

APPENDIX Z

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
EL DORADO COUNTY, CALIFORNIA

JUNE 1993

This Memorandum of Understanding is entered into this 23rd day of June, 1993, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and EL DORADO COUNTY, a political subdivision of the State of California, by and through its Chairman of the Board of Supervisors.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by EL DORADO COUNTY 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 EL DORADO COUNTY, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA, provided any related excavation or backfilling does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and/or revegetated within 72 hours to prevent erosion.

A. STREETS, ROADS AND HIGHWAYS

1. Pavement striping and marking, slick pavement correction, and paved shoulder grooving.
2. Repair and replacement of existing safety or protective devices, including fencing, guardrails, barriers, energy attenuators, guide posts, markers, safety cables, ladders, light standards, hoists, traffic signals and controllers, provided replacement devices/materials are similar in size, coloration, and design to the existing protective devices.
3. Asphalt/concrete blankets, crack seals and patches on existing paved surfaces.
4. Repainting of bridges and other highway appurtenances.

B. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Culvert cleaning utilizing a hydro-jet vacuum system, provided there is no direct discharge of materials to the atmosphere, and spoils are removed to a TRPA-approved disposal site.
2. Cleaning and repairing of drainage facilities provided the toe of adjacent slopes or cut banks is not disturbed.
3. Repair and maintenance of existing asphalt/concrete roadside gutters or drainage facilities.
4. Earthslide, avalanche debris, or embankment slipout removal and stabilization, provided the amount of excavation and/or spoil material removed is the minimum necessary and the spoil material is removed to a TRPA-approved disposal site.
5. Installation of erosion control devices such as:
 - a. Sediment basins not exceeding 150 square feet in size;
 - b. Swales;
 - c. Rock slope protection provided it is not visible from any TRPA-designated scenic roadway or shoreline unit, class I bike paths, or recreation area;
 - d. Rock-lined ditches;
 - e. Willow wattling; and
 - f. Culverts, inlet risers, and check dams.
6. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards.

C. SNOW REMOVAL ACTIVITIES

1. Snow removal from paved roadway or highway surfaces either by use of push plow or rotary plow, plowing snow to the edge of the paved surface, blowing snow beyond the edge of pavement with a rotary plow, or plowing to the center of the roadway for removal to TRPA-approved disposal sites.

D. SIDEWALKS, PEDESTRIAN FACILITIES, AND BICYCLE TRAILS

1. Maintenance and repair of existing sidewalks, pedestrian facilities, and bike trails, including striping and marking.

2. Handicapped accessibility improvement projects, including curb cuts and wheelchair ramps.

E. SIGNS

1. Installation of roadside warning signs related to construction/ maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.
2. Repair/replacement of existing street signs and other regulatory or directional signs provided the area and height of the replacement sign does not exceed that of the existing sign, and/or the sign conforms to the applicable standards of the Manual On Uniform Traffic Control Devices, 1978, as amended.

F. STRUCTURES

1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending designation, on the TRPA Historic Resource Map, as amended from time to time.
2. Interior remodeling provided there is no change or intensification of use, no increase in density, and no structural remodeling in excess of \$20,000.

G. MISCELLANEOUS ACTIVITIES

1. Use of portable instruments for the monitoring of highway or roadway traffic.
2. Placement of traffic detection devices in the pavement of a highway or roadway for the operation of traffic control signals or the monitoring of traffic.

II. QUALIFIED EXEMPT ACTIVITIES

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

A. STREETS, ROADS AND HIGHWAYS

1. Chip seal of existing pavement provided that proper BMPs are in place, dust control measures are used to effectively reduce the amount of entrained dust to insignificant levels, and all residual material (sand) is removed within 72 hours.
2. Removal of hazards within highway or roadway right-of-way.
3. Embankment repair, provided the amount of excavation is the minimum amount necessary and any spoil material is removed to a TRPA-approved disposal site.
4. Reconstruction, resurfacing or overlaying of existing pavement, including repair of pavement substructure.
5. Maintenance or repair of existing bridge structures provided there is no change in the width or length of the existing bridge.

B. EROSION CONTROL AND RESTORATION ACTIVITIES

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

III. LANE CLOSURES

Lane closures for exempt or qualified exempt activities shall be limited to the minimum amount of time needed to complete the activity and, with the exception of emergencies, shall not occur during holidays or holiday weekends.

IV. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by El Dorado County and TRPA that certain activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. El Dorado County shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

V. 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.

EL DORADO COUNTY, CALIFORNIA

DATED: June 28, 1994

ARLENE STANLEY, Clerk
of the Board of Supervisors

By Margaret E. Moody
Representative
6/28/94

John Upton
John Upton, Chairman
El Dorado County
Board of Supervisors

TAHOE REGIONAL PLANNING AGENCY

DATED: July 8 '94

James W. Baetge
James W. Baetge
Executive Director