

**TRPA
APC
PACKETS**

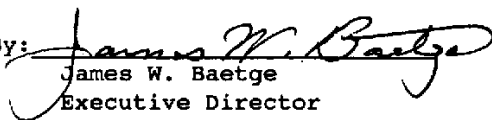
**NOVEMBER
1994**

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:


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.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
Stateline, Nevada

November 9, 1994
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 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
- B. Amendments to Chapter 8 Provisions Regarding Correct and Complete and Original Applications and/or Signatures
- C. Amendments to Chapter 43 and Other Related Amendments Limiting New Residential Subdivisions to Existing Urban Areas
- D. Amendment of Chapter 82 Regarding Use and Distribution of Mitigation Funds

1-12
13-15
16-20
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

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

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.

SES/
10/27/94

AGENDA ITEM NO. V.A.

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 SEZ 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

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

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percent Unreleased</u>
Douglas County	28	22	21%

1986 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percent Unreleased</u>
Douglas County	35	31	11%

1987 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percent Unreleased</u>
Douglas County	38	32	16%

1988 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percent Unreleased</u>
Douglas County	63	52	17%

1989 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percent Unreleased</u>
Douglas County	81	68	16%

1990 Security Returns

<u>Jurisdiction</u>	<u>Total Posted</u>	<u>Released</u>	<u>Percent Unreleased</u>
Douglas County	74	52	29%

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.)

<u>Jurisdiction</u>	<u>Projects</u>	<u>On Schedule</u>	<u>Behind Schedule</u>	<u>% Non-Compliance</u>
Douglas County	3	2	1	33%

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)

<u>Jurisdiction</u>	<u># of Projects Inspected</u>	<u># of Projects Issued Cease and Desist Orders</u>	<u>% of Projects Issued Cease and Desist Orders</u>
Douglas County	59	8	14%

Lowering the IPES Line in Douglas County

October 27, 1994

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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)

<u>Jurisdiction</u>	<u># of Violations</u>	<u># of Violations Unresolved</u>	<u>% of Violations Unresolved</u>
Douglas County	4	1	25%

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

MONITORING

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.

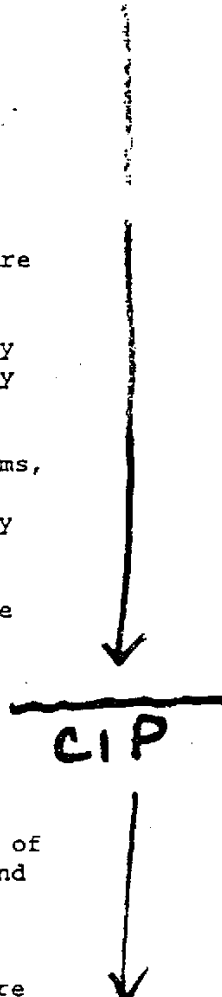
The location of sampling sites, frequency of sampling, and financial responsibilities for monitoring will be set forth in TRPA's Monitoring Program pursuant to the Goals and Policies (p. VII-25) and the TRPA Code of Ordinances (section 32.10), based on the recommendations of the TRPA Monitoring Committee.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

COMPLIAN

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 appeals, TRPA shall, by virtue of being in the top rank, TRPA shall, by virtue of 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).

United States
Department of Agriculture
Soil Conservation Service

Tahoe Basin Field Office
P.O.Box 10529
South Lake Tahoe, CA 96158
(916) 541-1496

October 22, 1993

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

RECEIVED

OCT 26 1993

TAHOE REGIONAL
PLANNING AGENCY

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

<u>Project Name</u>	<u>Treatment</u>	<u>SEZ Distance</u>	<u>Estimated Cost</u>
First Creek Basin*	Sediment Basin	First Ck/50 Ft.	\$ 40,000 - part of Kroby Pine
Second Creek Cutbank*	Vegetation	Second Ck/100 Ft.	\$ 20,000
Country Club Cutbank*	Vegetation	Third Ck/100 Ft.	\$ 50,000
Sugarpine Cutbank*	Retaining Walls	Second Ck/500 Ft.	\$ 120,000
Jackpine Basin*	Sediment Basin	Second Ck/500 Ft.	\$ 20,000
Ponderosa Cutbank	Retaining Walls	Second Ck/200 Ft.	\$ 30,000
Second Creek Ditches	Rock Lined Ditches	Second Ck/100 Ft.	\$ 40,000
Silvertip Basin	Sediment Basin	Second Ck/100 Ft.	\$ 50,000
Village Cutbank	Rock Riprap	Third Ck/200 Ft.	\$ 30,000
Village Basin	Sediment Basin	Third Ck/200 Ft.	\$ 20,000
		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.

EXHIBIT

B 10

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, DeLanoy, Waldie, Bennett,
Hagedorn, Cronk

Nays: None

Abstentions: None

Absent: Chimarusti


John E. Upton, Vice Chairman
Tahoe Regional Planning Agency