

**TRPA
APC
PACKETS**

**APRIL
1984**

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

April 11, 1984 9:30 a.m.
April 12, 1984 9:30 a.m.

NOTE: The APC Subcommittees will meet on Wednesday, April 11, 1984 to discuss ordinance review upon reaching Item V C.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV ADMINISTRATIVE MATTERS
 - A. Election of Advisory Planning Commission Vice Chair
 - B. Seating of Tahoe Transportation District Representative
- V PLANNING MATTERS
 - ~~A.~~ Status of Regional Plan - Governing Board Action on Adopting Ordinance
 - ~~B.~~ Distribution of Bitterbrush Environmental Impact Statement
 - ~~C.~~ Subcommittee Meetings on Ordinance Review
 - ~~D.~~ Subcommittee Reports
 - 1. Water and Air Quality Mitigation Fees
 - 2. Other
 - E. Plan Area Statements Update
 - F. Design Review Guidelines Update
 - ~~G.~~ Land Capability Mapping Update
 - ~~H.~~ Transportation Planning (Section 8) Status Report
 - I. Other
- VI PUBLIC HEARING
 - ~~A.~~ Tahoe Regional Planning Agency Code of Ordinances
 - ~~B.~~ Tahoe Regional Planning Agency Plan Area Statements

VII REPORTS

A. Staff Reports

1. Status of Proposed Lake Fishery Study

B. Legal Reports

C. Public Interest Comments

D. APC Members

1. Redevelopment Financial Feasibility Study Report

VIII RESOLUTIONS

IX CORRESPONDENCE

X PENDING MATTERS

XI ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896
South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

MEMORANDUM

April 4, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff
SUBJECT: February 8, 1984 APC Minutes

The February 8, 1984 APC minutes were distributed at the March meeting, however, they were continued to April. Please include these minutes with your April packet.

The March 14, 1984 minutes were not ready to include with the April packet, but every attempt will be made to complete them prior to the meeting.

/md

APC Agenda Item III

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896
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MEMORANDUM

April 6, 1984

TO: TRPA Advisory Planning Commission
FROM: Agency Staff
SUBJECT: March 14, 1984 APC Minutes

Please include the attached March 14, 1984 APC minutes in your April packet.

/md

APC Agenda Item III

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

March 14, 1984
9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Ann Bogush called the meeting of the Advisory Planning Commission to order at 9:45 a.m. Ms. Bogush noted that APC member Roy Hampson was present. Ms. Bogush also introduced Gary Agid and Jim Ryerson, California Air Resources Board. It was also noted that Mr. Agid would replace Stan Randolph on the Advisory Planning Commission, and Mr. Ryerson would assume Mr. Randolph's duties at the Air Resources Board.

APC Members Present: Ms. Temple, Mr. Renz, Mr. Combs (arrived at 9:50 a.m.), Mr. Hoole, Mr. Agid, Mr. McMullen (arrived at 11:05 a.m.), Mr. Hoefler, Mr. Hampson, Mr. Dodgion, Ms. McMorris, Mr. Hansen, Mr. Poppoff, Ms. Bogush

APC Members Absent: Ms. Sparbel, Mr. Pyle, Mr. Curtis, Ms. Michael, Mr. Harper

II APPROVAL OF AGENDA

There were no changes to the agenda.

III DISPOSITION OF MINUTES

The APC received the February 8, 1984 minutes just prior to this meeting and did not have a chance to review them. The minutes were continued to the April APC meeting.

IV PLANNING MATTERS

A. Summary and Discussion of Final Goals and Policies Plan

The Amended Final Draft of the Regional Plan for the Lake Tahoe Basin Part I: Goals and Policies was distributed to the APC. Senior Planner Gordon Barrett noted that the errata sheet contained further amendments. It represents the latest thinking of the Governing Board and what is being proposed for adoption at their upcoming meeting. Mr. Barrett pointed out that the Governing Board made some changes regarding: (1) the Transfer of Development Rights (TDR) program in which the wording under phasing was made a little more liberal to include all TDR; (2) the second amendment was a technical change; and (3) under the Monitoring and Evaluation Subelement, the wording was expanded to indicate that prior to Phase II the Agency will evaluate existing and proposed management practices.

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Mr. Barrett explained that under the Land Use Subelement on page 9 staff added the development limits of the Plan noting the 2,700 multi-residential bonus units and that 1.1 million square feet of gross commercial floor area for the next 20 years. The basic density would be one unit per lot or parcel, plus the multi-residential, plus the commercial, with no particular limits on public service or recreation, and that only 500 bonus units may be used outside of redirection areas.

On page 10 under the subdivision section Mr. Barrett pointed out the Governing Board decided to limit TDR subdivisions to tourist accommodation units. In other words, TDR cannot be transferred for a condominium development; it can only be transferred for either a timeshare development or apartments. Mr. Barrett explained that Policy 8 was added which redefined the intent of what was meant by redevelopment. The wording was geared toward existing subdivision law and existing disturbed areas.

Referring to page 14, Mr. Barrett stated that the Governing Board agreed that commercial uses may be permitted additional land coverage beyond the 50% limitation up to 70% of the parcel area through the transfer of land coverage provisions. Pertaining to regional public facilities on page 15 the wording was changed to relate to the 50% usage and to allow coverages for linear type facilities beyond the 50% limitations through TDR.

Narrative was added on page 74 which explained that transportation plans and programs would be coordinated and developed in cooperation with all regulatory and transportation agencies.

Mr. Barrett summarized the Governing Board's policy direction pertaining to development on land capability districts 1-3 on page 89. For the next 5 years there is a prohibition of development on environmentally sensitive lands in capability classes 1-3. During this period the TRPA will conduct a thorough evaluation of the environmental consequences of development in these areas, and of the options available to land owners, before deciding what policies should apply during later phases of the plan implementation. The TRPA shall establish a single family residence evaluation system, or point priority system, on or before January 1, 1985. On August 1, 1985, applications for single family dwellings in land capability level 3 may be accepted for processing, up to 75 lots in Nevada and 25 lots in California, which may be approved for construction as of May 1, 1986. On August 1, 1986, applications for single family dwellings on lots mapped in land capabilities 1-3 may be accepted for processing up to 75 lots in Nevada and 25 in California, which may be approved for construction as of May 1, 1987. This same procedure will apply to up to 75 lots in Nevada and 25 lots in California which may be accepted on August 1, 1987 and approved for construction after May 1, 1988. The TRPA will continue to use the CTRPA evaluation system (which is a site inspection) until the single family evaluation system is adopted by the Agency on or before January 1, 1985. It is staff's intent to have this system on line as part of the adopting ordinances by this summer.

Mr. Barrett explained the changes under the Implementation Element on page 122 that the Governing Board agreed to. Mr. Barrett also pointed out on page 125 Policy 3 was added in detail: that until the single family residence evaluation

system is adopted, the 1982 California side development criteria will be used to evaluate single family residence projects. On page 126 the 1,800 new permits for a three year period for residential units was included in the allocation system. The policy that had to do with reserving a certain amount for redirection, which included redevelopment or TDR. That reservation was deleted by the Board and at this point it is voluntary. Mr. Barrett further explained Policy 4 on page 127, dealing with the issue of development of 100 single family units (75 in Nevada and 25 in California) on land capability classes 1-3, was reworded to match the Board's direction.

Mr. Barrett pointed out that the List of Permitted Uses, Attachment B, Table 3-7 had been expanded to reflect the latest thinking and replaced the previous permitted use table.

Acting Executive Director, Gary Midkiff, stated that staff anticipates the Board will go for first reading of the Ordinance Adopting and Implementing the Regional Plan at their regular March meeting and second reading in April. It is also hoped that the completed Plan Area Statements will be final and adopted by July 1, 1984. Staff will continue working on the Code of Ordinances and adoption is anticipated shortly after that.

B. Subcommittee Reports on Ordinance Review

1. Transportation/Air Quality

Section 8.01.00.0 Inspection and Maintenance

David Ziegler, Chief of Long Range Planning, reported that he had been representing the staff on the Transportation/Air Quality Subcommittee. There was agreement from the subcommittee on what had been presented so far in the draft dated March 6, 1984. The subcommittee met the day before the APC meeting to further detail minor language changes and include some of the backup material in the document. Mr. Ziegler pointed out that APC action would not be required at this time but that staff was looking for input on what had been suggested by members of the subcommittee.

Mr. Ziegler stated that he did not think that the Agency should retreat from the Inspection and Maintenance (I/M) program. It is part of the Air Quality Plan and a major element of the Regional Plan, and would undo a great deal of work that has already been done in the air quality area over the last three or four years. Mr. Ziegler also stated that it is recognized that this is an unpopular program. The public is not eager to have their cars inspected, but the Agency will have to do the very best we can to inform and educate the public, and also try to make the system as easy as possible for the public so that it does not become a burden on them. The Agency will request through the state legislature, that California and Nevada implement their state programs in the Basin, rather than the TRPA setting up its own I/M program.

Mr. Ziegler explained that the original drafts of this ordinance addressed what is known as a loaded test for nitrogen oxide (NO_x) emissions which involve placing a car on a chassis dynamometer - a drive-on type of device. The technology has not been proven at this point and the only other area nearby

using this method is Los Angeles South Coast Air Basin. Staff's position is to evaluate what their experience is with the chassis dynamometer over a three or four year period; if the results look good, if it would be a cost effective way to deal with the NO_x emissions, and if it is transferable to the Tahoe Basin. However, through^x the state program, staff wants to proceed with the underhood inspection which is just a check by the operator to see if all the smog equipment is in place and appears to be working properly. Staff felt that the underhood inspection would satisfy the need for an NO_x test until there is more proven technology that can be brought into the Basin^x. The states will be doing their standard CO and hydrocarbon testing and it will be a decentralized program implemented by the states.

Mr. Ziegler pointed out there is a question as to whether the states will have budget problems with this I/M program. The alternative if TRPA is going to implement the I/M program raises the issue that the Agency would have to certify garages, train and certify mechanics and have a certified training program. The Agency would have to contract with one of the major universities, such as Colorado State University in Fort Collins, to develop a certification program which could get very complicated, expensive, and could take four or five years to accomplish. The Agency would be in a much stronger position if staff could proceed with a state implemented I/M program that everyone would have to adhere to. The way the ordinance is presently written, if the states do not implement I/M in the Basin by a set date then the TRPA will proceed to implement a program that meets the requirements.

Mr. Agid stated that the Agency is suggesting an annual I/M program. California's current program in other parts of the state is a bi-annual program. Mr. Ziegler stated that legal counsel is concerned that the two programs on both sides of the Basin be substantially the same and, he added, when the Agency goes to California for the necessary legislation staff will ask for an annual rather than a bi-annual program in the Tahoe Basin.

Mr. Randolph stated that at present Tahoe has no legislation that allows them to ask for this and to get the assistance that may be needed to certify mechanics in the Basin. The California bill as presently written authorizes six areas in the state to request the assistance of the Department of Consumer Affairs and its Bureau of Automotive Repair (BAR) to implement a program in those areas. Mr. Randolph suggested that to do this the Agency will have to get some trailer language on a motor vehicle bill that will be going through the legislature.

TRPA legal counsel, Susan Scholley clarified that the problem is not that the Agency cannot implement an I/M program. The problem is that reasonably the Agency cannot enforce it. The only way to enforce an I/M program would be to have the two states withhold the registration upon a showing of compliance. Ms. Scholley explained that presently staff is working on getting the ability of the Department of Motor Vehicles to withhold the registration until they are shown TRPA compliance.

Section 8.02.00.0 Water Heaters

Mr. Ziegler explained that a certification approach would be taken to eliminate emissions from water heaters and space heaters. The Agency put together a 5

pronged enforcement approach and the bottom line is that it will be illegal to offer for sale for installation in the Tahoe Region any non-certified units. A practical approach would be to work with local governments on their building codes to require a permit for the certified units in as reasonable and effective way as possible.

Section 8.03.00.0 Space Heaters

Mr. Ryerson commented that an issue that has been raised is the indoor home generated air pollutants. One thing that studies have shown is very easy to deal with is some of the emissions from space heaters and water heaters in the home. It is relatively simple to design a more efficient, less polluting burner. Mr. Ryerson also thought that the problem will diminish over time as more of these burners go in and they tend to be more energy efficient. Rick Moss, California Air Resources Board, confirmed that the requirements for this program had been modeled from the South Coast Air Basin which had a similar ordinance. He did not think that there would be a problem with the manufacturers meeting the standards in the Basin. Mr. Ziegler stated that the South Coast Air Basin is a large market with millions of people, compared to Tahoe, and that we would probably be okay as far as the manufacturers reactions were concerned. Mr. Ziegler added that one issue that still needed to be resolved was whether a burner that works well at sea level will also work well at altitude. This will need to be researched and coordinated further with the manufacturers.

Section 8.04.00.0 Residential Wood Heaters

Mr. Zieger stated that the approach for residential wood heaters was similar to that for water heaters and space heaters for a certification type program. It is the same type of program that is being put into effect in Oregon; Aspen, Colorado, and other areas that have experienced problems with wood smoke. The manufacturers of woodstoves have a substantial market in Oregon and the Agency is having the same rules apply in the Basin. The manufacturers will not have to do anything special to meet our requirements, and many of the woodstoves presently sold in the Basin would meet these tests.

Mr. Poppoff stated that he had no complaint with regulating wood burners for less pollution, but it seemed to him that one residential wood heater for each residential unit may not be practical because of a safety issue of using wood burners in the Basin. When the power goes out for an extended period of time the wood heater is the only thing to produce heat; not all residences will be designed to heat with one wood heater, and he felt this restriction was too stringent, if not impractical. Ms. Bogush commented that people prohibited from having one wood heater may bootleg in a second one. Mr. Ziegler responded that this issue will be discussed further with the subcommittee and the building departments. Mr. Ziegler also mentioned that the relationship between wood heaters, housing codes and the fire prevention is a problem area. The subcommittee agreed to continue working with the local building departments and their codes to encourage all feasible safety requirements be added to those codes. Since these stoves are for sale in the Basin it is not the TRPA ordinance that is causing the safety problem. The problem exists and the Agency recognizes that by saying that in addition to carry out the air quality goals staff will at the same time look into the safety angles.

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Ms. Bogush commented that the I/M section addressed establishing a public awareness/education program, and she suggested that this program should also be included in the sections for water heaters, space heaters, and wood heaters.

Mr. Hoefler pointed out that the periodic wood cutters guide that the Tahoe Daily Tribune publishes would be an excellent media for discussing wood stoves. Mr. Ziegler stated that the subcommittee recognized the public awareness program will have to be a continuous barrage of information.

Mr. Hampson asked if the same coordination was being made with wood heater manufacturers as that with space and water heater manufacturers? Mr. Ziegler explained that Dale Neiman, past Senior Planner with the Agency, Earl Withycombe, Consultant to the Lake Tahoe Air Basin Control Center, Barbara Maco from the Environmental Protection Agency, and several other people who are working with Agency staff attended a major wood smoke conference in Oregon several months ago. Through that conference they made contacts with the state people who regulate wood stoves and wood burners in that area, and Mr. Ziegler thought that by extension with the manufacturers. Staff is counting on what those people learned at the Oregon conference in putting this program together.

Mr. Midkiff pointed out that there is a threshold that calls for reduction of wood smoke emissions by 15% of the 1981 base values. If new fireplaces, wood stoves, or other heating units are going to be allowed in new structures then some limitations will have to be put on them. The use of technology, management practices and educational programs are specifically included in that threshold.

Section 8.05.00.0 Open Burning

Mr. Ziegler reported that the subcommittee agreed, at least in concept, to rewording what types of open burning to regulate and not to regulate. Mr. Ziegler explained that the Agency wants to prohibit the burning of trash in the Basin, including pine needles, leaves, debris, and unnecessary burning of litter through this ordinance. As a condition, to get the fire chiefs to agree to this provision, the Agency also has to agree that we will push for a mandatory and unlimited trash pickup in the Basin.

Mr. Hansen stated that he could not concur with the prohibition of burning non-combustible trash in the Basin, such as pine needles and slash material. He also stated that there would be more emissions coming from the trucks hauling the trash away, and he wanted to know who was going to pay to have it hauled away?

Mr. Hoefler commented that outdoor burning does contribute a tremendous amount of smoke. It is inefficient burning, frequently under less than desirable conditions, partly because of what burning permits require. The result is a lot more smoke than if it was burned in a wood stove because it is being burned at less than desirable temperatures. Mr. Hoefler pointed out this also creates a nuisance for the fire agencies to deal with this type of situation. There is a certain amount of litter cleanup that is required by state law which will have to be dealt with. Mr. Ziegler added that that litter could be easily composted someplace and turned into a useful product, rather than being burned and turned into a pollutant.

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Ms. McMorris agreed that open burning is an air quality problem that should not be allowed. She suggested that by putting the material into trash bags and having it taken away should not cause that much of a problem.

Mr. Ziegler suggested that staff could put together some documentation on all the different regulations, and possibly the subcommittee can take another look at them to determine the more reasonable controls. Mr. Ziegler also pointed out that: (1) the burning of trash, litter and debris is illegal; (2) forest management burning is legal under certain requirements; and (3) recreational fires, ceremonial fires, and cooking fires are legal.

Section 8.06.00.0 Air Quality/Traffic Mitigation Program

Mr. Ziegler stated the idea here was similar to the existing program already in effect that new development has to mitigate the air quality impacts, generally by paying a fee. Staff is working on a fee schedule based on an analysis of two issues: (1) fair share charge for new vehicle trips; and (2) a reasonable fee in terms of ability to pay. By balancing these two issues staff will prepare a fee schedule.

Mr. Ziegler further stated there are a number of entities that have difficulty making cash contributions to funds (e.g., the Forest Service, perhaps local government, regulated utilities).

Mr. Hampson referred to Section 8.06.01.0 Program Requirements (c) for commercial and public projects that will result in an increase of new trips that generate more than 1,500 vehicle trips for the peak 24-hour period shall complete an environmental impact statement. He noted that this is a major project and there was no mention of mitigation. Mr. Randolph responded that it could be added in, but it would already be required in the environmental document.

Mr. Hansen addressed his concern about charging these mitigation fees for new residential projects adding that it is a tax on a tax. Mr. Ziegler responded that the feeling of the subcommittee was it is clear in the Goals and Policies the mitigation fees would be required. In the economic modeling of the feasibility of TDR, staff found that the fluctuations in the mitigation fees in the range of \$500-1000 don't really affect project feasibility all that much; there are so many other costs that are so much larger that the fees don't really make or break a project.

Mr. Combs asked how the conversion of use of commercial facilities would be monitored and will the Agency get into business license review to know who is changing tenants? Mr. Ziegler stated he thought the TRPA would deal with those as they came before the Agency for a permit. The subcommittee has addressed this issue and has taken the position that when a commercial operation vacates a building the vehicle trips stay with the building and the person who is relocating his business has to pay a mitigation fee on the vehicle trips at the new location. Mr. Ziegler stated that there has been some input that it would be more fair to say that if a business moves from one location to another they can take their vehicle trips with them and they don't have to pay a new mitigation fee. But then what happens when the new business comes into the old shop then a mitigation fee has to be paid, and there will still be difficulties either way.

Mr. Renz asked how the Agency would know when a person would be relocating his business if there is no permit being drawn? Mr. Ziegler responded we don't and that is something that the subcommittee should think about. The theory behind the policy that the vehicle trips stay with the building is that the traffic impacts of commercial development tend to be very localized and to allow somebody to take their vehicle trips from one end of town to the other end is a simplification of the impact of that move. Mr. Barrett added that it has been in practice to date and the key provision is Ordinance 81-1 as defining what is a project. Staff realizes that there were places where uses could change that would not require a permit.

Section 8.07.00.0 Stationary Source Review

Mr. Ziegler stated the purpose of this rule was to prevent locating a new stationary source of air pollution in the Basin without meeting the requirements of this ordinance and that large sources are prohibited. Medium size sources will be subject to environmental assessments/environmental impact statements, and small sources basically will not be regulated. Mr. Ziegler also stated that on the last page of the draft ordinance the numbers were left blank because the subcommittee was unable to answer what types of projects would be cut off by the numbers that were in the previous drafts. The subcommittee also felt that additional research was needed for emissions from various examples of stationary sources and then set the cutoffs to the types of facilities that would be affected.

Mr. Ziegler pointed out that an issue was raised by the subcommittee of whether the Agency wants to regulate standby generating facilities owned by public works entities. As an example Sierra Pacific Power has standby generators on the north shore that may or may not meet the Agency's stationary source rules; the fire departments have a number of standby generators. It was generally felt that as far as a commercial enterprise like a casino having a standby generator would be allowed because they can meet these rules and can financially afford it. As far as the fire department meeting these same rules, there may be a reason for an exemption for an emergency standby generator.

Mr. Hansen asked how the Agency would differentiate the exemptions between a casino, a public entity, a ski area or anyone else because of cost? He also commented that if there is going to be one standard for a standby generator then the standard should be for all. Mr. Ziegler responded there was a distinction between a commercial enterprise and public works. A fire department does not charge people a fee to use their facility; they are supported by the people of the community and it might be unreasonable for them to have to meet certain stationary source rules. Mr. Poppoff added that it may be unreasonable to ask any of them because there are safety features of the standby and you would want to encourage them.

Mr. Hansen stated that he felt if it was an emergency standby generator the Agency should not have to regulate it and he was aware of the tremendous cost factor to operate them. Mr. Hansen also stated that he would not be opposed to the APC regulating primary sources of power, but standby sources of generating power should not be regulated with respect to the casinos, the hospitals, or the South Tahoe Public Utility District, as those generators are only used as auxiliary source of power, and not used as primary source of power. Mr. Hansen also suggested substituting the language emergency for auxiliary.

Ms. Bogush stated that the City of South Lake Tahoe was redoing the disaster emergency preparedness plan and there are hardly any generators on the south shore. Public agencies need to buy more generators because it would be totally disastrous if there was no backup power for the major public facilities.

Mr. Ziegler clarified that the idea would be not to regulate the emergency generating facilities but to regulate the primary sources of power.

Mr. Ziegler stated that it had been suggested by Gary Agid to invite the Bureau of Automotive Repair to present a briefing on I/M in California to the APC. Mr. Ziegler also stated that staff/subcommittee is about 60 days away from having a final ordinance for the APC to vote on.

Mr. Poppoff commented that a reference under Program Requirements (Section 8.07.01.0) was made to AP-42 and he suggested that when a reference was made in the ordinance it would be helpful to also include where the reference can be found. Mr. Ziegler explained that under Section 8.00.03.0 all of the documents referred to in the ordinance will be made available at the office for review and reproduction.

Mr. Hoefler noted that if the APC members have specific comments they could give them to the subcommittee. Mr. Ziegler added that the comments could be given to either him or Rick Moss.

Ms. Bogush noted that following the Resource Management report the APC would discuss how the ordinances would be processed after they had completed review of the content. She explained that the ordinances will go to legal counsel for further review and that, if necessary, legal changes will be made. The APC should decide if they want the ordinances to come back to them, whether they want to have the APC subcommittees look at the ordinances, if there were substantial changes have it come back and if there were no substantial changes then have it go to the Governing Board.

Mr. Midkiff encouraged the APC to try to make the process work as efficiently and expeditiously as possible by working out detailed discussion and to address their concerns through the subcommittee members so that they could perhaps deal with those concerns before it comes to the full APC.

2. Resource Management

Senior Planner, Dave Greer reported that the chairman of the Resource Management Subcommittee was Jon Hoefler. The subcommittee completed review and discussion on the Grading Chapter and the Resource Management Chapter of the codified ordinance, and Mr. Greer explained that all of the chapters give a general introduction or an explanation of purpose. Mr. Greer briefly summarized the major sections and subsections of the Grading Chapter 5:

Section 5.01.00.0 Special Information Report Requirements

When detailed studies or information may be required to help assess review of grading proposals of subsurface investigations.