

**TRPA
APC
PACKETS**

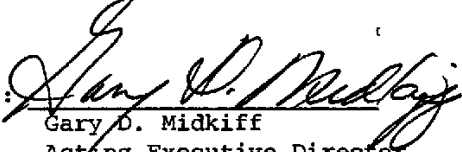
**JUNE
1984**

*Long Range
Please Route
JB ✓*

NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on June 13 and 14, 1984 at
9:30 a.m. at Granlibakken Ski and Racquet
Resort, located on Tonopah Drive, Tahoe City, California,
the Advisory Planning Commission of said agency will conduct
its regular meeting. The agenda for said meeting is attached
to and made a part of this notice.

Dated: June 4, 1984

By: 
Gary D. Midkiff
Acting Executive Director
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not
necessarily be considered in the order in which they
appear on the agenda.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Granlibakken Ski and Racquet Resort
Tahoe City, California

June 13, 1984 9:30 a.m.
June 14, 1984 9:30 a.m.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV ADMINISTRATIVE MATTERS
- V PLANNING MATTERS
 - A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village (Wednesday, June 13, 1984, 10:00 a.m.)
 - B. Regional Plan Status Report
 - 1. Litigation
 - 2. Schedule of Workshops and Meetings
 - 3. Other
 - C. Subcommittee Reports 2:00
 - 1. Land Use and Growth Management
 - 2. Resource Management and Water Quality
 - 3. Transportation/Air Quality
 - 4. Procedures
 - 5. Other
 - D. Review of Stream Environment Zone (SEZ) Pilot Project Descriptions
 - E. Discussion of Water Quality Monitoring and Evaluation Program (Thursday, June 14, 1984, 9:30 a.m.)
 - F. Section 8 Transportation Planning Status Report

VI SPECIAL DETERMINATION

A. Determination as to Man Modified Status

1. Gerald Martin, Determination on Man Modification of Industrial Tract Stream Environment Zone, City of South Lake Tahoe

VII PUBLIC HEARING

A. To Consider Amendment of the Regional Plan in Regards to the Land Capability Overlay Maps (Wednesday, June 13, 1984 10:30 a.m.)

1. Incline Village Units 1, 1B, 2, and 4, and Ponderosa Units 2 and 5, Washoe County
2. Portions of Tahoe Marina Estates and Tahoe Estates, Tahoe Vista, Placer County
3. Vicinity of Beverly Drive, Clayton Way and Arch Way off of Old County Road, Placer County
4. Alpine Way Near Snowflake Lane, Tahoe Tavern Heights, Placer County
5. Vicinity of Club and John Cain Drives, Talmont Area, Placer County
6. Vicinity of Williams Lane, King George Drive, Rubicon Drive and Forest View Drive, Rubicon, El Dorado County
7. Vicinity of Mohican Drive, Chippewa Street and Pawnee Drive, Tahoe Paradise #9, El Dorado County
8. Vicinity of Skyline and Crystal Air Drives, Tahoe Paradise #48, El Dorado County
9. Vicinity of Grizzly Mountain Drive and Mount Rainier Drive, El Dorado County

B. Code of Ordinance Recommendations (Wednesday, June 13, 1984, 2:00 p.m.)

1. Land Use Ordinance, Chapter 2
2. Water Quality Ordinance, Chapter 7

VIII APPEALS

- A. Earl Stevenson, Appeal of Staff Determination That Modifications to a Commercial Project With a Valid Building Permit Are Substantial and Therefore Constitute a New Project, Washoe County APN 124-163-05, TRPA File #83673
- B. Guzman, Appeal of Staff Determination That a TRPA Permit Is Required, El Dorado County APN 16-081-29

- C. Dreyfus, Appeal of Staff Determination That an Application for an Addition to a Single Family Dwelling in the Backshore Cannot Be Accepted, Washoe County APN 130-360-08
- D. Steven T. Sederquist, Appeal of Staff Determination on Expiration Date of TRPA Approval, Single Family Dwelling, Noncritical, Lot 8, Block K, Incline Village, Unit 2, Washoe County APN 125-162-08, TRPA File #81318

IX ACTION ON RECOMMENDATIONS TO GOVERNING BOARD

- A. Amendments to Regional Plan, Land Capability Overlay Maps (Item VII A.)
- B. Code of Ordinances (Item VII B.)
 - 1. Land Use Ordinance, Chapter 2
 - 2. Water Quality Ordinance, Chapter 7

X REPORTS

- A. Staff
- B. Legal Counsel
- C. Public Interest Comments
- D. APC Members
- E. Other

XI RESOLUTIONS

XII CORRESPONDENCE

XIII PENDING MATTERS

XIV ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

May 9, 1984
9:30 a.m.

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Harper called the meeting of the Advisory Planning Commission to order at 9:45 a.m.

APC Members Present: Ms. Temple, Mr. Renz, Mr. Heitkemper, Mr. Ryerson,
Mr. Hoefler, Ms. Sparbel, Mr. Hampson, Mr. Dodgion,
Mr. Pyle, Ms. McMorris, Mr. Hansen, Mr. Poppoff,
Mr. Murphy (arrived at 1:15 p.m.), Mr. Combs,
Mr. Harper

APC Members Absent: Mr. Hoole, Mr. McMullen, Mr. Curtis, Ms. Michael

It was determined that a quorum would not be present for the second day of the APC meeting and the members agreed that this meeting would be conducted in one day instead of two days, as noticed.

II APPROVAL OF AGENDA

David Ziegler, Chief of Long Range Planning, stated that as staff was preparing the displays for the land capability challenges in Placer and El Dorado Counties, agenda item V D. 2 through 9, some problems arose as to how they were mapped and staff wanted to recheck these land capability challenges to be sure the maps were correct. The APC agreed to continue this item to the June 13 meeting.

MOTION by Mr. Pyle, with a second by Mr. Poppoff, to approve the agenda as amended. The motion carried unanimously.

III DISPOSITION OF MINUTES

There were no changes to the minutes.

MOTION by Mr. Poppoff, with a second by Mr. Hoefler, to approve the minutes with no changes. The motion carried unanimously.

IV ADMINISTRATIVE MATTERS

It was noted that Gary Midkiff, Acting Executive Director, was attending budget hearings in Sacramento and could not be present for the APC meeting.

At the April 11, 1984 meeting the Commission members discussed the possibility of changing the date of the APC meetings because both Mr. Hampson and Mr. Poppoff had conflicting Lahontan meeting schedules, and Mr. Harper asked if this matter had been resolved. Mr. Ziegler explained that he and Mr. Midkiff had discussed this matter, but nothing had been resolved. Mr. Poppoff stated that

the Lahontan Board agreed to move their meeting day and the problem was not quite as serious; but if the APC does have two day meetings, there would still be a conflict.

Mr. Ziegler suggested that if the APC agendas were planned further in advance by 90 or 120 days, it would allow more flexibility in the schedule. Mr. Harper stated that instead of a 30-day cycle for the APC and Governing Board review process a 60-day cycle would give staff more time to schedule and prepare for the items on the agenda. For example, the items scheduled for the APC are usually scheduled for the Governing Board meeting during the same month which does not allow enough turn-around time. Mr. Harper commented that the APC has felt pressured at times to make recommendations on certain items going to the Governing Board, and he suggested that a more systematic approach would be to schedule the items for the APC a month in advance of the Governing Board meeting.

There were no objections to leaving Wednesday as the APC meeting day.

V PLANNING MATTERS

A. Regional Plan Status Report

Mr. Ziegler reported that the Agency was being sued by the Attorney General of the State of California and the League to Save Lake Tahoe over the adoption of the Regional Plan. Mr. Ziegler explained that the complaint dealt with the completeness of the Plan and whether the Plan complies with the Compact in terms of being a complete integrated land use plan. The United States District Court of the Eastern District of California issued a temporary restraining order on May 1, 1984, which restrains the TRPA from processing and approving any permit, except in circumstances of imminent threat to public health, safety and welfare. Mr. Ziegler further explained that a hearing on the temporary restraining order was set for May 31, and that legal counsel was requesting an extension, but the hearing date was not confirmed. Mr. Ziegler said he thought if the Agency prevails at the hearing on the temporary restraining order the Agency would start processing permits again. If the plaintiffs prevail then the temporary injunction would become a preliminary restraining order and another hearing date would be set.

Principal Planner, Gordon Barrett, clarified that as soon as Agency staff knows what can or cannot be processed, the building departments will be notified. Agency legal counsel mailed a letter dated May 7, 1984 to Richard M. Skinner, Deputy Attorney General, and to Clem Shute, League to Save Lake Tahoe legal counsel, stipulating activities exempt from the terms of the temporary restraining order. Mr. Barrett pointed out that it will be up to them to agree on the exemptions and then take them to the judge at the proper time.

Mr. Hampson stated that the Lahontan Regional Water Quality Control Board, as a regulatory agency, would intervene if needed, to petition the Attorney General's office, the League to Save Lake Tahoe, and the courts to allow projects, particularly erosion type projects, to go forward. Mr. Hampson further stated that his assistant, Jim Kuykendall, and Lahontan's legal counsel were in Sacramento to talk to the Attorney General, because in the past they were supportive. Mr. Hampson pointed out that Lahontan has advised the City of South

APC REGULAR MEETING MINUTES MAY 9, 1984

Lake Tahoe, and Placer and El Dorado Counties that since Lahontan operates under state statute, and is responsible for implementing the Federal Water Quality Control Act, they would expect the City and Counties to comply with their laws. Mr. Hampson expressed concern that there are outstanding applications to receive state and federal grant monies for erosion control. Those grant funds are in jeopardy, based upon time restraints. Mr. Hampson also pointed out that, from a health and safety standpoint, a sewage spill could happen due to inadequate facilities and the local entity might be proposing to construct those facilities that would also come into the exclusion criteria. This information should be made known immediately to the court and the parties of interest that these projects must go forward, and there can be a showing that there will be a public hardship if these grants are lost.

Mr. Ziegler stated that the temporary restraining order does allow for projects in emergency situations to proceed, and he suggested that if there is concern about a particular project to call Greg George, Chief of Project Review, or Rick Angelocci, Acting Senior Planner to find out the status. With regard to water quality control projects, Mr. Ziegler added that there was a related issue surrounding the designation of the TRPA as the Regional Transportation Planning Agency, and in order for the TRPA to receive that designation it will be necessary to have an approved plan.

Mr. Barrett pointed out that in adopting the Regional Plan the Governing Board approved the Memorandum of Understanding with the Tahoe Basin Association of Governments (TBAG), along with a policy document concerning allocations and the Agency's position. Mr. Barrett advised the APC that local planners should become familiar with the policy document.

Mr. Poppoff was concerned with the erosion control projects that could be delayed due to the temporary restraining order, and he suggested the APC support the petition to have these projects excluded from the temporary restraining order.

Mr. Ziegler clarified that erosion control projects would have to be consistent with the 208 Water Quality Plan, because there is a set of detailed problem and solution maps included in the 208 Plan.

Mr. Harper stated that he would feel more comfortable with a general support of the exclusion of erosion control projects, however they are defined, as long as they provide enhancement to the environment of Lake Tahoe. Mr. Pyle suggested a resolution could be drafted for the APC to look at prior to adjournment of the meeting.

Ms. Sparbel commented that preparing a resolution was premature at this point and she suggested discussing this matter at the next meeting. Mr. Pyle responded that he would like to see something in writing and he did not believe it was premature to prepare a draft resolution as a technical body.

Dwight Steele, spoke on behalf of the general counsel for the League to Save Lake Tahoe. He stated that it was customary when there is a temporary restraining order for the parties to agree on what are emergencies and what is necessary for public health and safety. It would be helpful to get some technical guidance from the APC as to what they consider an emergency.

B. APC Schedule for Regional Plan Review

1. Ordinance Subcommittees

Mr. Ziegler outlined the APC schedule for review of the Regional Plan. He explained that the Agency is responsible for developing nine items to implement the Regional Plan and the APC will have to consider these items during the next four months: Code of Ordinances, including Design Review Guidelines; Monitoring and Evaluation Program; Capital Improvements Programs for Transportation and Water Quality; Financial Strategy and Program; Stream Environment Zone (SEZ) Restoration Program; Memorandums of Understanding (MOU) with implementing agencies; Plan Area Statements; Scenic Restoration Plan; and revisions to the Best Management Practices Handbook.

Mr. Ziegler stated that subject to the review and approval of the APC, staff recommended that the agendas for the next three APC meetings include:

June - public hearing and approval of the Air Quality, Land Use and Water Quality Ordinances; a presentation on the water quality element of monitoring and evaluation program; pilot SEZ restoration projects for APC review and comment; hearing and partial approval on Plan Area Statements.

July - public hearing and approval of the Subdivision and Shorezone Ordinances; all elements of the monitoring and evaluation program; review and comment on the MOU's with implementing agencies; hearing and partial approval on Plan Area Statements; review scope of work on the Scenic Restoration Program; and review preliminary BMP assessment for the BMP Handbook revisions.

August - public hearing and approval of the Rules and Regulations, Growth Management Ordinance, Capital Improvements Program, and Financial Strategy and Program; review and comment on MOU's with implementing agencies; and hearing and partial approval of the Plan Area Statements.

2. Plan Area Subcommittees

With respect to the Plan Area Statements, Mr. Barrett explained that the Governing Board formed subcommittees similar to the APC and staff suggested that a joint Governing Board, APC, and local government committee will work out most of the details. The role of the APC will be to conduct additional public hearings and approve the Statements by local jurisdiction. Mr. Barrett also explained that the draft Washoe County Plan Area Statements draft were being circulated; drafts of the City of South Lake Tahoe and Placer County have to be refined; and El Dorado and Douglas Counties still need to be drafted.

Mr. Harper commented that a June public hearing was too soon for Washoe County Plan Area Statements and he suggested holding the public hearing in July on Washoe and Placer Counties, and possibly the City of South Lake Tahoe. Mr. Barrett suggested that a workshop could be held and coordinated with the APC subcommittee and Governing Board if they wished to attend.

APC REGULAR MEETING MINUTES MAY 9, 1984

Mr. Combs reminded the APC the intent of holding a second round of the public hearings during the summer months was to get participation from the public during the peak months of July and August. Mr. Combs suggested that he and Mr. Poppoff could discuss the schedule for Placer County with Supervisor Larry Sevison.

Ms. Temple stated that El Dorado County anticipated forming a citizens advisory committee to review the Plan Area Statements once they are released, then take the comments to the APC subcommittee and then to a public hearing. She added that a small group approach would be most constructive.

Mr. Heitkemper commented he thought the City of South Lake Tahoe concurred with the small group approach at the local level.

Lawrence Hoffman, Tahoe Sierra Preservation Council, suggested that some attention should be given as to how the Plan Area Statements will be circulated, pointing out that one of the difficulties in the past was providing copies of the documents to property owners. Mr. Combs responded that prior to the first round of public hearings the Agency circulated the draft copies of the Plan Area Statements to the news media which he thought was very effective. Mr. Barrett explained that with the added detail the Plan Area Statements have tripled in size and staff will have to consider how this will be handled.

Ms. Sparbel also asked that legal counsel advise the APC on the various methods of adoption that the APC might want to give to the Design Review Guidelines. Mr. Harper suggested that staff add Design Review Guidelines to the schedule.

Mr. Barrett requested that a Procedure Committee be selected from the APC to review the Rules and Regulations and Chapter I - General Provisions. Jon Hoefler, Mike Harper, and Lew Dodgion volunteered, and Bill Murphy and Sam McMullen were selected to serve on the Procedure Committee.

3. Implementation Programs

This item was briefly mentioned in the memo to the APC dated May 2, 1984 regarding the APC schedule for Regional Plan review and included in the packet.

C. Subcommittee Reports

1. Water Quality Ordinance

Mr. Hoefler reported that the Resource Management Subcommittee had met May 4, 1984. The subcommittee made revisions to Chapter 7, Water Quality and Water Resources Ordinance dated April 11, 1984, which was included in the APC packet. Copies of the latest redraft dated May 8, 1984 were distributed to the APC. Mr. Hoefler stated that the subcommittee felt that this redraft was ready for APC consideration, with one exception, the mitigation fees. Mr. Hoefler pointed out that the subcommittee discussed various ways of reaching those mitigation fees, but they felt more work was needed before they could make recommendations. Mr. Hoefler explained that the Governing Board adopted an interim mitigation fee schedule at their April 25-26, 1984 meeting, effective until the ordinance is brought back to them.

Mr. Hampson suggested that if there were significant revisions to any of the drafts then the changes should be highlighted in the redrafts.

Mr. Ziegler outlined the revisions to Chapter 7, Water Quality and Water Resources Ordinance. Mr. Ziegler explained that the first two pages of Chapter 7, Section 7.01.01.0, Discharge Limitations, restate the thresholds for discharges of surface runoff, and discharges of surface runoff to groundwater. The preamble states that the Agency presumes that compliance with the requirements of the Regional Plan, including requirements for the application of BMP's, will allow all persons to meet the runoff thresholds, until and unless monitoring tests prove otherwise. State water quality agencies will also issue discharge permits in the region under state and federal law, in accordance with the water quality management plan. The existing 208 Water Quality Plan states that we will use discharge permits to regulate discharges, i.e., storm water.

Mr. Ziegler stated that paragraph c, Prohibition of Wastewater Discharge repeats the existing prohibition of discharges of wastewater in the Basin. The subcommittee spent considerable time discussing the issue of Forest Service summer home tracts with cabins which are on gray water separation systems where sewage is disposed of in the Basin through some sort of approved technique. Mr. Ziegler explained the debate was whether that practice should be confined to existing discharges or whether it would be possible for a new cabin/cottage to be allowed in the Basin under the same type of provisions to install a gray water separation system. The final recommendation of the subcommittee was to limit that provision to existing discharges so that there would be no new gray water separation systems allowed in the Basin. Mr. Hoefer further explained that there is a law prohibiting discharge and the waivers were granted because sewage collection would have more of an impact than some other reasonably acceptable alternative. If sewage had to be collected, the decision would be to eliminate those uses. In consideration of new uses, those uses do not exist and we would have a better opportunity to make a decision that they cannot collect and that the impacts of collecting would be severe, then it would be cause along with other impacts for denying use that would require a septic or collection system. Mr. Ziegler clarified that the existing waivers were to grandfather in situations that existed prior to the Porter-Cologne Act and the Nevada executive order and not to open the door to new discharges.

Referring to Holding Tanks and other No-Discharge Systems, Mr. Ziegler explained that these systems may be used to avoid a discharge of wastewater in the Basin only under limited circumstances associated with temporary uses or remote public recreational facilities.

Mr. Ziegler stated that Section 7.01.02.0, Runoff Controls requires Best Management Practices for all development in the Basin and applies to all persons who own or manage land within the region. In cooperation with other agencies, such as the Conservation Districts, the Agency shall provide technical assistance. During the first five years of Regional Plan implementation, application of BMP's will be voluntary, with certain exceptions. After five years, however, persons who own or manage land within the region must either have BMP's in place, and maintain them, or have agreed to a schedule of compliance. Mr. Ziegler pointed out the subcommittee was concerned with the statement in the preamble that the Agency shall develop a program to certify

compliance with these requirements. He stated that it is unclear at this time how the Agency will track compliance with the application of BMP's on an estimated 50,000 housing units and other development in the Basin. Mr. Ziegler added that a possible solution to the problem would be to use the parcel data base where every parcel in the Basin is recorded on the computer. Mr. Ziegler noted that Sections 7.01.02.0 through 7.01.02.06 provided details as to when and how BMP's are to be applied.

Mr. Ziegler commented that Section 7.01.03.0 covers the topic of snow disposal and that all persons conducting public, commercial or private snow removal operations in the Basin shall dispose of snow in accordance with the Best Management Practices Handbook. Paragraphs a, b, and c specifically state that removal of snow shall be limited to structures and paved areas unless the Agency issues a permit; that all new development will provide areas sufficient to contain the expected volume of snow and shall specify where those areas are on the plans; and that grading shall not occur in the act of removing snow.

Mr. Ziegler stated that under Section 7.01.04.0, the use of salt and abrasives to control ice on streets, highways, and parking areas shall be regulated, and it refers to standards for storage areas; reporting requirements; and the possibility of restrictions. Mr. Ziegler added that this is an issue that needs to be further refined after more conclusive evidence is received in the future.

Section 7.01.05.0, Sewage Spills requires that sewage collection, conveyance, and treatment districts shall have approved spill contingency, prevention, and detection plans.

Section 7.01.06.0 refers to Pesticide Use in the Basin. Mr. Ziegler pointed out that this section was changed considerably from the draft dated April 11, 1984. The use of insecticides and herbicides in the Basin shall be consistent with the Handbook of Best Management Practices. In general, the Agency discourages the use of pesticides for pest management. Prior to applying any pesticide, potential users of pesticides shall consider alternative methods. Mr. Ziegler reported that the subcommittee was concerned with both the commercial use and the quantity of pesticides. Mr. Barrett clarified that Ordinance 81-1 does not address this issue, but some standards will have to be established by the procedure committee; if the use of pesticides will have an impact on the air and water quality, therefore, the use becomes a project. If this can be established that it is a project it will take Agency review and approval. Mr. Ziegler suggested that the subcommittee should discuss this issue again, and specify at what point the Agency will become involved in review of pesticide use and when the criteria should apply.

The report and discussion on Section 7.02.00.0, Water Quality Mitigation was deferred until the afternoon portion of the meeting.

Mr. Ziegler reported that as a result of the last subcommittee meeting there were some language changes to the Water Supply and Conservation sections. Section 7.03.01.0 Water Conservation Devices - All new development shall employ appropriate water conservation measures. Section 7.03.02.0 Water Rights Demonstration - No additional development requiring water shall be allowed in any area unless it can be demonstrated that there is adequate water supply with

an existing water right. Where the adequacy of a water supply or water right is challenged by Agency staff or any other person or party, the water purveyor shall provide documentation of adequate rights and supplies prior to the issuance of a permit by the TRPA. Sections 7.03.03.0 Reporting Requirements and 7.03.05.0 Annual Reports pertain to the reporting requirements in accordance with the Nevada-California Interstate Water Compact for water diversion, and Section 7.03.04.0 Storage and Distribution Requirements states the need for adequate storage and distribution of water.

Dwight Steele spoke on behalf of the League to Save Lake Tahoe. He stated he thought there was a serious lack of clarity whether the water quality ordinance was intended to amend the 208 Water Quality Plan, and to amend Ordinance 79-10 as amended by Ordinance 81-5, because it appears to amend both Ordinances 81-5 and 79-10. Mr. Steele further stated that if this is intended in any way to amend the 208 Plan, or its implementing ordinances, or to supercede them, it cannot be effected until it is approved by both California and Nevada and the Environmental Protection Agency (EPA). Mr. Ziegler responded that the amendments to the 208 Plan will involve a lot of different documentation. When the implementing ordinances are either adopted by the Governing Board or are far enough along in the process that it appears the ordinances will be adopted, staff will initiate negotiations with the States of California and Nevada, and EPA on amending the 208 Plan at that point. Mr. Ziegler stated the TRPA has committed to both states and EPA that the 208 Plan will be transmitted to them as a single integrated document incorporating various parts of the thresholds, Regional Plan, implementing ordinances, and programs for certification and approval.

Mr. Ziegler explained the Water Quality Chapter covers BMP's, pesticides, and spills; in addition there are other chapters with coverage rules and rules regarding where development may occur, that will also become part of the 208 Plan. The intent is to amend the 208 Plan, but the Water Quality Ordinance is not intended to be the complete package of amendments to the 208 Plan. Mr. Barrett clarified that if the Governing Board adopts the Regional Plan with the existing 79-10 and 81-5 Ordinances, they will be faced with the dilemma again that the 208 Plan that does not mesh with the Regional Plan and ordinances. The intent eventually is for the Code of Ordinances to replace all of the existing TRPA ordinances.

Mr. Steele stated that the Water Quality Ordinance does not address the changes that it proposes to make in Ordinance 81-5, or how those fit into the general planning process, and there is no reference to the 208 Plan or its ordinances. Mr. Steele suggested there should be a warning that some parts of this ordinance will not be effective until the 208 is amended and the ordinance should refer to the existing requirements of the 208 Plan. He suggested adding a preamble to the Water Quality Ordinance, Chapter 7, that specifically explains what it does and does not do, and that the parts amending the 208 Plan will not become effective until that process is completed. Mr. Steele advised this will help people understand the ordinance better, avoid future problems and another lawsuit. Under Section 7.01.01.0, Mr. Steele also suggested it should be made clear that the TRPA will apply the strictest regional state and federal standards.

Referring to the status of BMP's under Section 7.01.01.0, Mr. Steele addressed his concern that the Agency presumes that compliance with the requirements of the Regional Plan, including requirements for the application of BMP's, will allow all persons to meet the runoff thresholds, particularly in the first 5 years. He also pointed out that BMP's are not defined in the Water Quality Ordinance or in Chapter 1 under definitions; it was not clear in the context whether it is talking about BMP's as a condition to that project, or whether it is talking about remedial measures, or both. Mr. Steel stated it was his understanding that the present situation was that BMP's are required on projects; BMP's are not voluntary, but mandatory, and he recognized there has not been any enforcement to speak of because of funding and staff constraints. Mr. Ziegler responded that BMP's are presently required on all new projects; the premise of the Plan is that BMP's will be required everywhere, but he agreed that it should be specified. Mr. Steele urged that if possible avoid using the word voluntary. Mr. Poppoff also responded that the word voluntary refers to already developed property, not new projects, and the reason for using the word "voluntary" was because the TRPA or any other agency cannot require a mandatory retrofitting of BMP's on 50,000 units in the Basin. The idea was to provide a period in which public information education, conservation districts, and other ways can help people to get themselves going. If they don't do it within 5 years, then the TRPA can take over with mandatory requirements. Mr. Steele replied that Section 7.01.02.0 states that "during the first five years of Regional Plan implementation, application of BMP's shall be voluntary", but it should be made clear that it will be mandatory for all new projects, and for existing projects there will be a program. Mr. Steele pointed out that the way this section is written it says to a builder that he doesn't have to worry about this, and that is not what is intended.

Mr. Steele also commented that it is not clear that the items under Section 7.01.03.0 Snow Disposal and Section 7.01.04.0 Salt and Abrasive Control are exceptions to the voluntary, which obviously they are, but it should be specified that they start in the first 5 years.

Mr. Steele stated that there are some parts of the Goals and Policies are not included in the Water Quality Ordinance, e.g., fertilizer and prohibition of off-road vehicle use. He suggested there should be a cross reference in this ordinance, so that when people see sewage spills, pesticides, salt, and snow disposal, they also realize something needs to be done about fertilizers. Mr. Hoefer responded these were listed in the Resource Management Ordinance.

Mr. Steele also stated that these ordinances are supposed to have standards which are clear, understandable, and particularly enforceable. He urged avoiding the use of the words "unnecessary" and "discourage", because the intent of the Goals and Policies is that the damage to vegetation be an absolute minimum, and not balanced against whether it is necessary to the project.

2. Water Quality and Air Quality Mitigation Fees

Mr. Ziegler referred to the memo dated May 2, 1984 and the staff briefing titled "Mitigation Fees for Single Family Homes Under the Amended Plan", which also contained a table showing alternative mitigation fee schedules for water quality that was presented to the Governing Board at the April 25, 26, 1984 meeting.