

**TRPA
APC
PACKETS**

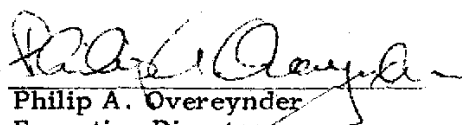
**MAY
1981**

TUES.
10:00 A.M.

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

NOTICE IS HEREBY GIVEN that on May 13, 1981 at
10:00 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.

Dated: May 1, 1981

By: 
Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

May 13, 1981
10:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PLANNING MATTERS

A. Land Capability Challenges

1. Considerations Relative to Geomorphic Units
2. Requirements for Minimum Size
3. Creation of Planning Team to Evaluate Land Capability

} Carry over

B. Assessment of Environmental Impact of Case-by-Case Review of Development on Lands in Land Capability Levels 1, 2 and 3

C. Air Quality Impact Analysis and Development of an Ordinance for Review and Approval of New and Modified Sources of Air Pollution

D. Ordinance Interpreting Article VI(c) of the Compact Limiting Works of Development Within the Region Until May 1, 1983, or Until the Regional Plan is Amended

E. California Department of Transportation List of Specific Activities Exempt from Agency Review and Approval

V ENVIRONMENTAL IMPACT STATEMENT

South Tahoe Public Utility District/Community College Well

VI REPORTS

A. Public Interest Comments

B. APC Members

— Staff — Randy Sheffield

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

April 8, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman John Meder called the meeting of the Advisory Planning Commission to order at 10:08 a.m. and welcomed Lois Shellhammer to the APC as the new lay member from California. Lois explained that, although she had spoken for the League of Women Voters at previous meetings, she was not representing them during her tenure on the APC.

Executive Director Phil Overeynder explained that the Tahoe Transportation District will be asked to recommend a person to sit on the APC.

APC Members Present: Mr. Renz (Douglas County Planning), Mr. Combs, Ms. Bogush, Mr. Smith, Mrs. Smith, Mr. Dodgion, Mr. Schlumpf, Mr. Young, Ms. McMorris, Mr. Bidart, Ms. Shellhammer, Mr. Pyle (present at 10:30 a.m.), Mr. Randolph, Mr. Meder

APC Members Absent: Mr. Milam, Mr. Hoole, Mr. Hansen

II APPROVAL OF AGENDA

Ann Bogush asked that the City of South Lake Tahoe's request for HUD 701 funds be added to the agenda as a clearinghouse review item. Staff explained that this item was not placed on the APC's agenda because the newly constituted Governing Body has not as yet delegated clearinghouse review responsibility to the APC. The item will be scheduled for Governing Body comment this month. Ms. Bogush asked that, while the item could not be acted on by the APC, she would like to have it added to the agenda as a discussion item only.

MOTION by Mr. Bidart with a second by Mr. Dodgion to approve the agenda as presented with the addition of a discussion on the City's request for HUD 701 funds. The motion carried unanimously.

III DISPOSITION OF MINUTES

Lois Shellhammer asked why the APC in its February 11, 1981 discussion on the 208 Plan amendments did not recommend in favor of pier construction prohibitions in prime fish habitats. Mr. Overeynder explained that, while the APC members had commented that pier construction could have an adverse impact on fishery resources, pier construction was not directly related to water quality. Further, it was not appropriate to have a fishery element in the water quality plan but rather to address the matter in a shorezone plan or open space, recreation plan. The APC previously indicated this was not a water quality issue.

MOTION by Ms. Smith with a second by Mr. Bidart to approve the minutes of the February 11, 1981 APC meeting as submitted. The motion carried with Ms. Bogush abstaining.

IV PLANNING MATTERS

A. Review of Plan of Study for Development of
Environmental Threshold Carrying Capacities

Phil Overeynder explained that the starting point for the environmental threshold carrying capacity study mandated by the new Compact was to be the work program developed by the Tahoe Federal Coordinating Council in cooperation with local, regional, state and federal entities. The intent at this point is to update this preliminary work plan and to look at a degree of coordination with other required planning activities. The Federal Government has made a commitment to aid TRPA by providing a project director through the Forest Service as well as contractual assistance for \$225,000 to cover the first year's work program. Public involvement will be a major element in completing the work program.

Glenn Smith, APC member from the Forest Service, explained the threshold level concept and stressed the importance of public input in the establishment of thresholds. The aim of the study is to determine the intensity of uses which can be accommodated while still maintaining a particular element's characteristics. Those elements being studied are air quality, water, terrestrial environments, visual resources and quality of life. Through mitigation, one may show that less of a particular element will be threatened. The study will address the level of activity which can take place without violating any set standards. The technicians with public input will be evaluating the different elements and coming up with models to simulate the thresholds. Following this will be a balancing of the various elements to achieve the best blend to serve the populace in establishing and maintaining the threshold levels. Following that comes the establishment of the carrying capacities. Different areas of the Basin may have different thresholds for the same element; this may be particularly true in the case of water quality. The final product must be scientifically valid but will leave room for some professional judgment.

Mr. Overeynder explained that the newly selected project director would hopefully be present in May to start working with the APC to refine the work program and to present the final program in June. The project director is being selected with the help of the Forest Service; his salary will be paid from Federal funds although he will be considered a TRPA employee and answerable to TRPA. Phil suggested reading the Environmental Assessment report prepared by the Western Federal Regional Council in 1979 as a good background document on the threshold concept for the Tahoe Basin.

To a question posed by Stan Randolph on the timing of the threshold study and the ability to complete the full year visibility study in time to meet the June 1982 completion date, staff responded that the first 2 to 3 months of the program really don't contain a lot of new information and some work has already been completed. To meet the time deadline, there will be an effort to compress 18 months into 13 months which will mean a more accelerated timeline and probably reliance on consultants. Staff has recommended to EPA that work be concentrated in those areas which can be used in the study. The visibility study should be completed to obtain the scientific data to aid in establishing visibility values. Stan explained that the California Air Resources Board was coordinating the visibility study with EPA and would be picking up much of the work with a \$30,000 to \$50,000 expenditure on it from this year's budget.

Glenn Smith advised that the TRPA Governing Body in continued cooperation with Federal agencies has asked that a workshop session be set up between TRPA and Federal agency leaders in June to discuss appropriate roles and coordinated efforts in the Tahoe Basin. Marc Petty of the Forest Service will be putting this together.

C. California Department of Transportation List of Specific Activities Exempt from Agency Review and Approval

Gordon Barrett, Senior Planner, explained that the newly adopted Ordinance No. 81-1 permits public entities to put together lists of minor activities which will be exempt from the preparation of an EIS and TRPA review due to their insignificant environmental effect. Previously TRPA had such an agreement with Caltrans which is now being amended due to the new Compact requirements. The Forest Service is also working up an exemption list. Bob Skidmore, from Caltrans, explained that the recently adopted Ordinance No. 81-1 speaks primarily to building activities in the Basin and is not applicable to Caltrans for many of its activities. The previous MOU between TRPA and Caltrans, although not in all cases applicable to the types of projects undertaken in the Basin, was drafted to meet legal requirements for Federal A-95 review by TRPA, the areawide clearinghouse. The remainder of the MOU in the APC packet outlines the specific projects which previously were exempt from TRPA review.

Phil Overeyender suggested that there was no problem with recertifying the old agreement with regard to A-95 clearinghouse review because what the Agency is looking at from a federal policy standpoint are decisions on the environment. The Agency should, however, carefully screen the projects themselves to insure that any activity in the agreement will not have a significant environmental effect. This kind of a decision is different from a federal policy on funding.

The appendix of Categorical Exemptions included in the APC members' packets was discussed page by page and modifications to the old MOU were discussed and agreed upon. Staff indicated the exemption list would be brought back to the APC in May with final suggestions as recommended by the APC.

B. Technical Review of Draft Environmental Impact Statement for Proposed Amendments to the Lake Tahoe Basin Water Quality Management Plan

The 208 Plan amendments have been assessed in an EIS which has been circulated for public comment. The Governing Body is scheduled to take final action on certification of the EIS this month and APC comments are requested on the adequacy of the document. The addendum to the EIS which addresses the case-by-case review on land capability levels 1, 2, and 3 concludes that: 1) retention of coverage overrides in levels 1, 2, and 3 would have a significant cumulative effect on water quality which cannot be adequately mitigated; and 2) should the Governing Board choose a case-by-case review on lands in levels 1-3 as opposed to only on a level 3, there would have to be some form of additional mitigation measure or pollution offset required. Prior to the Board's certification of the EIS, a finding must be made that the requirements under the Federal non-degradation policy for water quality are being met. The action to be taken by the APC at this point is to conclude that the document circulated for the last 45 days is or is not technically accurate; and, if it has deficiencies, to enumerate those for the Board so they can be rectified. An appropriate action would be to find that the document is technically adequate with the exception of addressing the case-by-case review and, further, that the APC has not had adequate time to address the supplement.

APC REGULAR MEETING MINUTES APRIL 8, 1981

Dick Pyle advised that page 77 of the 208 EIS was not technically accurate as pointed out to the staff in a March 5 letter. The listing of extremely high erosion hazard soil types cannot be supported. These soil types may be high hazard as identified in Dr. Bailey's land capability report, but they are not so identified in the soils report. The Soil Conservation Service would like to see this corrected. Concurring with the mechanics of a case-by-case review of lots in poor capability classes as outlined on pages 22 and 23 of the addendum, Bill Combs suggested that the Governing Body would need to meet more than once a month to handle the work load of a case-by-case review. If the members approve this kind of a procedure, they should be aware of the staff and Board time necessary to complete the task. (Germaine McMorris pointed out that the four lay members from California and Nevada had not been appointed at the time the APC took specific action on the 208 Plan amendments, January 14, 1981.)

Stan Randolph pointed out that the redesignation of the California portion of the Basin for attainment of the ozone standard (as spoken to in the last paragraph on page 67 of the EIR) has been approved and is official as of March 3, 1981 (Federal Register 546 #41). The figure on page 68 showing the Nevada standard for oxidant (ozone) should be amended from 0.12 ppm (parts per million) to 0.10 ppm.

Lew Dodgion asked what physical proof was available to substantiate the statements on pages 21 and 61 of the EIS that the DCSID unlined oxidation ponds were leaking nutrients into the Lake. If proof cannot be given, these references should be qualified with the word "suspected" or taken out altogether. There was general agreement among the APC to amend the reference to read "...these include possible migrations of nutrients from the unlined Douglas County Sewer Improvement District No. 1 oxidation pond, ...". Lew Dodgion commented that this modification would be sufficient to clear up the reference on page 61.

Andy Sawyer, representing the California Water Resources Control Board, advised that any mitigation measures implemented as a result of approving case-by-case review would have to be over and above the suggested remedial program already in play because of the additional nutrient input. There still has to be a net reduction, since maintaining the current levels of nutrient input will not improve the situation. Because Lake Tahoe is "like a sink", nutrients are first deluded and the effects of development are not seen with the first impact. The State Board feels that development in these sensitive and high erosion hazard areas cannot be mitigated. Case-by-case review is not acceptable to the State Board. The draft plan suggests as a means of mitigating economic impacts of not developing in these areas creation of a transfer of development system.

MOTION by Mr. Randolph to recommend the TRPA Lake Tahoe Basin Water Quality Management Plan Draft Environmental Impact Statement for certification with the modifications as discussed (p. 21, p. 67, p. 68, and p. 77). This action does not pass judgment on the supplement (Addendum dated April 1981) since adequate time was not available for proper review. Second by Mr. Pyle. The motion carried unanimously.

D. Discussion of City of South Lake Tahoe Request for Clearinghouse Review of HUD 701 Funds

Ann Bogush explained that the City was applying for 701 funds in the form of a comprehensive planning grant from the Federal Government administered through HUD. The project is

APC REGULAR MEETING MINUTES APRIL 8, 1981

for planning money to carry on the mitigation program which the City committed to for the South Tahoe PUD plant modifications. Although the funding may not be included in President Reagan's budget, the request is being completed in case future funding becomes available. Phil advised that the matter would be on the Board's agenda this month.

V REPORTS

- A. Public Interest Comments - none
- B. APC Members

Stan Randolph advised that the California Air Resources Board was considering redesignation of TRPA as lead agency for air quality planning for the California portion of the Basin. Should no adverse comments be received during the public comment period, this will become effective on May 17. Because of time constraints on the threshold study and the required update of the Nonattainment Air Quality Plan, there will have to be some way to extract information from the threshold planning process to use in the Nonattainment Plan. These revisions will be incorporated into the States' Implementation Plans for submittal to EPA by July 1982. There is a 58 day notice period prior to this date so the plan must be completed by this time next year. The first nine chapters need only minor changes, but chapter 10 needs evaluation of control measures, and this will be complicated by TRPA's other ongoing planning processes. ARB is in the process of passing through \$33,000 to TRPA to continue the planning work for this year. It was pointed out that TRPA's work on air quality should address the more stringent of the federal and state air quality standards as outlined in the bistate Compact.

Dick Pyle advised that funding constraints have eliminated all critical area treatment monies for the Soil Conservation Service.

Phil Overeynder suggested that the APC and Governing Body might consider holding a joint workshop session to define the role of the APC in the Agency's planning program. To date the Board has been reluctant to delegate responsibilities to the APC.

VI RESOLUTIONS - none


VII CORRESPONDENCE - none

VIII PENDING MATTERS - none

IX ADJOURNMENT - The meeting adjourned at 12:50 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

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

DATE: May 5, 1981

TO: The TRPA Advisory Planning Commission

FROM: The Staff

SUBJECT: Land Capability Challenges

Due to the potential application of adherence to the land capability system in determining land coverage allowances, the Agency will be dealing with a greater number of land capability challenges in the future.

Considerations Relative to Geomorphic Units

In the past, the Agency had allowed land capability challenges in all areas of the Basin. A more intensive review of the land capability classification system by Robert Bailey indicates that this approval has been misdirected. The land capability system separated land in the Basin into three geomorphic units: Geomorphic Unit 1 designates high hazard lands and includes approximately 61% of the Basin. This land is primarily located in the mountainous backdrop of the Basin. These high hazard geomorphic units are then directly classified as land capability level 1. Geomorphic Unit 2 and 3 lands were further subgrouped into land capability districts from 1 through 7. The land capability designation of these areas is then based on soils, hydrology, and other natural characteristics of the property. Those lands that lie outside of a high hazard geomorphic classification have been allowed to proceed with a land capability challenge based upon an analysis of slope, soils and hydrologic characteristics. This analysis is not applicable to lands in a Geomorphic Unit 1 as long as the property remains so classified. Any modification to this designation should be based upon the analysis of the geomorphological characteristics and should be based upon an aggregate area generally larger than a single piece of property. Land capability challenges for properties in Geomorphic Unit 1 require a complete geomorphic analysis indicating that an area has been misclassified, and the Agency has formerly approved the geomorphic unit classification change as part of the land capability challenge.

Dr. Bailey pointed out this problem to the Agency and the Governing Body directed that a more detailed geomorphic unit map be prepared to identify Geomorphic Unit 1 areas in more detail. This map has been prepared and has guided staff's review of land capability challenges since. At this time, the Agency has approved one application which relocated the boundary line between a Geomorphic Unit 1 and 2. No applications have been processed to change a Geomorphic Unit 1 to a Unit 2 when the property is entirely surrounded by other Geomorphic Unit 1 land. Staff is requesting reaffirmation of this procedure by the new Governing Body.

Considerations Relative to Minimum Size

Also relative to land capability challenges is a question regarding recognition of small areas as separate land capability districts. The Agency has allowed reclassification of land based only on a detailed analysis of the particular property making application. This procedure has been used on small lots and on large parcels. In some cases, this procedure was allowed on such small lots that the separate land capability districts identified in the submitted reports were less than 5,000 square feet in size. As such, these areas cannot be realistically considered as separate land capability districts but more as inclusions (or pockets).

The original designations of land capability districts were based on 20 to 40 acre grids and were not meant to be responsive to small areas of variation. Land capability challenges take on two general forms. One seeks an adjustment of a capability district boundary where the placement of the boundary line has included a property in the wrong district. These applications, based upon topographical maps and soils reports, request the Agency to recognize the correct characteristics and to reclassify the property by adjusting a capability boundary. The Agency can determine if the boundary has been misplaced and approve or deny the request based upon review of the specific site.

The second type of application is called an inclusion, and requests the Agency to recognize areas of higher capability on a specific property. These requests are not based upon challenging the specific boundary line placement but seek reclassification based upon the identification of smaller areas which may have the characteristics of higher land capability classifications. In these cases, the Agency is being requested to recognize what may be minor land variations that are not wholly separate and distinct land capability districts.

The Soil Conservation Service had indicated that recognition of small areas (or inclusions) of soil types is not consistent with the criteria utilized in mapping soil classifications. Under the National Cooperative Soil Survey Guidelines, the smallest separate soil unit that is recognized is 5 acres. This is considered to be a minimum area upon which a determination of uniform natural characteristics, erosion hazard, and runoff potential can be based. Dr. Bailey's report also concludes that the final designation of a property should be based upon a site analysis and not strictly on its mapped designation. He further recommends that the analysis include an analysis of the area surrounding the property and not be solely based on individual properties.

Application of a 5 acre minimum would substantially alter the current procedure for processing land capability challenges and would require a much larger area to be analyzed. It would also eliminate recognition of small pockets of higher capability land based only on a microscale analysis with no investigation of the entire land capability unit.

A corrolary to this discussion is the designation of stream environment zones (SEZ's). As has been discussed in reviewing SEZ projects, the Agency's land capability maps do not delineate SEZ's in a land capability district 1B in all areas, although the text of the land capability system indicates this as the proper procedure.

Below is an excerpt from Dr. Bailey's report:

"...because of the small scale of the map and the maps from which it was compiled, land capability levels within individual map units may not be uniform. For example, flat valley floors locally contain riparian zones along stream courses that meet the criteria for class 1b, although shown on the map as class 7. It is therefore necessary that the final land capability classification for individual parcels be based on detailed site evaluation and more detailed application of the classification criteria."

In the past the Agency has attempted to direct development away from SEZ's but has not considered the SEZ portion to be reclassified to level 1b thereby reducing the allowed land coverage to 1%. In reviewing projects prior to the Compact revisions, the Agency allowed the existing land capability designation to remain and permitted this coverage to be aggregated and used in areas outside the SEZ. This has allowed development to occur utilizing land coverage transferred from environmentally sensitive areas that are inaccurately designated under the land capability system.

On all properties containing an SEZ, the Agency requires an accurate delineation of the SEZ boundaries. The Governing Body could require that these areas be classified as land capability level 1b and the permitted land coverage established accordingly; or, as is the current policy, recognize only those level 1b areas that are currently delineated on the Agency's land capability maps.

Creation of A Planning Team

Agency staff is requesting authorization from the Governing Board to form a planning team of paid consultants to review land capability challenges. This team would include consultants with expertise in soils, hydrology, vegetation and geology. It would be their duty to review applications from individuals and prepare reports with a recommendation for the Board's consideration. The cost would be assumed by the applicants via a filing fee. This process would eliminate the various reports now required from the applicants unless special circumstances would require a more extensive analysis. This process would be consistent with the process being utilized by the CTRPA and could be combined with that process if the Governing Body so desired.

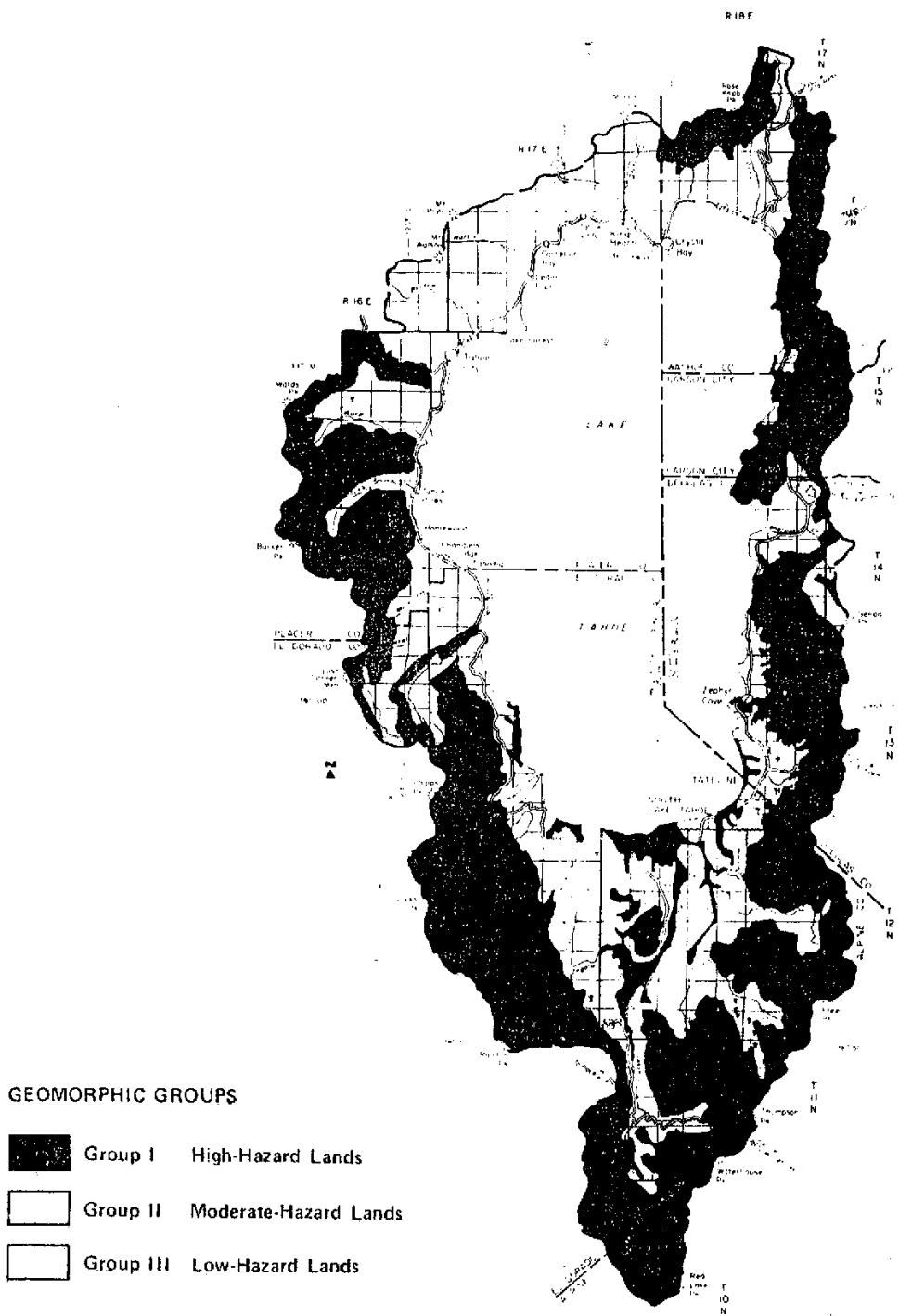


Figure 7. -- Geomorphic groups are related to land capability in the Lake Tahoe basin in this map. Areas where natural features or processes pose varying degrees of hazard based on either geologic, soil, or geomorphic conditions are indicated. Darkest pattern shows land most restrictive to use and development.

TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: May 6, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Case-by-Case Review Assessment

The Governing Body held the 208 EIS public hearing in April and listened to substantial public input requesting a case-by-case review. The Governing Body directed that the staff respond to the public input and develop an alternative which would permit a case-by-case review and still achieve water quality standards. A meeting has been scheduled for May 6 to develop the elements of a case-by-case review consistent with this objective. Staff will report on the results of the meeting on May 13.

The Governing Body is requesting the APC's comments and recommendations prior to its consideration of the amendments and a case-by-case review alternative.

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TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: May 5, 1981

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: An Ordinance for Review and Approval of
New and Modified Sources of Air Pollution

The 1979 Lake Tahoe Air Quality Plan, approved by the TRPA Governing Body in March 1979 provided for an ordinance to review new and modified sources of air pollution as a control strategy for maintaining the carbon monoxide air quality standard. The Governing Body did not adopt an ordinance at that time. The CTRPA adopted an ordinance and has been implementing it on the California side of the Basin.

In February, 1981, TRPA approved for use an initial environmental report setting forth criteria for determining if a proposed facility must complete an EIS for transportation and air quality. TRPA has not developed an ordinance to implement Articles VI(a), VI(b), and VII(d) of the revised bistate Compact. The intent of the staff in proposing an ordinance such as this one is to implement these articles, to adjust the review criteria for different geographic areas based on the current air quality levels, and to develop one ordinance that can be implemented for the entire Basin.

Staff will be prepared to discuss the proposed ordinance in both concept and detail with the APC and will be soliciting comments and direction at the meeting on the 13th.