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TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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 October 11, 1989, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Round Hill, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that, at the conclusion of the October 11 sesssion, the Advisory Planning Commission will continue the meeting to Wednesday, October 18, 1989, at the TRPA office, 195 U.S. Highway 50, for the purpose of conducting the public hearing and acting on the Final EIS for the Caltrans Emerald Bay Slope Stabilization and Highway Improvement Project.

October 2, 1989

By: Gary D. Midkiff
Gary D. Midkiff
Acting Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50 — October 11, 1989 9:30 a.m.
Zephyr Cove, Round Hill, Nevada — October 18, 1989 9:00 a.m.

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 38 (Tracking, Accounting and Banking) Regarding Banking Procedures by Public Agencies

B. Adoption of Threshold Indicators and Related Items for Scenic Resources (Chapter 32 of the Code of Ordinances)

C. Amendment of Chapter 4 to Adopt an MOU With Pacific Bell on Exempt Activities

D. Technical Adequacy and Certification of the Final EIS for Caltrans Emerald Bay Slope Stabilization and Highway Improvement Project - (This item will be discussed and acted on at the continued APC meeting on Wednesday, October 18, 1989, at 9:00 a.m.)

V PLANNING MATTERS

A. Recommendation on Amendments to Article VII (Advisory Planning Commission), Rules of Procedure

B. City of South Lake Tahoe, Substitute Sign Ordinance

C. Recommendation on Regional Plan Amendment, Man-Modified Determination for William Chambers, Washoe County APN 129-500-04

VI REPORTS

A. Acting Executive Director

B. Legal Counsel

C. APC Members

D. Public Interest Comments

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

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M E M O R A N D U M

October 3, 1989

TO: TRPA Advisory Planning Commission

FROM: Susan E. Scholley, Agency Counsel

RE: Amendment of Chapter 38 (Tracking, Accounting and Banking) Regarding Banking Procedures by Public Agencies

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BACKGROUND: When the TRPA Code was adopted in May 1987, Chapter 38 provided a system for "banking" or storing land coverage and units of use. The banking system uses assessor's parcel numbers to set up accounts and track such transactions.

Although using parcels works well in the private sector, APNs do not always work well for local governments and certain state agencies. Local governments and state highway departments face unusual problems in coverage banking because of the types of property interests they hold and the laws which govern such interests.

For example, local governments own public roads and the corresponding easements. When the local government vacates the road and removes the coverage, the underlying property automatically reverts to the adjacent property. The current banking system has no mechanism for crediting the removed coverage to the local government absent a transfer to another parcel in the context of a project approval. Unfortunately, it is not always possible or feasible to match such coverage removals with a project.

PROPOSED ORDINANCE AMENDMENTS: In order to accommodate the unique needs of local governments and the state highway departments, TRPA is proposing to amend the Code to allow such entities to set up an account for the purpose of receiving coverage and units of use. Coverage and units of use could be deposited in the account and held there for future transfers.

New subsection 38.3.F would read as follows:

38.3.F Non-Parcel Accounts: TRPA may create a separate non-parcel account for each county and city and state highway department for the purpose of receiving and crediting land coverage and units of use for future

use or transfer. The sending parcel shall be restored and retired in accordance with Chapters 34 and 20, as applicable. The non-parcel account shall be in accordance with this Chapter except that the account file number shall not be an assessor's parcel number and certain other basic data and information may not be applicable.

DISCUSSION: The proposed amendment permits TRPA to create non-parcel accounts for local governments and state highway departments for the sole purpose of receiving and holding coverage and units of use. The amendments do not change any other applicable rules relating to land coverage/unit of use banking or transfers. By freeing local governments and the state highway departments from the need to transfer coverage/units of use from property to property, the implementation of TRPA programs will be facilitated. Specifically, these amendments will encourage and facilitate the removal and banking of coverage for future use.

ENVIRONMENTAL DOCUMENTATION: The proposed amendments do not have any significant environmental effect because they are purely administrative in nature.

RECOMMENDATION: These amendments are scheduled for a noticed public hearing before APC although a draft was not available 20 days prior to the APC meeting. A second public hearing will be held at the October 25-26, 1989 Board meeting. Staff asks APC to recommend the above amendments to the Board for action at its October meeting.

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MEMORANDUM

October 2, 1989

To: Advisory Planning Commission

From: TRPA Staff

Subject: Public Hearing and Recommendation - Adoption of Threshold Indicators and Related Items for Scenic Resources (Chapter 32 of the Code of Ordinances)

Background: Following Governing Board adoption of the Scenic Resources Management Program, staff proposes amendments to the document entitled Compliance Measures List and Related Information and Analysis in order to add information regarding scenic resource thresholds. Proposed language is located in Attachment A.

Discussion: According to Article V(d) of the Compact, the Regional Plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the Region for which they are applicable. Each element of the plan, where applicable, shall identify the means and time schedule by which air and water quality standards will be attained.

Chapter 32 of the TRPA Code of Ordinances establishes the process to identify the means and time schedules for attaining and maintaining the TRPA thresholds and other applicable local, state, and federal standards. For each threshold (or applicable local, state, and federal standard) TRPA must identify a corresponding indicator, target attainment dates, interim targets and evaluation intervals, and applicable compliance measures and document the effectiveness and adequacy of the compliance measures.

The following is a brief summary of the provisions of Chapter 32:

32.3.A Indicators. TRPA shall identify indicators for each threshold, with appropriate measurement standards (i.e., units of measurement). The indicators may be regional or sub-regional.

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AGENDA ITEM IV.B

32.3.B List. TRPA shall maintain a list of the indicators.

32.3.C Current Status. TRPA shall list the status of each indicator and, where reliable data are lacking, shall identify a program and timetable to provide reliable data.

32.3.E Additional Factors. TRPA shall identify and report on the status of additional factors (i.e., factors in addition to the listed indicators) which may be useful in evaluating threshold attainment and maintenance.

32.4.A Target Dates. Within 120 days of the effective date of the Regional Plan, TRPA shall list each threshold or standard that is in attainment, and establish target dates for attainment of all other thresholds and standards.

32.4.B Interim Targets. At the same time it sets the target dates, TRPA shall identify major evaluation intervals correlated with interim targets, using the appropriate units of measurement.

32.5.A Compliance Measures. Within 120 days of the effective date of the Regional Plan, TRPA shall develop and maintain a list for each threshold and standard of all the compliance measures actually being implemented to attain and maintain the standard.

32.5.B Effectiveness. The list developed in 32.5.A shall show how much, and at what rate, the compliance measure is contributing (and will contribute) to attainment or maintenance of the threshold or standard. This analysis must be consistent with the target dates in 32.4.A and 32.4.B.

32.5.D Adequacy. TRPA shall ensure the attainment and maintenance of thresholds and standards on the established target dates, taking growth into account, and considering the need for supplemental compliance measures where necessary.

32.6.A Supplemental Compliance Measures. In addition to the list in 32.5.A, TRPA shall maintain a list of additional compliance measures to implement as necessary to attain and maintain the thresholds and standards.

The proposed amendments provide the information listed above pursuant to Chapter 32.

The majority of the information contained in the amendments was developed as part of two elements of the scenic package: the Scenic Quality Improvement Program (SQIP) and the Final Environmental Impact Statement. The two specific thresholds being added to the report are identified as SR-1, Travel Route Ratings, and SR-2, Scenic Quality Ratings.

Recommended Action: Staff recommends that the APC conduct the public hearing on this matter and, based on its outcome, recommend approval of the proposed amendments to the Governing Board. Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this item.

ATTACHMENT A

Table 1A

Compliance Measures In Place

(Short Titles)

VI. SCENIC RESOURCES

(01) Chapter 22, Height Standards
(02) Chapter 24, Driveway and Parking Standards
(03) Chapter 26, Signs
(04) Chapter 29, Historic Resources
(05) Chapter 30, Design Standards
(06) Chapter 53, Shorezone Tolerance Districts and Development Standards
(07) Chapter 54, Development Standards Lakeward of High Water
(08) Chapter 64, Grading Standards
(09) Chapter 65, Vegetation Protection During Construction
(10) Chapter 77, Revegetation
(11) Chapter 81, Water Quality Control
(12) Design Review Guidelines
(13) Scenic Quality Improvement Program

Table 1B

Compliance Measures In Place

(Descriptions)

VI. SCENIC RESOURCES

(01) Chapter 22, Height Standards: Regulates building heights based on roof pitch and building site slope. Findings required for additional height for buildings and other structures include that ridgeline views are not obstructed, that buildings visually remain within the forest canopy, and that buildings are adequately screened using distance, color and materials from threshold viewpoints.

(02) Chapter 24, Driveway and Parking Standards: Regulates the amount of driveway entries and related curb cuts along highways thereby minimizing impacts to thresholds related to the number of roadway distractions.

(03) Chapter 26, Signs: Regulates the amount and location of temporary and permanent signage within the Region based on plan area type. In addition, Chapter 26 establishes minimum sign standards applicable to all signs, including an amortization schedule for non-conforming signs along threshold travel routes.

(04) Chapter 29, Historic Resources: Regulates the construction, reconstruction, repair and maintenance of structures identified on TRPA's Historic Resources map overlay. Provides sign guidelines for those activities using the Secretary of Interior's Guidelines for Rehabitation of Historic Buildings.

(05) Chapter 30, Design Standards: Regulates physical site planning and design for all uses within the Region, including site design, snow storage, screening, setback of structures, building design, landscaping, and exterior lighting.

(06) Chapter 53, Shorezone Tolerance Districts and Development Standards: Regulates the color on all applicable structures located within the shorezone in order to minimize the apparent visual contrast with the natural landscape. Also regulate roofing materials and fencing materials on applicable structures located within the shorezone.

(07) Chapter 54, Development Standards Lakeward of High Water: Regulates the physical design and location of certain structures lakeward of high water including piers, boat ramps, floating dock and platforms, multiple use facilities, jetty and breakwaters, marinas, and shoreline protective structures.

(08) Chapter 64, Grading Standards: Regulates the amount and location of physical site disturbance and grading. Requires minimum standards for cutting and filling activities and setbacks thereof in conjunction with the Uniform Building Code.

(09) Chapter 65, Vegetation Protection During Construction: Regulates the type and location of vegetation protection/disturbance activities which may occur during site development. Requires protection of existing vegetation outside of the construction area and revegetation of areas disturbed during construction.

(10) Chapter 77, Revegetation: Regulates revegetation, soil stabilization and improvement activities on disturbed sites. Establishes minimum standards for acceptable plant materials, fertilizer use, soil stabilization and materials, and grading.

(11) Chapter 81, Water Quality Control: Regulates snow removal and snow disposal locations for all public and private snow removal operations.

(12) Design Review Guidelines: The guidelines are a comprehensive manual of design and site planning recommendations to assist project proponents in meeting adopted design standards. Application of Design Review Guidelines on individual projects will help to maintain and improve the overall visual quality of the Region's built environment. The guidelines provide specific solutions in 11 different areas of adopted design standards in TRPA's Code of Ordinances.

(13) Scenic Quality Improvement Program: The Scenic Quality Improvement Program (SQIP), is the regional scenic threshold attainment program. Included in the SQIP are updated scenic quality threshold ratings for all roadway and shoreline travel routes in both scenic threshold rating categories. The SQIP focuses on the 23 roadway and 4 shoreline travel routes which currently are not in attainment with the travel route rating threshold. Specific visual inventories for each unit are included along with a set of design and site planning recommendations to attain the travel route rating threshold in each unit (Technical Appendix B). Possible funding sources and other incentives which could be offered in order to stimulate physical improvements are identified.

Table 2A

Supplemental Compliance Measure

(Short Titles)

VI. SCENIC RESOURCES

(01) Formation of Scenic Tahoe, Inc.
(02) Use of Visual Magnitude/Color Contrast rating system for all projects within threshold travel route viewsheds
(03) Regional overhead utility line undergrounding program

Table 2B

Supplemental Compliance Measures

(Descriptions)

(01) Formation of Scenic Tahoe, Inc.: This compliance measure would establish a non-profit regional entity which would develop funding sources and distribute funds exclusively for scenic quality improvement projects which TRPA has identified as necessary in order to attain minimum threshold standards in nonattainment roadway and shoreline units.

(02) Use of Visual Magnitude/Color Contrast rating system for all projects within threshold travel route viewsheds: This compliance measure would place additional design controls on all projects within threshold travel route viewsheds. The system would establish maximum acceptable visual magnitude/color contrast ratings for those projects. Application of the system to projects within threshold travel route viewsheds would ensure that new or modified structures or uses would be compatible with existing natural landscape elements in terms of form, line, color, and texture.

(03) Regional overhead utility line undergrounding program: This compliance measure would develop a program including funding and implementation schedules to place underground all overhead utility lines and related structures in nonattainment roadway travel routes which contain overhead utilities.

Environmental Threshold Compliance Form

Index No.: SR-1

1. STANDARD

Category: Scenic resources

Parameter: Roadway and shoreline travel route rating

Standard: Roadway travel route rating of 16; shoreline travel route rating of 8

2. INDICATOR (UNITS): Travel route rating as measured by a unitless composite index of relative scenic quality for all viewsheds seen from state and federal highways and Pioneer Trail, and from Lake Tahoe looking toward the shoreline using the following criteria:

a) Man-made features along roadway and shoreline.
b) Physical distractions to driving along roadways.
c) Roadway characteristics.
d) Views of the lake from roadways.
e) General landscape views from roadways and shoreline.
f) Variety of scenery from roadways and shoreline.

Note: Roadway threshold rating use all six criteria; shoreline threshold rating use criteria a), e), and f).

3. MONITORING SUMMARY: Since the 1982 adoption of the travel route rating threshold, the ratings have been updated once in 1986. Following adoption of the Scenic Resources Management Package, the travel route rating will be monitored every three years, beginning in 1991.

4. ATTAINMENT STATUS: 23 of 46 roadway units and 29 of 33 shoreline units are in attainment of the adopted standard. The status of individual units is identified in the tables below.

ROADWAY UNITS IN ATTAINMENT WITH TRAVEL ROUTE RATINGS THRESHOLD - (Continued) (1989)

Roadway Unit No.	Roadway Unit Name	Travel Route Rating
2	Camp Richardson	20
3	Emerald Bay	26
4	Bliss State Park	21
5	Rubicon Bay	17
6	Lonely Gulch	17
8	Sugar Pine Point	23
12	Tahoe Pines	17
17	Cedar Flat	17
21	Stateline	20
23	Mt. Rose Highway	25
26	Sand Harbor	26
27	Prey Meadow	27
28	Spooner Summit	16
29	Cave Rock	23
30	Zephyr Cove-Lincoln Park	18
34	El Dorado Beach	16
37	Echo Summit	26
38	Upper Truckee River	18
39	Alpine Summit	24
41	Brockway Summit	21
43	Lower Truckee River	20
46	Pioneer Trail, South	20

ROADWAY UNITS NOT IN ATTAINMENT WITH TRAVEL ROUTE RATING THRESHOLD (1989)

Roadway Unit No.	Roadway Unit Name	Travel Route Rating
1	Tahoe Valley	11
7	Meeks Bay	13
9	Tahoma	13
10	Quail Creek	14
11	Homewood	12
13	Sunnyside	14
14	Tahoe Tavern	13
15	Tahoe City	13
16	Lake Forest	13
18	Carnelian Bay	14
19	Flick Point	14

ROADWAY UNITS NOT IN ATTAINMENT WITH TRAVEL ROUTE RATING THRESHOLDS - CONTINUED (1989)

Roadway Unit No.	Roadway Unit Name	Travel Route Rating
20	Tahoe Vista	10
22	Crystal Bay	13
25	Ponderosa Area	12
31	Meadow	14
32	Casino Area	11
33	The Strip	6
35	Al Tahoe	7
36	Airport Area	15
40	Brockway Cutoff	15
42	Outlet	10
44	Kingsbury Grade	13
45	Pioneer Trail, North	10

SHORELINE UNITS IN ATTAINMENT WITH TRAVEL ROUTE RATING THRESHOLDS (1989)

Shoreline Unit No.	Shoreline Unit Name	Travel Route Rating
1	Tahoe Keys	9
2	Pope Beach	8
3	Jameson Beach	8
4	Taylor Creek Meadow	13
5	Ebrite	9
6	Emerald Bay	12
7	Bliss State Park	12
8	Rubicon Point	12
10	Meeks Bay	9
11	Sugar Pine Point	11
12	McKinney Bay	9
13	Eagle Rock	11
14	Ward Creek	10
17	Dollar Point	10
18	Cedar Flat	8
20	Flick Point	8
21	Agate Bay	8
22	Brockway	10
23	Crystal Bay	10
24	Sand Harbor	12
25	Skunk Harbor	13
26	Cave Rock	10
27	Lincoln Park	8

SHORELINE UNITS IN ATTAINMENT WITH TRAVEL ROUTE RATING THRESHOLDS - CONTINUED (1989)

Shoreline Unit No.	Shoreline Unit Name	Travel Route Rating
28	Tahoe School	11
29	Zephyr Cove	9
30	Edgewood	11
31	Bijou	9
32	Al Tahoe	9
33	Truckee Marsh	14

SHORELINE UNITS NOT IN ATTAINMENT WITH TRAVEL ROUTE RATING THRESHOLDS (1989)

Shoreline Unit No.	Shoreline Unit Name	Travel Route Rating
9	Rubicon Bay	6
15	Tahoe City	5
16	Lake Forest	5
19	Carnelian Bay	5

5. TARGET DATE: July 1, 2007

6. EVALUATION INTERVAL: Every three years with the next evaluation date in 1991.

7. INTERIM TARGETS: The following interim targets have been established in the Scenic Quality Improvement Program. It should be recognized that Regional scenic threshold attainment is a long-term process. Projects which are implemented in the first years of the program are likely to have small, but positive impacts on overall attainment. Larger-scale projects which will provide greater changes to the overall travel route ratings generally will take longer to develop and implement. The rate of change to the travel route ratings, therefore, is expected to accelerate during the 20-year timeframe. Small changes will come first, followed by larger changes as the cumulative effect of all projects is rated.

INTERIM THRESHOLD ATTAINMENT TARGETS BY JURISDICTION

Jurisdiction	Total Points Needed For Complete Threshold Attainment	Travel Route Rating Point Increases in 5-Year Increments			
		by 1992	by 1997	by 2002	by 2007
El Dorado County					
Roadway	12	1	5	8	12 (100%)
Shoreline	2	0	1	1	2 (100%)

City of South Lake Tahoe					
Roadway	36	2	10	20	36 (100%)
Shoreline	0	0	0	0	0
Placer County					
Roadway	37	2	10	20	37 (100%)
Shoreline	9	1	3	6	9 (100%)
Washoe County					
Roadway	14	1	4	8	14 (100%)
Shoreline	0	0	0	0	
Douglas County					
Roadway	10	1	3	6	10 (100%)
Shoreline	0	0	0	0	

8. COMPLIANCE MEASURES

   a. MEASURES IN PLACE: 01 through 13, inclusive

   b. EFFECTIVENESS OF MEASURES IN PLACE: The compliance measures in place include the primary ordinance standards and recommended guidelines addressing physical design and site planning. All measures in place are implemented as part of the project review and approval process. Chapters 22 and 30 together with the Design Review Guidelines Manual are the most effective compliance measures.

   c. SUPPLEMENTAL MEASURES: 01 through 03, inclusive.

   d. EFFECTIVENESS OF SUPPLEMENTAL MEASURES: The supplemental measures will augment the effectiveness of the measures already in place. Implementation of all supplemental measures is expected to increase the rate of threshold attainment, and may result in region-wide attainment before July 1, 2007.

9. ADEQUACY OF COMPLIANCE MEASURES: Based on the analysis prepared as part of the Scenic Resources Management Program Environmental Impact Statement, including video simulations of compliance measures on selected nonattainment roadway units, threshold attainment and maintenance can be expected by July 1, 2007. If future monitoring reveals that scenic resource threshold interim targets are not being met, supplemental measures will be recommended for implementation.

Index No.: SR-2

ENVIRONMENTAL THRESHOLD COMPLIANCE FORM

1. STANDARD

Category: Scenic quality

Parameter: Roadway and shoreline scenic quality rating

Standard: 1982 adopted scenic quality rating (varies by unit)

2. INDICATOR (UNITS): Scenic quality rating as measured by a unitless composite index of relative scenic quality of specific visual resources (i.e., natural features) visible from state and federal highways and Pioneer Trail, and from Lake Tahoe looking toward the shoreline. The relative value of each resource within a given travel route is measured using the following criteria:

a. Unity
b. Vividness
c. Variety
d. Intactness

Each criterion is scored using a unitless index from 0 (absent) to 3+ (very high). Subcomponent scores are summed for all resources identified within each unit. The scores are then composited so that each unit has a scenic quality rating from 1 (low) to 3+ (very high).

A sensitivity to change rating using a unitless index is added to the scenic quality ratings. Sensitivity to change rates the relative visual vulnerability of landscape units to absorb man-induced modifications. The sum of the scenic quality rating and the sensitivity to change rating is the adopted threshold number.

3. MONITORING SUMMARY: Since the 1982 adoption of the scenic quality rating threshold, the ratings have been updated once in 1986. Following adoption of the Scenic Resources Management Package, the scenic quality rating will be monitored every three years, beginning in 1991.

4. ATTAINMENT STATUS: Attainment.

5. TARGET DATE: Not applicable.

6. EVALUATION INTERVAL: Every three years with the next evaluation date in 1991.

7. INTERIM TARGETS: Not applicable.

8. COMPLIANCE MEASURES

   a. MEASURES IN PLACE: 01 through 13, inclusive

   b. EFFECTIVENESS OF MEASURES IN PLACE: The compliance measures in place include the primary ordinance standards and recommended guidelines addressing physical design and site planning. All measures in place are implemented as part of the project review and approval process. Chapters 2, 26, and 30 together with the Design Review Guidelines Manual are the most effective compliance measures.

   c. SUPPLEMENTAL MEASURES: 01 through 03, inclusive.

   d. EFFECTIVENESS OF SUPPLEMENTAL MEASURES: The supplemental measures will augment the effectiveness of the measures already in place. Implementation of all supplemental measures is expected to increase the rate of threshold attainment, and may result in region-wide attainment before July 1, 2007.

9. ADEQUACY OF COMPLIANCE MEASURES: Based on the analysis prepared as part of the Scenic Resources Management Program Environmental Impact Statement, including the video simulations, threshold attainment, and maintenance can be expected by July 1, 2007. If future monitoring reveals that scenic resource threshold interim targets are not being met, supplemental measures will be recommended for implementation.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

October 2, 1989

To: Advisory Planning Commission

From: Agency Staff

Subject: Amendment of Chapter 4 of the Code of Ordinances to Adopt an MOU with Pacific Bell on Exempt Activities

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Staff proposes an amendment to Chapter 4 of the Code of ordinances to exempt certain activities of Pacific Bell, a public utility, from TRPA review.

Description and Discussion

Pursuant to Section 4.8 of the Code of Ordinances, TRPA may amend Chapter 4 to exempt those activities of public and quasi-public entities set forth in memoranda of understanding (MOUs) between TRPA and such entities. The definition of "quasi-public" in Chapter 2 of the Code includes telephone companies.

The draft MOU with Pacific Bell, attached, identifies activities which would be classified as exempt or qualified exempt upon execution of the MOU. Pacific Bell may undertake exempt activities without contacting TRPA, and may commence activity on qualified exempt activities provided they give written notice one working day in advance. All activities, whether exempt or not, must comply with the TRPA Regional Plan, Code of Ordinances, and Handbook of Best Management Practices.

As a regulated public utility, Pacific Bell is involved with numerous routine activities requiring TRPA review and approval. This MOU will allow Pacific Bell to provide telephone communications in the Region more effectively and efficiently. TRPA staff has been working with Pacific Bell to develop a sound and effective MOU.

Early drafts of this MOU included a number of items proposed for exempt or qualified exempt status by Pacific Bell which TRPA staff determined were already exempt under Chapter 4, such as access by existing roads and trails to telephone facilities, and ordinary building maintenance and repair. To avoid redundancy between the proposed MOU and the main body of Chapter 4, these items have been deleted from the revised draft MOU, attached.

10-2-89
DZ:mmi

Agenda Item IV.C

Environmental Documentation and Chapter 6 Findings

Staff has completed an initial environmental checklist for the determination of potential environmental impacts from the proposed amendment to Chapter 4. Based on the checklist, staff recommends a finding of no significant effect on the environment. In addition, the following four findings are required by Section 6.5 of the Code of Ordinances prior to adoption of the amendment:

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 the 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 the MOU are subject to the standards of the Regional Plan. Pacific Bell is a regulated utility in California and is also subject to standards set forth in state statutes. See also rationale under (B), above.

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) and (B), above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) of the Tahoe Regional Planning Compact says:

> The Agency shall prescribe by ordinance those 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 MOU's with quasi-public entities to exempt activities from TRPA review. The proposed MOU with Pacific Bell exempts minor activities undertaken by a regulated utility providing essential public services. Under the MOU, Pacific Bell will be able to provide essential services more effectively. 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, assure that 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 2.50 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 Pacific Bell will implement section 4.8 of the Code which allows amendments to exempt certain activities of public and quasi-public entities.

Staff Recommendation

The staff recommends that the APC make a recommendation to the Governing Board that the make the required findings set forth in this staff summary and adopt the proposed MOU with Pacific Bell (attached) as an amendment to Chapter 4 of the Code.

Please contact Dave Ziegler at (702) 588-4547 if you have any questions or comments on this agenda item.

DRAFT
Revised 10-2-89

MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY AND
PACIFIC BELL

This Memorandum of Understanding is entered into this _____ day of _____, 1989, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and Pacific Bell, by and through the District Manager for Sierra-Delta Construction and Engineering.

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. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. It is also understood that all activities undertaken by Pacific Bell 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 Pacific Bell, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA.

A. SERVICE CONNECTIONS

1. New service connections and additional service connections at existing service locations, aerial or underground, including associated hardware, conduit, pedestal, service box and other appurtenant facilities, provided excavation does not exceed seven cubic yards, is completed within a 48 hour period, and the excavation site is stabilized to prevent erosion. (Note, however, that all aerial service connections must nevertheless comply with subparagraph 30.13.C(1)(b) of the Code.) This exemption shall not be construed to exempt a series of excavation which, when viewed as a whole, would constitute a project.

2. Repair or replacement of existing service connections due to a service failure, provided excavation does not exceed seven cubic yards, is completed within a 48 hour period, and the excavation site is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavation which, when viewed as a whole, would constitute a project.

B. DISTRIBUTION FACILITIES

1. Reinforcement of existing distribution facilities, including aerial facilities or underground facilities in existing conduits. (Reinforcement is defined in Chapter 2 of the Code of Ordinances as the provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.)

2. Reinforcement of existing buried distribution facilities, provided excavation does not exceed seven cubic yards, is completed within a 48 hour period, and the excavation site is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavation which, when viewed as a whole, would constitute a project.

3. Extension of aerial distribution facilities on existing poles for new service connections.

4. Extension of underground distribution facilities for new or additional service connections, provided excavation does not exceed seven cubic yards, is completed within a 48 hour period, and the excavation site is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavation which, when viewed as a whole, would constitute a project.

5. Pole replacements.

6. Replacement of existing aerial or underground facilities due to service failures provided excavation does not exceed seven cubic yards, is completed within a 48 hour period, and the excavation site is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavation which, when viewed as a whole, would constitute a project.

7. Location of underground facilities by the pot-hole method. (The pot-hole method is defined as the use of hand or backhoe excavation.)

C. GENERAL PACIFIC BELL OPERATIONS FOR OUTSIDE PLANT AND BUILDINGS

1. Repair or replacement of splice boxes, manholes, conduits, pedestals, cross-connect boxes, and other appurtenant facilities.

2. Traffic control and lane closures.

3. Use and operation of portable generators, pumps, and compressors for maintenance and repair operations.

III. QUALIFIED EXEMPT ACTIVITIES

The following activities of Pacific Bell are not subject to review and approval by TRPA, provided Pacific Bell 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, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least one working day before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Section 20.5 of the Code. The following activities are in addition to those activities deemed Qualified Exempt pursuant to Section 4.3 of the Code.

A. SERVICE CONNECTIONS

1. New service connections, or additional connections at existing service locations, aerial or underground, including associated hardware, conduit, pedestal, service box, and other appurtenant facilities, provided excavation does not exceed 10 cubic yards, occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion. (Note, however, that all aerial service connections must nevertheless comply with subparagraph 30.13.C(1)(b) of the Code.) This exemption shall not be construed to exempt a series of excavations which, viewed as a whole, would constitute a project.

2. Repair or replacement of existing service connections due to a service failure.

B. DISTRIBUTION FACILITIES

1. Reinforcement of existing buried distribution facilities provided excavation does not exceed 10 cubic yards, occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations which, viewed as a whole, would constitute a project.

2. Extension of underground facilities for new or additional service connections provided excavation does not exceed 10 cubic yards, occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations which, viewed as a whole, would constitute a project.

3. Repair or replacement of existing aerial or underground facilities due to service failures.

C. GENERAL PACIFIC BELL OPERATIONS FOR OUTSIDE PLANT AND BUILDINGS

1. Repair or replacement of submarine cable, provided excavation does not exceed 10 cubic yards, occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations which, viewed as a whole, would constitute a project.

IV. LOSS OF EXEMPTION

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

VI. TERMINATION

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

Pacific Bell

_____
E. A. Schwartz, District Manager
Sierra-Delta Construction and Engineering

Tahoe Regional Planning Agency

_____
Name,
Acting Executive Director

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MEMORANDUM

October 3, 1989

TO: TRPA Advisory Planning Commission

FROM: Susan E. Scholley, Agency Counsel

RE: Amendment of Article VII, Rules of Procedure, for the Advisory Planning Commission

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BACKGROUND: After the amendment of the Compact in 1980, TRPA adopted Rules of Procedure implementing the Compact amendments. Article VII, entitled "Advisory Planning Commission", was adopted at that time and, except for some minor amendments, has not been substantially amended since that time. With the adoption of the 1987 Regional Plan, the Governing Board indicated a desire to revisit the Rules of Procedure and update them as necessary. At this time, the Rules Committee of the Governing Board is prepared to turn its attention to Article VII and consider amendments.

Attached you will find a copy of the existing Rules of Procedure relating to the Advisory Planning Commission and the section of Article VI relating to APC review of EISs.

ISSUES FOR DISCUSSION: At its August Rules Committee meeting, the Rules Committee discussed its thoughts on the potential issues regarding the Advisory Planning Commission. The members of the Rules Committee are Joseph Houghteling, Mike Fluty, Kay Bennett, Dianne Cornwall, and Jim Reed.

The primary focus of the Rules Committee discussion was APC involvement in the project review process. The Committee's comments ranged from: a willingness to permit APC involvement in the project review process so long as no delays result, to an opinion that APC should not be involved in the project review process unless the Executive Director desires to take a specific project to the APC. Within that range, concerns of the Committee were: a fear that APC would become involved in minutia, the difficulty of involving APC without causing delays, and concern over APC continuing projects and causing additional delays.

SES:jm
10/3/89

Also discussed was the possibility that some projects could be delegated to APC rather than be reviewed by the Board or staff. Another suggestion was that the APC is underutilized in connecting with communities in the planning arena, especially in the area of major projects, transportation planning and funding.

RECOMMENDATION: The Rules Committee desires APC recommendations on amendments to Article VII for its review and consideration.

Any comments, thoughts, suggestions, gripes, complaints, or discussion the APC has on this subject would be helpful to the Rules Committee in formulating amendments.

If you have questions regarding this matter, please contact Susan Scholley.

(1) Subsequent changes are proposed in the project which involve new significant adverse effects not considered in the prior EIS; or

(2) Substantial changes occur with respect to circumstances under which the project is undertaken, which involve new significant adverse effects not considered in the prior EIS; or

(3) New information of substantial importance becomes available that shows any of the following:

i. The project may have a significant adverse effect not considered in the prior EIS;

ii. Significant adverse effects would be substantially more severe than previously discussed in the prior EIS; or

iii. Mitigation measures or alternatives, previously not found to be feasible or not previously discussed, would substantially reduce a significant adverse effect of the project or matter which has not already been reduced to a less than significant level.

(b) Addenda: An addendum need not be circulated for public comment but shall be included in, or attached to, the proposed final EIS. TRPA shall prepare an addendum to an EIS if:

(1) Minor changes or additions are necessary to make the prior EIS adequate; and

(2) The addendum does not raise important new issues about significant adverse effects.

6.16 CERTIFICATION OF EIS: Certification is defined as a finding that the final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code and these Rules of Procedure.

(a) APC Review: Prior to consideration of the proposed final EIS by the Board, the APC shall review the proposed final EIS and make a recommendation to the Board on certification of the proposed final EIS.

(b) Board Hearing: The Board shall provide an opportunity for comment on the proposed final EIS. The Board may limit such comment to the responses to comments or other new information in the proposed final EIS.

(c) Board Action: Prior to action by the Board on a project or matter for which an EIS was prepared, the Board shall certify a final EIS. The Board shall not approve such a project or matter for which an EIS was prepared prior to certification of a final EIS. See also Subsection 5.8.D of the Code.

ARTICLE VII - ADVISORY PLANNING COMMISSION

7.1 General: The Compact provides for the appointment of an Advisory Planning Commission (APC) by the Agency and establishes and sets forth certain functions and duties of the APC relating to the Regional Plan and amendments thereto. In addition, it is contemplated that the APC make recommendations to the Agency respecting matters over which the Agency has jurisdiction and exercises powers.

7.2 APC Review: Matters regarding Agency plans and ordinances and other matters the Governing Body determines appropriate for APC consideration shall first be submitted to the APC for review and recommendation. The Governing Body may determine that a particular matter is of such urgency that the public interest requires it to act without delay and without review and recommendation of the APC.

7.3 Recommendations: The APC shall consider each matter submitted concerning conformity with the Tahoe Regional Planning Compact, as amended, the Regional Plan and the ordinances, rules, regulations and policies of the Agency. Based upon such consideration, the APC shall submit a report and recommendation of the pertinent matters to the Governing Body. The report shall show the vote of the members of the APC and may include the position of the minority, if any.

7.4 Procedures: The APC shall be governed by these Rules and Regulations of Practice and Procedure. To the extent practicable, the rules provided herein for the Governing Body shall also govern the APC, but the APC may provide a different time and place of meeting from that set forth herein for the Governing Body and may also adopt different rules in those cases where these rules and regulations are not applicable or would be impracticable for the APC to follow. The APC shall notify the Governing Body in writing of any such rule or regulation which the APC has determined to be inapplicable or impracticable when applied to it and the change or substitute for such rule or regulation adopted by the APC.

7.5 Transmittal of Reports: Copies of reports and recommendations made by the APC shall be mailed or delivered to the Governing Body and to every interested party, including the local governments affected by the matter reported upon.

7.6 Consideration by Governing Body: At the next regular meeting of the Governing Body, or at any special meeting that may be scheduled, the Governing Body shall consider the report and recommendations of the APC. The Governing Body may hear additional testimony and argument concerning any matter or proposal submitted before acting thereon.

7.7 Participation by Governing Body Members: Members of the Governing Body may attend and participate in APC meetings, but their presence shall not be counted in determining whether a quorum is present nor shall Governing Body members be entitled to vote.

7.8 Continuances: The APC may continue to a specific date any matter which it determines lacks sufficient information for proper consideration.

7.9 Meeting Date: Regular meetings of the APC shall be held on the second Wednesday of the month. Should any meeting day fall on a holiday, the meeting shall be held on the next business day thereafter which is not a holiday.

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MEMORANDUM

October 2, 1989

To: Advisory Planning Commission

From: TRPA Staff

Subject: City of South Lake Tahoe, Substitute Sign Ordinance

Background: Following adoption of Chapter 26, Signs, and as part of the Scenic Resources Management Package, the City of South Lake Tahoe will be the first local jurisdiction to propose substitute sign standards. Section 26.3 provides for local jurisdictions to propose substitute standards to TRPA. The City intends to implement a substitute ordinance and take responsibility for the review and approval of signs as provided under Chapter 26.

Since this is the first substitute sign ordinance to be processed, discussion at the APC will be helpful to identify the issues prior to the November public hearings. At the APC meeting, staff will explain the process of approving substitute standards and City of South Lake Tahoe representatives will present the basic components of their substitute standards for discussion purposes only.

Discussion: Chapter 26 will become effective November 27, 1989. After that date, TRPA may approve the substitute standards for use in a local jurisdiction upon finding that the standards are equal or superior to Chapter 26 with respect to threshold attainment and maintenance. A specific test of equal or superior is provided in Subsection 26.3.C.

Prior to the effective date of the ordinance, the City will enter into an MOU with TRPA indicating its desire to prepare substitute standards. The MOU will be brought to the APC for a recommendation. Until the TRPA approves substitute standards for use in the City, the interim sign standards established in TRPA Ordinance 87-8 will remain in effect.

Action Requested: No formal action is being requested from the APC on this matter, however comments would be appreciated. This item will be coming back as a public hearing item in November. City of South Lake Tahoe staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this agenda item.

AS:rdh
10/2/89

AGENDA ITEM V.B.

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MEMORANDUM

October 3, 1989

To: The Advisory Planning Commission

From: The Staff

Subject: Recommendation on Regional Plan Amendment, Man-Modified Determination for William Chambers, Washoe County APN 129-500-04

The project proponent has requested that this item be withdrawn from TRPA action until further notice.

jf
10/3/89

AGENDA ITEM V C.