

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
CITY OF SOUTH LAKE TAHOE

This Memorandum of Understanding is entered in this 6th day of February, 2001, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by its Governing Board, and the CITY OF SOUTH LAKE TAHOE (City) by and through its designated representative.

All activities described in this Memorandum of Understanding (MOU) are in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the TRPA Code. It is also understood that all activities undertaken by the City of South Lake Tahoe 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. It is also understood that any activity undertaken pursuant to this MOU must be deemed Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) as amended.

I. EXEMPT ACTIVITIES

The following City activities, in addition to those activities exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA, provided that they do not result in the creation of additional land coverage or relocation of land coverage.

A. Streets, Parking Areas, Trails, Bridges, Traveled Ways

1. Skin Patching that covers up to one-half mile of roadway where existing asphalt is failing and rough areas that need a level course, generally 1-inch depth.
2. Overlays of approximately 1.5 inches thick of asphalt concrete over existing pavement to repair streets that are failing.
3. Fog Sealing - application of asphalt emulsion to surface of existing and new pavement.
4. Crack Sealing with an asphalt rubber mix to prevent water from getting into the cracks and causing a base failure and street failure.
5. Pavement grinding for profiling and complete pavement replacement.
6. Repairing asphalt and concrete curbs up to and including removal and replacement.

7. Striping and painting of pavement markings.
8. Patching of pot holes, broken shoulders, etc.

B. Water Quality

1. Dry wells - the excavation of up to 30 cubic yards of material directly into trucks and replacing with drain rock (typical dry well is three cubic yards) allowing water to infiltrate, provided the work occurs in Land capability Districts 4 - 7.
2. Shoulder work – placement of shoulder material to build up to the edge of asphalt to prevent asphalt from breaking and confining runoff to a channel. The material used shall meet all applicable TRPA standards.
3. Restoration of rock rip - rap drainage ditches including removal of sediment buildup.
4. Repair and maintenance of existing drainage facilities.
5. Cleaning of drainage systems including pre-treatment vaults, inlets, manholes, pipes and outfall structures.
6. Removal of sediment and overgrowth in drainage basins, drainage ways and inlets to establish original flow patterns, provided the vegetation is not the requirement of a permit.
7. Sweeping to remove sand, dirt, pine needles, etc. from road surfaces and to prevent them from going into drainage systems and Lake Tahoe. Collected material shall be transported to South Tahoe Refuse for disposal.
8. Watering areas that have been revegetated and must have water to become established.

C. Snow Removal

1. Snow removal from City streets, bike trails, sidewalks, and parking lots.
2. Application of sand, cinders, and de-icers onto City streets to minimize the effect of ice during snow conditions, provided the source material meets TRPA standards.

D. Sidewalks and Pedestrian Facilities

1. Replacing and repairing existing sidewalks and pedestrian facilities.
2. Handicapped accessibility improvement projects, including curb cuts and wheelchair ramps.

E. Signs

The installation and maintenance of guide, regulatory, construction, and warning signs in compliance with all applicable sign standards. Installation and repair of road - side markers including snow poles. and other regulatory or directional signs (Speed Limit, No Parking, etc.), culvert markers, snow poles, etc.

F. Recreation Activities

1. Operation and maintenance of recreation sites and facilities: golf course, campground, beaches, boat ramp, recreation complex, Bijou park, mini-parks, athletic fields, bike trails and other recreation sites under the control of the city. Maintenance can include but is not limited to the repair, replacement and/or cleaning of accessory structures associated with public recreation facilities such as: picnic tables, barbecues, ballwashers, tee signs, playgrounds and playground equipment, bike trails vehicle barriers, fences, retaining walls, restrooms, grounds and parking facilities.
2. Landscaping and re-vegetation with TRPA-approved species, including installation, repair and replacement of irrigation systems. Renovation of turf areas and other landscape areas of one acre or less, provided such areas are located within Land Capability Districts 4 - 7.

G. Publicly Owned or Maintained Structures

Structural repair or remodeling less than \$50,000 per structure per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A (6) and 4.3.A (6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in floor area, nor an increase in density.

H. Fish and Wildlife

Protection of wildlife habitat and fisheries provided there is no modification of streams. Stream modification shall include any alteration of a stream profile which requires the use of motorized equipment or the placement of any structure within an active stream channel.

I. Fire Protection

Vegetation and dead tree removal for fire prevention purposes.

J. Scientific Research and Monitoring

1. Installation of instruments for scientific research and monitoring.
2. Installation of monitoring wells for ground water monitoring .
3. Excavation of soil samples, provided such excavation is within the limits in Chapter 4.

K. Erosion Control

Maintenance of the following facilities including erosion control measures such as:

1. Retaining walls
2. Sediment basins
3. Swales
4. Rock slope protection
5. Rock-lined ditches
6. Fences
7. Willow wattling
8. Barriers

subject to grading limits and scenic guidelines.

L. Miscellaneous Activities

1. Excavation and back filling for an area not in excess of fifteen cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, and 7, and the excavation site is stabilized and revegetated to prevent erosion.
2. Nuisance Abatements to remove trash, garbage, abandoned cars, lumber, mattresses, refrigerators, stoves, etc. All removed material will go to an approved disposal site.
3. Periodic cleaning of trash and drains to keep the area clean and to prevent debris from plugging City drains.
4. Tree removal when hazardous trees are in the right of way and present a hazard to the public, provided approval of the California Department of Forestry is obtained.
5. Monitoring of highway or roadway traffic, including the placement of portable traffic counting equipment or weighing devices.
6. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or for traffic monitoring.
7. Land surveys, corner recovery, re-monumentation, and land-line posting.

II. QUALIFIED EXEMPT ACTIVITIES

The following City activities are not subject to TRPA review or approval provided the City certifies, on a form provided by TRPA, that the activity does not result in the creation of additional coverage or relocation of coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the Code, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 5 business days before the activity commences, or in the event of an emergency, within 3 business days after the date of the emergency.

The following activities are in addition to those activities deemed qualified exempt pursuant to Chapter 4 of the Code:

A. Streets, Parking Areas, Trails, Bridges, Traveled Ways

Maintenance or repair of existing bridge structures, provided there is no change in the width or length of the existing structure.

B. Water Quality

Embankment repair provided the activity occurs during the grading season (May 1 to October 15) and the repaired site is stabilized either during the repair activity or within 72 hours of the repair to prevent further erosion.

C. Erosion Control and Restoration Activities

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines.

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

D. Recreation Activities

1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, all utilities will be located underground, the fence is not located within a TRPA-designated scenic roadway or shoreline unit and the replacement does not result in an expansion under the Code.

2. Tree removal for public health and safety pursuant to Chapter 71 of the TRPA code.

3. Repair and/or replace irrigation system equipment such as pumps, valves, motors, controllers, pipes, connections, meters, and sprinkler heads.

E. Fish and Wildlife

Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake. Modifications shall include any alteration of a stream or lake profile that requires the use of motorized equipment or the placement of any structure within an active stream channel.

F. Fire Protection

Prescribed burning.

G. Vegetation Management

The following activities are qualified exempt provided they are performed under the supervision of a registered professional forester, do not exceed 20 acres, and meet the standards and practices of Chapter 71:

1. Timber stand improvement projects, thinning, pruning, removal of hazardous, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.
2. Protection and enhancement of wildlife habitat.

H. Miscellaneous

1. Excavation and back filling for an area not in excess of 50 cubic yards provided the activity 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.
2. Installation of underground utilities for a distance of not more than 1,000 lineal feet.
3. Installation of irrigation lines for a distance of not more than 1,000 lineal feet.

III. LOSS OF EXEMPTION

The City acknowledges that any exempt or qualified exempt activity set forth herein may be designated a project requiring TRPA review if the Executive Director of TRPA determines that, because of cumulative impacts or unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

IV. AMENDMENT

This Memorandum of Understanding may be amended by written agreement of both parties.

V. TERMINATION


This Memorandum of Understanding may be terminated by either party upon sixty (60) days written notice.

CITY OF SOUTH LAKE TAHOE



Hal Cole, Mayor

February 6, 2001.
Date

TAHOE REGIONAL PLANNING AGENCY


Juan Palma, Executive Officer

3/1/01
Date