and Problem Assessment, Volume III - Regional Transportation Plan - Air Quality Plan, Volume IV - Capital Improvement Program, and Volume V - Environmental Analysis. Copies of the first four volumes of the Regional Transportation Plan - Air Quality Plan were provided to the members of the APC in September.


A summary of the Regional Transportation Plan - Air Quality Plan and EIR/EIS will be presented by staff at the December APC meeting.

If you have any questions or comments in regard to the RTP-AQP, please contact Leif Anderson at (702) 588-6782.

/la
11/27/91

AGENDA ITEM V.A.

Planning for the Protection of our Lake and Land
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
RESOLUTION

WHEREAS Vivian Roberts served on the Advisory Planning Commission (APC) as a lay member from September 1988 through June 1991 and with insight, credibility, and understanding, represented the citizens of the State of Nevada; and

WHEREAS Vivian has left the Tahoe area to pursue other interests; and

WHEREAS, since transportation and traffic circulation within the Tahoe Region have long been recognized as the most troublesome problems facing the Region, APC members including Vivian have worked tirelessly to understand the issue and to come up with workable, realistic solutions; and

WHEREAS Vivian played a very active role in the community planning process and, in particular, planning for the future of the Douglas County portion of the Tahoe Region; and

WHEREAS Vivian's love of life, her enthusiasm for each new project, and her wholehearted involvement in numerous activities served as an example to all she met; and

WHEREAS Vivian confidently spoke out on many issues and, with tact and humor, aided the APC in formulating its recommendations to the Governing Board; and

WHEREAS Vivian has earned the respect of TRPA staff and Commission members alike for her dedicated service and consistent participation;

NOW, THEREFORE, BE IT RESOLVED that the Advisory Planning Commission hereby thanks Vivian for her contributions to the planning process and for her efforts on behalf of the citizens of the State of Nevada. The APC wishes Vivian well and hopes that her interest in Tahoe will remain.

PASSED AND ADOPTED this ___________ day of ________________, 1991.

Rob Joiner, Chairman

Teri Jamin, Vice Chairman

AGENDA ITEM VIII A.
WHEREAS Ken Greenwood represented El Dorado County on the APC from February 1990 to October 1991; and

WHEREAS Ken resigned from the APC in November 1991 in order to pursue reassigned duties in Placerville; and

WHEREAS the APC, during Ken's tenure, participated in the review of the first 5-year evaluation of the TRPA Regional Plan (1991 Evaluation); and

WHEREAS Ken's knowledge of hydrology and local planning issues was often helpful in making planning decisions; and

WHEREAS Ken was always prepared to give a lengthy APC member report at the end of each meeting, especially when everyone was anxious to adjourn;

NOW, THEREFORE, BE IT RESOLVED that the Advisory Planning Commission finds that Ken has provided a valuable contribution to the Commission and extends its appreciation to him for the time and energy he has given to the TRPA and the Tahoe Region.

BE IT FURTHER RESOLVED that the Advisory Planning Commission whishes Ken well in all his future endeavors.

PASSED AND ADOPTED by the Advisory Planning Commission of the Tahoe Regional Planning Agency at its regular meeting held on this 11th day of December, 1991 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Rob Joiner, Chair

Teri Jamin, Vice Chair

AGENDA ITEM VIII A.