TRPA
APC
PACKETS

JANUARY
1998
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, January 14, 1998, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

January 5, 1998

By:

Deputy 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.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
U.S. Highway 50, Stateline, Nevada

January 14, 1998
9:30 a.m.

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 and Planning Matter 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. ADMINISTRATIVE MATTER

A. Election of APC Chairman and Vice Chairman for 1998 and 1999

V. DISPOSITION OF MINUTES

VI. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Code Chapter 1, Section 1.7, Introduction to Code of Ordinances, to Provide for Administrative Fee for Mitigation Fund Management; Adoption of Resolution to Establish Amount Collected

B. Amendment of Boundary Line of Special Area #1 of Plan Area Statement 104, Highland Woods, to Add El Dorado County APN 31-290-25

VII. PLANNING MATTERS

A. Consideration of Lowering IPES Line

B. Discussion on Streamlining Agency Programs and Activities
VIII. REPORTS

A. Executive Director
   1. Status Report on Environmental Improvement Program and Legislative Packet

B. Legal Counsel

C. APC Members

IX. ADJOURNMENT
To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 1, Section 1.7 to Allow the Collection of Administrative Fees on Mitigation Funds; Adoption of Resolution to Establish the Amount Collected

Proposed Action: Amend Chapter 1, Section 1.7 to allow the collection of administrative fees for the management of mitigation funds that are authorized and collected pursuant to the TRPA Code of Ordinances. Also, adopt a Resolution establishing the amount collected to be five percent of the interest generated on the mitigation fund accounts during the 1997-98 fiscal year, and during each fiscal year thereafter. The proposed Code amendment would allow the collection of an administrative fee by levying a fixed percentage of the monthly interest generated by each mitigation fund. The percentage collected would be established by Governing Board resolution, and will be based on the administrative costs to TRPA for managing the mitigation fund.

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend approval of the proposed amendment to Chapter 1, Section 1.7, as shown in Exhibit "A". Staff also recommends that the APC recommend approval of the proposed Resolution in Exhibit "B".

Background: TRPA manages a number of mitigation funds and these utilize staff and agency resources. The Governing Board Finance Committee recommended that TRPA amend the Code to allow TRPA to recover the costs of administering and managing the mitigation funds. TRPA staff did an analysis of the costs for managing these funds, and determined that five percent of the interest on the funds would generate approximately $20,000 per year. TRPA staff also did an analysis of the costs of administering the funds, and determined that those costs were approximately $20,000 per year (see Exhibit "C").

Therefore, the amendment to Chapter 1, in Exhibit "A" will authorize the
collection of the fee. The resolution in Exhibit "B" will establish the administrative fee at the rate of five percent of the interest generated during the 1997-98 fiscal year, and during each subsequent fiscal year thereafter. This will allow TRPA to recover the costs of administering the mitigation accounts.

Findings: The following findings are required to approve the amendment the Chapter 1, Section 1.7:

A. Chapter 6 Findings:

1. Finding: 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.

Rationale: The amendment is procedural in nature. It is necessary to enable TRPA to administer the mitigation funds. Due to budget cuts and increasing costs, TRPA is no longer able to provide the service of administering the mitigation funds at no cost. The costs of managing the funds are a reasonable and necessary expense attributable to the funds. Although this amendment and Resolution will slightly reduce the amount of funds available for mitigation projects, the impact on the mitigation programs will be insignificant. The proposed amendment and resolution is consistent with, and will not adversely affect implementation of the Regional plan.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment and Resolution is procedural or fiscal in nature, and will not affect the Thresholds. The costs of managing the funds is a necessary and reasonable expense to the funds, and will have insignificant impact upon the mitigation programs.

3. Finding: Wherever federal, state, and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See Finding 1 and 2 above.
4. Finding: 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.
   Rationale: See Finding 1 and 2 above.

B. Environmental Findings:

Due to the procedural or fiscal nature of the amendment and Resolution, staff recommends a finding of no significant effect.

Requested Actions:

To adopt the proposed amendment and Resolution, the Advisory Planning Commission should take the following actions:

1. Hold a public hearing.

2. Make a motion recommending that the Governing Board adopt the amendment in Exhibit “A” and the Resolution in Exhibit “B”.

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

Attachments
EXHIBIT “A”

Add Section 1.7 to Chapter 1 of the TRPA Code:

1.7 Administrative Fees:

All fees authorized and collected pursuant to this Code, and held by TRPA in trust for mitigation purposes, shall be subject to an administrative fee for mitigation fund management. Such administrative fee shall be levied each month, by collecting a fixed percentage of the monthly interest generated by each mitigation account. The percentage shall be established by Governing Board resolution, and shall be based on the administrative costs to TRPA for managing the mitigation funds. The provisions in this section shall apply to all such mitigation funds, and shall supersede any limitation in this Code on the use of such interest.
EXHIBIT "B"

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 98

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
ESTABLISHING THE ADMINISTRATIVE FEES TO BE COLLECTED
PURSUANT TO TRPA CODE SECTION 1.7

WHEREAS, TRPA Code Section 1.7 authorizes the TRPA Governing Board to establish an administrative fee for mitigation fund management;

WHEREAS, Section 1.7 states that the amount of the fixed percentage of the interest collected on the mitigation funds shall be established by Governing Board resolution;

WHEREAS, the collection of an administrative fee is necessary and desirable to promote, and is reasonably related to the public health, safety and general welfare of the Tahoe Region; and

WHEREAS, the proposed fee complies in all respects, procedural and substantive, with the Tahoe Regional Planning Compact, the Regional Plan, ordinances and rules of TRPA, and is necessary to effectuate and implement same; and

WHEREAS, the proposed fee is fiscal or procedural in nature and will not have a significant effect upon the environment and therefore does not require the preparation of an environmental impact statement; and

WHEREAS, prior to adoption of this Resolution, the Governing Board made the findings required by Chapters 5 and 6 of the Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Governing Board of the Tahoe Regional Planning Agency resolves that the Tahoe Regional Planning Agency shall collect an administrative fee on mitigation fund accounts in the amount of 5% of the interest generated per month by those accounts during the 1997-98 fiscal year. Said fee shall continue for each fiscal year thereafter unless and until a new percentage amount is set by later Governing Board resolution.

(2) This Resolution shall take effect upon the effective date of the Ordinance adopting TRPA Code Section 1.7.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency on this _____ day of January 1998, by the following vote:
Ayes:

Nays:

Abstain:

Absent:

Drake DeLany, Chairman
Tahoe Regional Planning Agency
TRPA MITIGATION AND COVERAGE MITIGATION
INTEREST INCOME AND MONTHLY BALANCES FOR FYE 96/97

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Per broker @ Merrill Lynch normal charge for management is between 1/2 to 1 % of portfolio balance.
Cost to TRPA Money Purchase Pension plan for administrative expenses was $14,848.14 for year with an ending portfolio balance of $3,245,225.70, approximately .46% of ending portfolio balance.

Estimated Agency Cost:

Daily Logging of Mitigation fund cash receipts @ 1 hour per day x 5 days per week x 50 weeks
Daily deposit and tracking of mitigation funds received @ 1 hour per day x 5 days per week x 50 weeks
Monthly mitigation tracking report reconciliation's, bank reconciliation's, fund transfers and fund distributions @ 20 hours per month x 12 months
Monthly review of above by Finance Director @ 8 hours x 12 months
Administrative time per release @ 8 hours per release x 12 releases per year

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20,820
MEMORANDUM

January 6, 1998

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Amendment of Boundary Line of Special Area #1 of Plan Area Statement 104, Highland Woods, to Add El Dorado County APN 31-290-25

This item is being continued to the February meeting.

AGENDA ITEM VI.B.

Planning for the Protection of our Lake and Land
MEMORANDUM

January 5, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Consideration of Lowering the IPES Line in 1998

PROPOSED ACTION: Subsection 37.8.C requires TRPA to consider lowering the IPES numerical level defining the top ranked parcels on an annual basis.

STAFF RECOMMENDATION: Staff recommends that the findings required for lowering the IPES line not be made for any of the jurisdictions, therefore no action should be taken to lower the numerical level.

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.

/jp Planning for the Protection of our Lake and Land AGENDA ITEM NO. VII.A.
The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Exhibit A).

At the November 1994 meeting, the Governing Board lowered the IPES line in Douglas County to 695. At the October 1994 meeting, the Governing Board lowered the IPES line in Washoe County to 672.

DISCUSSION: Since lowering the IPES line is an annual event, staff has compiled the necessary information from the preceding calendar year (1996) or fiscal year (96-97), as appropriate, for consideration of lowering the line in Nevada in 1997. As before, the California counties are ineligible because the vacant lot equation finding cannot be made. The current vacant lot equation is presented for both California counties later in this staff summary for informational purposes.

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 US EPA 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 US EPA 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 20 percent in the California counties and 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 December 1998 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 1996 memorandum to the Governing Board from William Morgan. The denominators are constant and do not change.

Douglas County: 253/1067 = 24 percent  
Placer County: 902/1667 = 54 percent  
Washoe County: 302/2350 = 13 percent  
El Dorado County: 1326/4363 = 30 percent  

(For informational purposes, the percentages for last year for the California counties were: Placer County - 927/1667 = 55 percent, and El Dorado County - 1339/4363 = 32 percent.)
Staff recommends making this finding for Douglas and Washoe Counties. Since the finding cannot be made for the California counties, the remainder of this summary will focus on the Nevada counties.

**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 10 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 four previous water years (WY 91-92, WY 92-93, WY 93-94 and WY 94-95). The monitoring program is identical (in Nevada) to the program which was in place in 1993 and 1994 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 Washoe and Douglas Counties.

**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 SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established in the 1996 Evaluation under the Environmental Compliance Form for Water Quality (WQ-2-A). Under WQ-2-A, an indicator for total expenditures on CIP projects is set for each local unit of government, for the period from January 1, 1997 to December 31, 2001. The target for Washoe and Douglas Counties is $4.0 million for the 5 year period or $800,000 per year.

-- THREE-YEAR PERIOD ALTERNATE CIP FINDING (Finding #1): Following is the list of CIP projects for Washoe County for the applicable three year period of 1996-1998:

- 1998 (Upcoming) Ski Way Erosion Control Project, approx. $600,000.
- 1997 (Current) Third Creek Watershed Restoration Project Revegetation, approx. $20,000.
- 1996 (Previous) Third Creek Watershed Restoration Project, approx. $150,000.

Note: The Ski Way Project was scheduled for completion in 1997 but was not done, and was rescheduled for 1998.

-- 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 1996-1998:

- 1998 (Upcoming) Lower Kingsbury Drainage, $314,000.
- 1997 (Current) No Projects completed.
- 1996 (Previous) Skyland Erosion Control: $210,000.

Note: The Lower Kingsbury Project was scheduled for construction in 1997, but was postponed until 1998. Douglas County has addressed all its Priority 1 and 2 water quality CIP projects as listed in the 208 Plan although there remains substantial additional work to be done.

-- CIP/SEZ BENCHMARK ALTERNATE FINDING (Finding #2): The 1996 benchmarks for CIP expenditures (established in the 1996 Evaluation Water Quality Compliance Form WQ-2- A) were: $4.0 million in Washoe County and $4.0 million in Douglas County. The SEZ restoration target for December 1996 is 700 acres.

Because the amount of restored SEZ acreage up to 1991 was approximately 80-100 acres, this finding cannot be made for any county. The amount of SEZ restoration which has occurred since 1991 is not sufficient to change this situation.

TRPA staff does not recommend making either Finding #1 or #2 for Washoe County and Douglas County. With the funding available from the 1996 Tahoe Bond Act, it should be possible for the local jurisdictions to make the necessary progress to meet the requirements of Finding #1.

/JP

AGENDA ITEM VII.A.
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 (Exhibit B).

The attached compliance data memorandum prepared by Mike Solt, Compliance Division (Exhibit C), which pertains to the lowering of the line has been updated for 1997. The data is consistent with the format of the numerical performance standards in Resolution 93-19. Staff recommends making the compliance finding for Washoe and Douglas County.

MOVING THE LINE: Since none of the jurisdictions have met all of the required findings, the staff does not recommend moving the line in 1998.

REQUESTED ACTION: No action is requested of the Governing Board since the staff is not recommending any lowering of the IPES line.

If there are any questions regarding this staff summary, please contact Joe Pepi at (702) 588-4547.
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 30 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 drainage 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 2018 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 restoration 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 construction permits by virtue of being in the top rank, TRPA shall, in a given 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).
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.
(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, JeLanoy, Waldie, Bennett, Hagedorn, Cronk

Nays: None

Abstentions: None

Absent: Chimarusti

John E. Upton, Vice Chairman
Tahoe Regional Planning Agency
MEMORANDUM

December 29, 1997

To: Joe Pepi, Senior Planner
From: Mike Solt, Senior Environmental Specialist
Subject: Compliance Data Associated With Lowering of the Individual Parcel Evaluation System (IPES) Line For Washoe and Douglas County

The following compliance data which pertains to the lowering of the IPES line is being submitted for your review. The type and sources of data are consistent with those used to establish the compliance criteria numerical standards, and evaluate lowering of the IPES line in previous years. A "satisfactory level of compliance" with conditions of project approvals, within any jurisdiction, is one of the required findings for lowering the line.

I have included data for Washoe and Douglas Counties only. The security release data for Criteria #1 is for projects started three or more years ago, going back to 1988. The compliance data for Criteria #2 is based upon projects with 50% or 100% completion of BMP retrofits required by June 30, 1997. The data for Criteria #3 and #4 is being submitted for fiscal year (July 1 - June 30) '96-'97.

The sources utilized in compiling this data include: TRPA computer database, project files, reading files, compliance personnel's inspection records and daily logs, previous compliance activity summaries, TRPA securities database, and TRPA securities index card tracking system.

Criteria #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, 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 1988 through 1992. The data for years '88 through '91 was not updated in 1996 since the criteria standard has already been met.
### 1988 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>127</td>
<td>111</td>
<td>13%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>63</td>
<td>51</td>
<td>19%</td>
</tr>
</tbody>
</table>

### 1989 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>160</td>
<td>130</td>
<td>19%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>81</td>
<td>74</td>
<td>9%</td>
</tr>
</tbody>
</table>

### 1990 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>175</td>
<td>135</td>
<td>23%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>75</td>
<td>54</td>
<td>28%</td>
</tr>
</tbody>
</table>

### 1991 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>185</td>
<td>152</td>
<td>18%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>79</td>
<td>56</td>
<td>29%</td>
</tr>
</tbody>
</table>

### 1992 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>177</td>
<td>134</td>
<td>24%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>83</td>
<td>61</td>
<td>27%</td>
</tr>
</tbody>
</table>

### 1993 Security Returns

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Posted</th>
<th>Released</th>
<th>Percentage of Securities Not Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>128</td>
<td>91</td>
<td>28%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>63</td>
<td>48</td>
<td>24%</td>
</tr>
</tbody>
</table>
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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 within five years and 100% completion within ten years. A total of 18 projects within the two jurisdictions have reached the five year date for completion of phase 1 of the BMP retrofit as of June 30, 1996.

<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>Washoe County</td>
<td>16</td>
<td>16</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>7</td>
<td>6</td>
<td>1</td>
<td>14%</td>
</tr>
</tbody>
</table>

Criteria #3: The percentage of projects which required TRPA issuance of CEASE AND DESIST ORDERS 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.

Fiscal year 96/97, July 1, 1996 through June 30, 1997

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>77</td>
<td>3</td>
<td>4%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>30</td>
<td>1</td>
<td>3%</td>
</tr>
</tbody>
</table>

Criteria #4 The percentage of projects which were issued notices of violations or were identified as alleged violations and which remain 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 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.
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Fiscal year 96/97, July 1, 1996 through June 30, 1997

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Violations Resolved</th>
<th># of Violations Unresolved</th>
<th>% of Violations Unresolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe County</td>
<td>5</td>
<td>1</td>
<td>17%</td>
</tr>
<tr>
<td>Douglas County</td>
<td>1</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

Please let me know if you need any clarification or further information regarding the contents of this memo.

MS/jsd

c Jim Baetge, TRPA Executive Director  
Steve Chilton, TRPA Environmental Compliance Division
MEMORANDUM

January 6, 1998

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Discussion on Streamlining Agency Programs and Activities

Staff will be making a presentation on this agenda item at the January meeting.