TRPA
APC
PACKETS

NOVEMBER
1994
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

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 Wednesday, November 9, 1994, at the Horizon Casino Resort, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

October 31, 1994

By: [Signature]

James W. Baetge
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARING AND RECOMMENDATIONS TO THE GOVERNING BOARD

A. Lowering the IPES Line in Douglas County 1 - 12

B. Amendments to Chapter 8 Provisions Regarding Correct and Complete and Original Applications and/or Signatures 13 - 15

C. Amendments to Chapter 43 and Other Related Amendments Limiting New Residential Subdivisions to Existing Urban Areas 16 - 20

D. Amendment of Chapter 82 Regarding Use and Distribution of Mitigation Funds 21 - 22

VI. PLANNING MATTERS

A. Reaffirmation of TRPA’s Regional Transportation Plan/Air Quality Plan

B. Staff Presentation on Water Quality and Stream Environment Zone (SEZ) Restoration Efforts

C. Notice of Commencement of 60-Day Comment Period for North Shore Community Plans and Related Environmental Impact Statements (Carnelian Bay, Tahoe Vista, Kings Beach Commercial, Kings Beach Industrial, North Stateline, Incline Village Downtown, Incline Tourist, and Ponderosa)
VII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

VIII. RESOLUTIONS

IX. ADJOURNMENT
Memorandum

October 27, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Lowering the IPES Line in Douglas County

PROPOSED ACTION: The proposed action is a recommendation to the Governing Board on lowering the IPES line in Douglas County.

STAFF RECOMMENDATION: Staff recommends that APC hold a public hearing and recommend a lowering of the IPES line for Douglas County.

BACKGROUND: Chapter 37 of the Code sets forth the five findings which must be made for a jurisdiction for the IPES line to be lowered. Those findings are:

1. All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (208 plans) and other legal limitations;

2. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:

   (i) El Dorado County - 20 percent
   (ii) Placer County - 20 percent
   (iii) Douglas County - 33 percent
   (iv) Washoe County - 33 percent

3. The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan;

4. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction; and

5. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory.

The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Exhibit A).

In October 1993, the Governing Board lowered the IPES line for the first time in Douglas County to 708. At the October 1994 meeting, the Governing Board lowered the IPES line for the second time in Washoe County to 671.

AGENDA ITEM NO. V.A.

Planning for the Protection of our Lake and Land
Lowering the IPES Line in Douglas County
October 27, 1994
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**DISCUSSION:** Staff has compiled the necessary information from the preceding calendar year (1993) or fiscal year (93-94), as appropriate, for consideration of lowering the line in Nevada in 1995.

**FINDING 1. ELIGIBILITY UNDER 208 PLAN**

Staff recommends making the first finding regarding eligibility and legality of IPES parcels below the IPES line for development under the applicable 208 plans because the TRPA 208 Plan, which includes implementation of the IPES and the potential for lowering the line, was certified by both states and approved by U.S.E.P.A. in 1989. The 1990 TRPA amendment to the 208 Plan redefining "in place" monitoring, was certified by Nevada in 1990, by California in 1992, and approved by U.S.E.P.A. in August 1993.

**FINDING 2. VACANT LOT EQUATION**

The "vacant lot equation" is the requirement that the number of parcels with IPES scores below the line (725 or less), divided by the number of parcels deemed sensitive (i.e., land capability districts 1, 2 and 3) on January 1, 1986, cannot exceed 33 percent in the Nevada counties.

Numerator = Number of vacant parcels with IPES scores of 725 or less.

Denominator = Number of vacant parcels deemed sensitive (Bailey 1, 2 or 3) on January 1, 1986

The current calculations are based on the September 1994 IPES inventory, to which has been added unscored parcels which are mapped predominantly land capability 1-3 and parcels which purchased points within the last two years. The denominators are taken from a September 1986 memorandum to the Governing Board from William Morgan. The denominators are constant and do not change.

Douglas County: 272/1067 = 25%

Staff recommends making this finding for Douglas County.

**FINDING 3. MONITORING FINDING**

The monitoring finding requires a monitoring program pursuant to Chapter 32 and the TRPA monitoring plan to be in place in a given jurisdiction. "In place" is defined in the 208 Plan, Volume I, p.119, as amended, as:

"... This monitoring program shall be in place in a local jurisdiction, and shall characterize water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered. (Goals and Policies, p.VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long
term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards."

Additional detail and description of the IPES-related monitoring program is found in Volume I, pp.118-119 of the 208 Plan ( Exhibit A ).

In summary, the program consists of permanent monitoring stations at the mouths of ten streams, stream flow gauges and monitoring at upstream locations on five of the ten streams (Incline, Trout, Ward and Edgewood Creeks and the Upper Truckee River), and eleven additional upstream sites in Nevada on both the monitored streams and in other watersheds (developed and undeveloped). The monitoring program meets the requirements of the 208 Plan and the Monitoring Subelement in the Goals and Policies.

The expanded tributary monitoring program has been in place in Nevada since the spring of 1991 so samples have been collected for at least three previous water years (WY 91-92, WY 92-93, and WY 93-94). The monitoring program is identical (in Nevada) to the program which was in place in 1993 at the time the Governing Board lowered the IPES lines in Douglas and Washoe Counties.

Staff recommends making the finding that the monitoring program is in place in Douglas County.

FINDING 4. CIP PROGRESS

The CIP finding requires that a jurisdiction make demonstrable progress on capital improvement programs for water quality within that jurisdiction. The 208 Plan defines demonstrable progress as requiring one of the two following findings to be made:

1. Funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year. (High priority projects are projects with substantial water quality benefit.); OR

2. The performance of the local jurisdiction on implementation of SE2 restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp.183-184.

-- THREE-YEAR PERIOD ALTERNATE CIP FINDING (Finding #1): Following is the list of CIP projects for Douglas County for the applicable three year period of 1993 - 1995:

1995 (Upcoming) Skyland: $210,00; Glenbrook Curve Reveg: $15,000
1994 (Current) Glenbrook Curve Reveg: $200,000
1993 (Previous) None

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Lowering the IPES Line in Douglas County
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Note: Douglas County has completed all its Priority 1 and 2 water quality CIP projects as listed in the 208 Plan.

--CIP/SEZ BENCHMARK ALTERNATE FINDING (Finding #2): The 1996 benchmark for CIP expenditures (established in the 1992 Water Quality CIP Financing Plan) in Douglas County was $4.0 million. The SEZ restoration target for December 1996 is 700 acres regionally.

Because the amount of restored SEZ acreage up to 1991 was approximately 80-100 acres, and minimal progress has occurred since 1991, this finding cannot be made for any county.

Based on their accelerated progress and the above projects, TRPA staff recommends making the first alternative finding for Douglas County.

FINDING 5. COMPLIANCE WITH PROJECT CONDITIONS

A "satisfactory level of compliance" with conditions of project approvals, within the jurisdiction, is the last required finding for lowering the line. The four criteria listed in the 208 Plan are used as indicators of the level of compliance within a jurisdiction. The Governing Board has set numerical performance standards for the four criteria in Resolution 93-19 (attached).

The following compliance data, which pertains to the lowering of the IPES line, has been updated from 1993. The data is consistent with the format of the numerical performance standards in Resolution 93-19. The sources utilized include: TRPA computer database, project files, reading files, inspection records and daily logs, compliance activity summaries, TRPA securities receipt books, and TRPA securities index cards.

Criteria #1: The percentage of project securities which were posted within a calendar year at least three years earlier and which are currently not being returned for water quality reasons shall not exceed 30 percent of the number of project securities which were posted within that calendar year.

The set of data is based on all projects which posted a security within the specified calendar year. Data is presented for the years 1985 through 1990.

1985 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percent Unreleased</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>28</td>
<td>22</td>
<td>21%</td>
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1986 Security Returns

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<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percent Unreleased</th>
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</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>35</td>
<td>31</td>
<td>11%</td>
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AGENDA ITEM NO. V.A.

SEZ/ 10/27/94
1987 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
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<tr>
<td>Douglas County</td>
<td>38</td>
<td>32</td>
<td>16%</td>
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</tbody>
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1988 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percent Unreleased</th>
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</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>63</td>
<td>52</td>
<td>17%</td>
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</table>

1989 Security Returns

<table>
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<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percent Unreleased</th>
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</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>81</td>
<td>68</td>
<td>16%</td>
</tr>
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</table>

1990 Security Returns

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<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percent Unreleased</th>
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</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>74</td>
<td>52</td>
<td>29%</td>
</tr>
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</table>

Criteria #2: The percentage of BMP retrofit plans behind approved schedules shall not exceed 30 percent of the number of projects with BMP retrofit schedules as a condition of project approval and have reached either the five-year or ten-year deadlines set in Chapter 25. (The Code requires 50% completion at the five-year mark.)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Projects</th>
<th>On Schedule</th>
<th>Behind Schedule</th>
<th>% Non-Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>33%</td>
</tr>
</tbody>
</table>

Criteria #3: The percentage of projects which had Cease & Desist orders posted for failure to observe conditions of approval shall not exceed 20 percent of the number of projects which were inspected the previous fiscal year.

The data for the number of projects inspected is based on the number of pre-grade inspections completed.

FY 93-94 (7/1/93 to 6/30/94)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Projects Inspected</th>
<th># of Projects Issued Cease and Desist Orders</th>
<th>% of Projects Issued Cease and Desist Orders</th>
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</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>59</td>
<td>8</td>
<td>14%</td>
</tr>
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</table>

SES/
10/27/94
Criteria #4: The percentage of projects which were issued notices of violation or were identified as alleged violations and which are unresolved at the end of the fiscal year shall not exceed 20 percent of the number of projects were were issued notices of violation or were identified as alleged violations within the fiscal year. Noticed or alleged violations which are resolved within 90 days of being reported as an alleged or noticed violation shall not be counted as unresolved, even if the resolution occurs in the next fiscal year. Alleged or noticed violations for which litigation has been filed shall be deemed resolved for purposes of this finding.

The data includes the number of notices of violations, and pre-notice of violation settlements requiring Governing Board approval.

FY 93-94 (7/1/93 to 6/30/94)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Violations</th>
<th># of Violations Unresolved</th>
<th>% of Violations Unresolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas County</td>
<td>4</td>
<td>1</td>
<td>25%</td>
</tr>
</tbody>
</table>

TRPA staff will make a recommendation on the compliance finding for Douglas County at the APC meeting and will report on the specific project which affects Criteria #2.

MOVING THE LINE: The new IPES line is set by moving the IPES line down by the number of parcels equal to the number of residential allocations used in that county in 1993. Used residential allocations are those for which complete applications were filed, or transfers completed, by December 31, 1993. The number of used residential allocations in 1993 was 15 in Douglas County.

If the findings can be made, then, based on the 1994 rankings, the new eligible score would be 695 in Douglas County.

ACTION REQUESTED: Staff requests that the APC hold a public hearing and make a recommendation on the lowering of the IPES line in Douglas County to the Governing Board.
Property owners may appeal their parcel's rating to an independent body of qualified experts not involved in the initial field evaluation of that parcel. These independent experts shall apply the IPES criteria, and their decision shall be final unless the property owner appeals to the TRPA Governing Board. The Board may change a rating only upon finding that the IPES criteria were not applied correctly.

TRPA shall rate all vacant residential parcels numerically and rank them from most suitable to least suitable, by jurisdiction. TRPA shall also establish a level in the ranking immediately above the most sensitive parcels, based on recommendations from the IPES technical committee. Only parcels above this level, as it may be subsequently adjusted, comprise the "top rank" and may pursue a building permit (Goals and Policies, p. VII-6).

The numerical level defining the top rank for any jurisdiction shall be lowered annually by the number of allocations utilized in that jurisdiction during the previous year, provided that the following conditions are met (Goals and Policies, pp. VII-6, -7):

--- all parcels in the top rank are otherwise eligible for development under state water quality plans and other legal limitations,

--- a monitoring program for that jurisdiction is in place as set forth in the Monitoring and Evaluation Subelement of the TRPA Goals and Policies,

--- demonstrable progress is being made on the Capital Improvements Program for water quality within that jurisdiction,

--- there is a satisfactory rate of reduction in the inventory of vacant parcels; the IPES line shall not move down in any jurisdiction unless the number of parcels below the line in that jurisdiction, compared to the number deemed sensitive on January 1, 1986, does not exceed 20 percent in El Dorado and Placer Counties, or 33 percent in Washoe and Douglas Counties, and

--- the level of compliance with conditions of project approvals within that jurisdiction is satisfactory.

With respect to the requirement that a monitoring program be in place in a given jurisdiction, the Goals and Policies require TRPA to monitor representative tributaries to provide a basis for evaluating the relative health of the watershed within which development is contemplated and progress toward meeting thresholds. The monitoring program will monitor stream flows and
concentrations of sediments and dissolved nutrients to determine annual pollutant loads. This monitoring program shall be in place in a local jurisdiction, and shall establish baseline water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered (Goals and Policies, p. VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for at least one representative water year.

The location of sampling sites, frequency of sampling, and financial responsibilities for monitoring will be set forth in TRPA's Monitoring Program pursuant to the Goals and Policies (p. VII-25) and the TRPA Code of Ordinances (section 32.10), based on the recommendations of the TRPA Monitoring Committee. The objectives of the monitoring program are to:

1. Characterize the water quality of streams draining affected residential areas in relationship to the overall water quality observed in the watershed,

2. Identify short-term changes in water quality from affected residential areas, and

3. Ensure that TRPA and state water quality standards are being attained and maintained.

The monitoring program will include quality control and quality assurance (QA/QC) procedures to ensure that the data accurately represent the actual water quality conditions.

Monitoring will normally occur not only at the mouths of streams, but also at locations in closer proximity to residential subdivisions. While the stream mouth monitoring will generally cover the entire year, monitoring at other locations higher in the watershed will be geared toward the spring snowmelt period and the fall storm season to contain costs. In addition to the presently established monitoring stations, TRPA estimates that 30 to 40 additional stations will be required throughout the Region to support the IPES conditions.

With regard to the requirement that demonstrable progress is being made on the Capital Improvements Program within a given jurisdiction, TRPA's evaluation will be based on the programs adopted in Volumes III and IV of the 208 plan, including lists of SEZ restoration and capital improvement projects for erosion and runoff control, with priority designations, for each jurisdiction. Pursuant to the Goals and Policies, TRPA has established benchmarks against which the progress can be evaluated (Goals and Policies, p. VII-26). These benchmarks are found in Section I, Chapter VII of this volume, Plan Evaluation and Revision.
To make a finding of demonstrable progress in a local jurisdiction, TRPA will review the progress of that jurisdiction over a three-year period covering the previous year, the current year, and the upcoming year. For the demonstrable progress criteria to be met, TRPA must make one of the following findings: (1) funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year, or (2) the performance of the local jurisdiction on implementation of SEZ and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp. 183 and 184. In this context, the term "high priority project" means a project with a substantial water quality benefit.

To determine whether the level of compliance in a jurisdiction is satisfactory, TRPA will evaluate: (1) the percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices, (2) the number of projects which are behind approved schedules in project approvals for BMP retrofit compared to those on schedule, (3) the number of projects which required TRPA issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected, and (4) the number of projects on which violations remain unresolved, compared to the number resolved. TRPA will review compliance data at the end of the 1989 building season, and will then set specific numerical performance standards for the four criteria above. The specific numerical performance standard shall reflect TRPA's goal of achieving a very high level of compliance with conditions of project approval.

Since it is possible (though unlikely) that individual appeals of IPES scores may result in a significant shift in the number of single-family parcels eligible to pursue permits by virtue of being in the top rank, TRPA shall, at its own local jurisdiction, and provided that IPES appeals increase the size of the top rank in that jurisdiction by three percent or more, subtract the number of parcels added to the top rank by appeals during the first year from the number of parcels which would be added to the top rank any year that the IPES line is lowered, until the number of parcels added to the top rank by appeals equals the number of parcels which would have been added to the top rank due to the lowering of the IPES line.

For TRPA to approve a project on a parcel rated and ranked by IPES, the parcel must be served by a paved road, water service, sewer service, and electric utility. However, Chapter 27 of the TRPA Code of Ordinances sets forth provisions for waiver of the paved road requirement, as provided for in the Goals and Policies (p. VII-8).
October 22, 1993

Kimble Corbridge
Washoe County
Dept. of Public Works
1001 E. Ninth St.
Reno, NV 89520

Re:  First, Second, & Third Creek Water Quality Improvement Projects - 1994
Preliminary List of Projects, Construction Cost Estimate, and Location Maps

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Treatment</th>
<th>SEZ. Distance</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Creek Basin*</td>
<td>Sediment Basin</td>
<td>First Ck/50 Ft.</td>
<td>$40,000</td>
</tr>
<tr>
<td>Second Creek Cutbank*</td>
<td>Vegetation</td>
<td>Second Ck/100 Ft.</td>
<td>$20,000</td>
</tr>
<tr>
<td>Country Club Cutbank*</td>
<td>Vegetation</td>
<td>Third Ck/100 Ft.</td>
<td>$50,000</td>
</tr>
<tr>
<td>Sugarpine Cutbank*</td>
<td>Retaining Walls</td>
<td>Second Ck/500 Ft.</td>
<td>$120,000</td>
</tr>
<tr>
<td>Jackpine Basin*</td>
<td>Sediment Basin</td>
<td>Second Ck/500 Ft.</td>
<td>$20,000</td>
</tr>
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<td>Ponderosa Cutbank</td>
<td>Retaining Walls</td>
<td>Second Ck/200 Ft.</td>
<td>$30,000</td>
</tr>
<tr>
<td>Second Creek Ditches</td>
<td>Rock Lined Ditches</td>
<td>Second Ck/100 Ft.</td>
<td>$40,000</td>
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<td>Silvertip Basin</td>
<td>Sediment Basin</td>
<td>Second Ck/100 Ft.</td>
<td>$50,000</td>
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<td>Village Cutbank</td>
<td>Rock Riprap</td>
<td>Third Ck/200 Ft.</td>
<td>$30,000</td>
</tr>
<tr>
<td>Village Basin</td>
<td>Sediment Basin</td>
<td>Third Ck/200 Ft.</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

**TOTAL**  $420,000

The projects marked with an asterisk (*) are projects previously reviewed with you. The addition projects are provided as alternatives to be further evaluated and offered for comparison. This list was completed with the assistance of Carl Hasty, TRPA, on October 21, 1993 relative to the most recent TRPA 208 Water Quality Plan. Carl was very pleased with this list of projects especially due to the proximity and favorable impact to stream environment zones.
TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 93-19

RESOLUTION SETTING NUMERICAL PERFORMANCE STANDARDS
FOR DETERMINING A SATISFACTORY LEVEL OF COMPLIANCE
WITH PROJECT CONDITIONS OF APPROVAL AS RELATED TO IPES

WHEREAS, the 1987 Regional Plan and Code of Ordinances adopted a new system for evaluating and determining eligibility for development of vacant residential parcels, which system is titled Individual Parcel Evaluation System ("IPES"); and

WHEREAS, a key component of IPES is the potential for annually lowering the numerical level defining the top ranked parcels (IPES line) in a given jurisdiction; and

WHEREAS, the numerical level defining the top rank in a given jurisdiction cannot be lowered unless TRPA makes five certain findings as set forth in Chapter 37 of the TRPA Code of Ordinances; and

WHEREAS, one of the five required findings is a finding that the level of compliance with conditions of project approval is satisfactory; and

WHEREAS, the 1988 Water Quality Management Plan for Lake Tahoe Region (1988 TRPA 208 Plan) adopted by TRPA, certified by California and Nevada and approved by U.S. EPA, mandated the evaluation of four criteria and the setting of numerical performance standards as a precursor to making the compliance finding; and

WHEREAS, the numerical standards are to reflect TRPA's goal of achieving a high level of compliance and will be the standards used by each jurisdiction in the annual consideration of lowering the IPES line; and

WHEREAS, instead of two years of compliance data for the four criteria, as contemplated by the 1988 TRPA 208 Plan, TRPA has now collected four to five years of compliance data; and

WHEREAS, TRPA has conducted several noticed public hearings in both 1990 and 1993 on the setting of the numerical performance standards; and

WHEREAS, the APC has recommended the setting of the numerical performance standards as set forth in the minutes of their October 13, 1993 meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby sets the numerical performance standards for the four criteria in Volume I, of the 1988 TRPA 208 Plan, page 120, as follows:

(1) The percentage of project securities which were posted within a calendar year at least three years earlier and which are currently not being returned for water quality reasons shall not exceed 30 percent of the number of project securities which were posted within that calendar year.

EXHIBIT C
(2) The percentage of BMP retrofit plans behind approved schedules shall not exceed 30 percent of the number of projects which have BMP retrofit schedules as a condition of project approval and which have reached either the five-year or ten-year deadlines set in Chapter 25.

(3) The percentage of projects which had Cease & Desist orders posted during the previous fiscal year for failure to observe conditions of approval shall not exceed 20 percent of the number of projects which were inspected the previous fiscal year.

(4) The percentage of projects which were issued notices of violation or were identified as alleged violations, and which are unresolved at the end of the fiscal year, shall not exceed 20 percent of the number of projects which were issued notices of violation or were identified as alleged violations within the fiscal year. Noticed or alleged violations which are resolved within 90 days of being noticed or identified shall not be counted as unresolved, even if the resolution occurs in the next fiscal year. Filing litigation shall be deemed a resolution of a violation for purposes of this finding.

BE IT FURTHER RESOLVED that the Governing Board shall reconsider the foregoing numerical standards at such time as reconsideration may be appropriate or required, including but not limited to, reconsideration based on the 1992 amendments to Chapter 25 requiring mandatory BMP retrofit by certain dates.

PASSED AND ADOPTED this 27th day of October 1993, by the Governing Board of the Tahoe Regional Planning Agency by the following vote:

**Ayes:**
- Westergard, Upton, Kanoff, Klein, Lau, Sevison,
- Bradhurst, Neft, DeLanoy, Waldie, Bennett,
- Hagedorn, Cronk

**Nays:**
- None

**Abstentions:**
- None

**Absent:**
- Chimarusti

John E. Upton, Vice Chairman
Tahoe Regional Planning Agency
October 28, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Ordinance Amendments Concerning Correct and Complete and Original Applications and/or Signatures

PROPOSED ACTION: To adopt Code Amendments pertaining to Correct and Complete and Original Applications and/or Signatures.

STAFF RECOMMENDATION: TRPA staff recommends that the APC conduct a public hearing and recommend adoption of the proposed Code amendments.

RULES COMMITTEE RECOMMENDATION: The Governing Board Rules Committee met and reviewed several alternative Rule/Code amendments concerning correct and complete and original applications. The Rules Committee recommended against adoption of the Rule changes pertaining to this issue and recommended that Chapter 8 be amended to require correct and complete and original applications (with faxed or photocopied signatures to be accepted as long as an original signature was submitted within seven (7) days thereafter).

PROPOSED AMENDMENTS: The proposed amendments are set forth in Attachment "A".

DISCUSSION: Complaints have come to staff of two or three recent incidents involving alleged fraudulent applications and/or signatures in the recent past. Two of the alleged incidents involved complaints against a consultant who was authorized to seek project approval on behalf of a property owner. The complaint alleged that the consultant exceeded the scope of his authorization and improperly transferred coverage off the site of the project (presumably selling it to another). Staff has determined that the amendment of Code Sections 8.0 and 8.10 will give TRPA some tools to deal with this problem. Two of the three problems allegedly occurred because a consultant used a photocopied authorization form for purposes other than those which the consultant was orally authorized to act. The requirement that the property owner provide a new original letter of authorization for each new project will help prevent this alleged problem from occurring again.

In addition, staff has had one recent incident of a real estate agent signing a parcel evaluation form using a false signature. Staff has realized that
there were no Code provisions that prohibit such action. Therefore, staff is proposing the adoption of a new Code section 8.10 (copy enclosed).

This new Section 8.10 would prohibit the filing of any TRPA application with false information that the applicant or agent knowingly, intentionally or recklessly provides. Proposed Section 8.10 would also make it a violation of TRPA's Code to place a false signature on a TRPA application or other form. In addition, proposed Section 8.10 would make each piece of false information a separate violation.

The enclosed version of Section 8.10 also contains the following additional changes: 1) it requires applications to be originals but will allow photocopies or facsimiles if they are followed up with an original within seven (7) days; and 2) it requires a new letter of authorization for each new project.

The proposed amendment to Section 8.0 is for clarification and internal consistency of the Chapter.

ENVIRONMENTAL DOCUMENTATION: Because of the administrative nature of the amendments, staff recommends a finding of no significant effect.

ACTION REQUESTED:

1. Hold a public hearing on the proposed Code amendments.

2. Recommend the Governing Board adopt the attached proposed Code amendments.

If there are any questions regarding this agenda item, please contact R. J. Nicolle, TRPA Agency Counsel, at (702) 588-4547.

Attachment
ATTACHMENT "A"

Correct and Complete and Original Application Amendments

8.0 Purpose

This chapter provides enforcement mechanisms concerning project applications, project approvals, conditions of approval, provisions of the Compact, Goals and Policies and the Code of Ordinances.

8.10 Correct Information/Names and Originals Required

All applications, authorizations and other forms filed with the Agency by applicants or their agents, shall be truthful and accurate. No applicant or agent shall sign a false or incorrect name, or shall forge another's name. No applicant or agent shall knowingly, intentionally or recklessly provide any untrue information on such applications, authorizations or other forms. Each false, untrue name or forged name on any application, authorization or other form filed with the Agency shall be a separate violation of this Code. Each piece of false information provided knowingly, intentionally or recklessly on applications, authorizations or other forms filed with the Agency shall be a separate violation of this Code.

All applications, authorizations and other forms filed with the Agency by applicants or their agents shall be originals. However, photocopies or facsimiles of such applications, authorizations or other forms may be submitted (along with the requisite filing fee) as long as the originals are received by the Agency within seven (7) days of filing such photocopies or facsimiles. If the originals are not received within one week of filing, the application, authorization or other form shall be deemed incomplete and shall not be processed.
October 27, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Chapter 43 and Other Related Amendments Limiting New Residential Subdivisions to Existing Urban Areas.

Proposed Action: The proposed action is to amend the subdivision provisions of the Code and other related provisions to direct the location of new and transferred development to areas within urban boundaries. The amendments are summarized below and provided in detail on Attachment A.

1. **Clarify Definition of Urban Boundary:** The first amendment would move the definition of "urban area" from Subsection 41.2.K to Chapter 2 (Definitions).

2. **Clarify Use of Existing Urban Areas in Regard to Post-1987 Project Subdivision:** The second amendment would amend Subsection 43.4.A (Subdivision of Post-1987 Projects) to permit subdivisions only within urban areas existing on December 31, 1994 or as amended pursuant to Section 13.7 (PAS Amendments).

3. **Limit the Expansion of Urban Boundaries and Uses:** The third amendment would add findings to Section 13.7 (Plan Area Statements and Plan Area Maps) regulating the changes of urban boundaries.

Staff Recommendation: TRPA staff recommends that the APC hold a public hearing on the proposed amendments and recommend adoption to the Governing Board.

Background: At the October APC Meeting, staff presented a process to form a working group of local planners, local housing experts, and concerned citizens to help advise TRPA on the resolution of three issues resulting from the recent settlement of litigation regarding the Douglas County Community Plans. The schedule specified how TRPA was "to direct the location of new and transferred development to areas within urban boundaries." The results of the meeting will be presented to the APC and Governing Board in November. The other issues regarding affordable/multi-family housing/subdivisions will be considered in December.
Memorandum to Advisory Planning Commission
Amendments to Chapter 43 and Other Related Amendments
Page 2

A workshop was held on October 24, 1994 with a number of interested persons on both sides of the issue. The minutes of that meeting are attached as Attachment B.

The League to Save Lake Tahoe expressed concerns about development expanding beyond the existing urban boundary and the Regional Plan limitation of keeping the new subdivision exception within the urban boundary. A representative from the California Attorney General's office noted issues concerning implementation of the subdivision policies in the 208 Plan. Property owner representatives indicated a need to be flexible. There was general agreement with the intent of the Regional Plan and the objective. Options ranging from a prohibition of subdivisions outside the 1987 existing urban boundary to status quo were discussed.

With some reservations, the group agreed that new subdivisions could be limited to urban areas as defined by the Plan Area Statements today (1994). The majority of disagreements focused on the flexibility of making future amendments.

Discussion: Staff recommended amendments are designed to balance the need to concentrate development within urban areas with the need to deal with unforeseen situations. Staff has attempted to balance the concerns of all within the limitations of the Regional Plan Package noted below and meet the stated objective.

The limitation of certain subdivisions to existing urban areas is stated in Goal #2 of the Land Use Element of the Regional Goals and Policies. This limitation is also consistent with the 208 Plan (Volume 1, p. 218) which states "This alternative will maintain the existing boundaries of the urban area within the Region, and will generally result in the in-fill of property in land capability districts 4 through 7 with urban land uses, consistent with the TRPA Plan Area Statements." The 208 Plan also speaks to the avoidance of new road networks as a reason for limiting the opportunities for subdivision. TRPA legal counsel has researched the 208 Plan and has concluded that the proposed amendments are consistent.

Environmental Documentation: Because of the more restrictive nature of the amendments, staff recommends a finding of no significant effect.

Action Requested: The Advisory Planning Commission should conduct a public hearing and make a recommendation to the Governing Board.
PROPOSED AMENDMENTS TO CHAPTERS 2, 41, 43, and 13

1. Delete Subsection 41.2.K from Chapter 41 and move to Chapter 2.

41.2.K. Urban Area: Urban areas are those areas designated as residential, tourist or commercial/public service by the plan area statements.

2. Amend Subsection 43.4.A as follows:

43.4.A. Existing Urban Areas: Subdivisions may only be permitted in urban areas existing on December 31, 1994 or as amended.

3. Amend Section 13.7 to add Subsection 13.7.D Findings for PAS amendments.

13.7.D Findings for Plan Area Amendments: Prior to approving any plan area amendment, TRPA must find, based on substantial evidence in the record, that:

(1) The amendment is consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.; and

(2) If the amendment increases the development potential in non urban plan areas by expanding urban boundaries or adding residential, tourist accommodation, commercial or public services permissible uses, the amendment:

(i) Is to correct an error which occurred at the time of original adoption, such as mapping errors, editing errors, or errors based on erroneous information; or

(ii) Is proposed as part of a TRPA recommended compliance measure pursuant to Chapter 32, which TRPA determines will better improve the ability of TRPA to achieve environmental thresholds.
MEETING ON AFFORDABLE HOUSING AND URBAN BOUNDARY AMENDMENTS

October 24, 1994

Present: Gabby Barrett, TRPA; Keith Ruben, Douglas County; Leroy Woods; Mary Gilanfarr, Tahoe Sierra Preservation Council; Phil Gilanfarr, Architect; Sam Waldman, Incline CAB; Nancy Sjursen, Sierra Planning; Allison Getty; Greg Melcher, Bitterbrush, Ltd.; Dan Siegel, California Attorney General’s Office; Rochelle Nason, League to Save Lake Tahoe; Adrian Gooch, City of South Lake Tahoe; Teri Jamin, City of South Lake Tahoe; Patrick Conway, City of South Lake Tahoe; Rob Joiner, Carson City Community Development; Gregg Lien, Hoffman and Lien; John Hoole, TRPA; and Rachelle Nicolle, TRPA.

Welcome and Introductions: Gabby Barrett briefly reviewed the history of this subject, reason for today’s meeting, possible directions this group and TRPA may take, and setting a schedule for future consideration. He then introduced Rob Joiner, Carson City Planner, who would act as a moderator for this meeting.

Rochelle Nason, noted the League to Save Lake Tahoe’s concerns are 1) subdivision approval at Incline Village, 2) vacant land within urban areas being developed for high cost housing, and 3) a “new neighborhood” proposed in Douglas County.

Mary Gilanfarr said the current process is the problem. Many lots are not identified in the ’87 Plan even though they have full infrastructure. Each parcel should be judged on its own. We should transfer this matter to local agencies, and let TRPA work on regional planning.

Dan Siegel, California Attorney General, agreed with the League’s concern about the Incline project. He feels subdivisions create a road system that leads to water quality problems.

Patrick Conway, City of South Lake Tahoe, reviewed the City’s income standards to qualify for low cost housing.

Phil Gilanfarr said TRPA should not get into normal Housing Authority duties. Rochelle Nason added that TRPA does not have the resources to create low-cost housing, can just provide guidelines. She noted there has been a ban on subdivisions for the past 15-20 years.

Mary and Phil Gilanfarr both noted that TRPA regulations have driven up land and construction costs. Low cost housing would not help some neighborhoods that are trying to improve.

Gregg Lien said everything boils down to economics. Incentives are needed to counter the high land costs.
Patrick Conway stressed the need for a plan. The City could not make progress until they developed local support, set-up the Housing Authority, and obtained grants.

Nancy Sjursen said a problem is that much of the lake is unincorporated and does not have an equal chance to compete for grant money.

Phil Gilanfarr noted recent low cost housing proposals, one of which was turned down in Incline due to neighborhood protest.

Dan Siegel said that dispersal is still the primary goal when creating low income housing.

Gabby Barrett again reviewed a chart showing process/schedule, and noted staff is to present a report to the Governing Board in two months. The goal is to present the urban boundary issue to the Board in November. He again reviewed the three objectives listed in the staff memo. Gabby noted the Board may want to postpone action on this matter to allow additional time for review.

Mary and Phil Gilanfarr supported an amendment to TRPA procedures to provide for variance applications. Parcels not included in the red areas on the map should have a chance to be added.

Dan Siegel noted the second option on the staff memo conforms to the 208 Plan.

Rachelle Nicolle said some of the concerns might be resolved by amending the definition of "existing" in Chapter 43, or change the referenced date.

Teri Jamin said the TRPA Regional Plan should speak to affordable housing. She noted the Douglas County Community Plan showed affordable housing, however, that was later removed from the plan. Such plans should be required to show alternate sites.

Rob Joiner asked if an effective date could be established at this time. City staff would support setting a date if exceptions could be included.

Rachelle Nicolle suggested the group consider December 31st as the effective date with review of areas not shown on a case-by-case bases. Gregg Lien had a problem with setting any date.

Conclusion: Staff will present the options to the Advisory Planning Commission at their November 9th meeting. Interested persons should get comments to the Advisory Planning Commission prior to, or at, said meeting.

This group will meet again on November 17th. Ms. Nicolle will present a proposed revised definition of urban boundary, along with other suggested amendments.
October 27, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Tahoe Regional Planning Agency Code of Ordinances, Chapter 82, Use and Distribution of Mitigation Funds

PROPOSED ACTION: The proposed action is to make a recommendation to the Governing Board on an amendment to Section 82.5 to permit interest earned on water quality mitigation funds to be used for water quality planning.

STAFF RECOMMENDATION: TRPA staff recommends that the APC conduct a public hearing and recommend adoption of the proposed Code amendment.

PROPOSED AMENDMENTS: The proposed amendment is as follows with added language underlined and deleted language stricken:

82.5 Use and Distribution of Mitigation Funds: TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects or water quality planning. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA’s Water Quality Management Plan. Accrued interest may be used for water quality planning in the Region. TRPA shall encourage the local jurisdictions to use the funds as expeditiously as possible.

DISCUSSION: The amendment arose out of staff discussions with the Capital Finance Committee regarding the need for accurate information on erosion control project needs, that can be updated efficiently, in order to implement the water quality program effectively. The proposed amendment would permit the interest earned on the water quality mitigation funds to be used for regional or local water quality planning efforts, such as the creation of a database and computerized maps of erosion control and water quality problems within public road rights-of-way. This timely and important planning effort, made in consultation and cooperation with the local public works departments, would enhance the regional efforts to secure funding for the water quality program in the Region. The proposed plan amendment would enable this and other future critical planning efforts to be funded.
ENVIRONMENTAL DOCUMENTATION: Because of the administrative nature of the amendments, staff recommends a finding of no significant effect.

ACTION REQUESTED: The APC should conduct a public hearing and make a recommendation on the proposed amendment.

If you have any questions regarding this item please contact Carl Hasty, Senior Planner - Water Quality/Land Capability, at (702) 588-4547.
MEMORANDUM

November 1, 1994

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Reaffirmation of TRPA's Regional Transportation Plan/Air Quality Plan

This item is continued to the December APC meeting.
MEMORANDUM

November 1, 1994

To: TRPA Advisory Planning Commission

From: Carl Hasty, Senior Planner - Water Quality/Land Capability Team

Subject: Presentation on the Water Quality Program

TRPA staff will be presenting an informational workshop on the water quality program as it relates to attainment of the thresholds. At the direction of TRPA's Executive Director, staff has reviewed the program and assessed the effort to reach the thresholds particularly within the Agency. The presentation will emphasize the revised program approach including erosion control, SEZ restoration, and monitoring aspects.

/eh

AGENDA ITEM VI.B.
Planning for the Protection of our Lake and Land
MEMORANDUM

November 1, 1994

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Notice of Commencement of 60-Day Comment Period for North Shore Community Plans and Related Environmental Impact Statements

This item is continued to the December APC meeting.