


**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:   
Jerry Wells  
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

PAGE #

- 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 1
  - 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 9
- VII. PLANNING MATTERS
  - A. Consideration of Lowering IPES Line 11
  - B. Discussion on Streamlining Agency Programs and Activities 25

VIII. REPORTS

A. Executive Director

1. Status Report on Environmental Improvement Program and Legislative Packet

B. Legal Counsel

C. APC Members

IX. ADJOURNMENT

# TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court  
P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

January 2, 1998

(702) 588-4547  
Fax (702) 588-4527  
Email: trpa@sierra.net

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

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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

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AGENDA ITEM NO. VI.A

*Planning for the Protection of our Lake and Land*

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 Nicolle, 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 Government 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:

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Drake DeLanoy, Chairman  
Tahoe Regional Planning  
Agency

**TRPA MITIGATION AND COVERAGE MITIGATION  
INTEREST INCOME AND MONTHLY BALANCES FOR FYE 96/97**

	Coverage Mitigation		Mitigation	
	Monthly Balance	Interest Income	Monthly Balance	Interest Income
July	1,776,839.34	9,968.39	6,269,430.12	23,984.36
August	1,860,539.58	9,968.39	6,051,809.01	19,914.89
September	1,981,674.00	12,830.89	6,268,451.12	34,160.71
October	2,078,074.07	9,233.84	6,501,137.48	31,071.28
November	2,098,817.68	10,014.34	6,811,278.43	26,255.70
December	2,123,301.51	6,908.43	6,710,614.84	26,171.86
January	2,138,733.05	9,109.54	6,232,380.83	30,005.89
February	2,184,584.77	7,513.22	6,283,359.74	21,948.32
March	2,210,384.73	9,732.36	6,331,233.74	28,671.00
April	2,231,486.94	8,551.21	6,325,583.77	28,030.36
May	2,288,734.36	6,035.04	6,470,191.19	5,039.03
June	1,842,306.09	7,084.83	6,424,408.01	23,161.74
Monthly Average	24,823,478.12	107,950.58	76,477,875.88	298,415.15
Management Fee ② 25% of Average Balance	2,088,623.01	8,895.86	6,373,150.32	24,867.83
Management Fee ③ 10% of Monthly Interest	5,171.56		15,932.89	
Management Fee ④ 5% of Monthly Interest		10,795.08		29,841.52
Management Fee ⑤ 2.5% of Monthly Interest		5,397.53		14,920.76
		2,698.76		7,460.38
				10,159.14
				21,104.45
				40,638.57
				20,318.29
				7,460.38

Per broker ② 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 \$14,948.14 for year with an ending portfolio balance of \$3,245,225.70.  
 approximately .46% of ending portfolio balance

**Estimated Agency Cost**

	Hourly	Rate & Overhead	Total # Hours/Yr.	Agency Cost to Admin.
Daily Logging of Mitigation fund cash receipts ③ 1 hour per day x 5 days per week x 50 weeks	250		250	5,000
Daily deposit and tracking of mitigation funds received ④ 1 hour per day x 5 days per week x 50 weeks	250		250	5,500
Monthly mitigation tracking report reconciliation's, bank reconciliation's, fund transfers and fund distributions ⑤ 20 hours per month x 12 months	240		240	5,280
Monthly review of above by Finance Director ⑥ 6 hours x 12 months	72		72	2,160
Administrative time per release ⑦ 8 hours per release x 12 releases per year	96		96	2,880
				<u>20,820</u>



# TAHOE REGIONAL PLANNING AGENCY

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## 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

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This item is being continued to the February meeting.

jf  
1/6/98

AGENDA ITEM VI.B.



# TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court  
P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547  
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## 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.

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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 1986 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 shall 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.

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.