



STAFF REPORT

Date: September 6, 2023

To: TRPA Advisory Planning Commission (APC)

From: TRPA Staff

Subject: Permitting Improvements Project Amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule.

Summary:

The TRPA Permitting Improvement Project Team requests that Advisory Planning Commission (APC) recommend approval and adoption of amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule to the TRPA Governing Board. The amendments implement proposed recommendations within the TRPA Permitting Improvement [Action Plan](#) and [Implementation Report](#) as endorsed by the TRPA Governing Board in August 2022 and March 2023 respectively. Stockham Consulting, a consultant to the TRPA, has worked collaboratively with staff and stakeholders to prepare the proposed amendments.

Required Motions:

In order to recommend approval of the requested action, the APC must make the following motion(s), based on this staff summary and provided attachments:

- 1) A motion to recommend approval of the required findings (Attachment D), including a finding of no significant effect, for the adoption of amendments to the Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule to implement recommendations of the Permitting Improvement Project.
- 2) A motion to recommend approval and adoption of Ordinance 2023-__ (Attachment E), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; and Design Review Guidelines Appendix H to the TRPA Governing Board.
- 3) A motion to recommend approval and adoption of Resolution 2023-__ (Attachment E), amending the Fee Schedule to the TRPA Governing Board.

In order for motions to pass, an affirmative majority vote by APC members, without regard to the state of representation, is required.

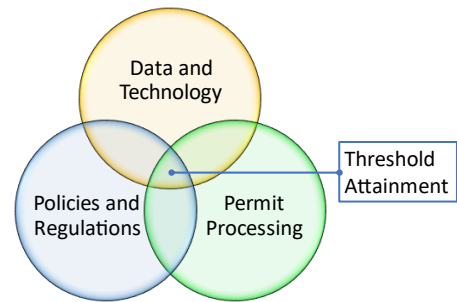
Project Description/Background:

In August 2022, staff presented the *Digital First: Innovation Strategic Initiative*, including high-level permitting improvement recommendations detailed in the TRPA Governing Board endorsed [Action Plan](#).

The *Digital First: Innovation Strategic Initiative* involves significantly improving the ability of the agency to provide services in a “digital first” way by rethinking processes, updating policies and code, and using new technology to maintain and attain the agency’s compact-mandated threshold standards. This is achieved when all three of these are aligned and work together.

- Development and review of policies and regulations require accurate information on the previous and expected effectiveness and impact of those policies; to measure and adjust policies and regulations, those policies and regulations must clearly identify expected outcomes and include a mechanism for their ongoing measurement.
- Policies and regulations must be clear to be useful for creating effective permitting processes; permitting processes must accurately reflect the intent of adopted policies and regulations.
- Effective and efficient processes rely on accurate information and technology to make them accessible; technology and information can only be used effectively when processes are clear and consistent.

TRPA has been working to achieve this synergy between policies and regulations, data and technology, and permit processing (e.g., updating the threshold standard, policies, code, and mitigation fees) and will continue to do so as part of the adaptive management approach. That is the foundational concept underlying the Innovation Initiative.



TRPA Permitting Improvement Project:

TRPA started a permitting system improvement project in early 2022 to evaluate and improve TRPA’s processes and ordinances. These improvements are paired with significant investments in the Accela permitting software and other technologies to streamline and improve TRPA’s application processing, reduce review times, and operate more efficiently and effectively.

TRPA selected Stockham Consulting to assist with this project. Arlo Stockham, the principal and project manager, has extensive planning and community development experience in the Reno/Tahoe area, including prior employment with TRPA as manager for the 2012 Regional Plan Update. Mr. Stockham is also reviewing project applications for TRPA under a separate contract, bringing additional perspective to this project. Finally, the contract is unique; it includes working with staff to implement the endorsed permitting process improvements.

Since April 2022, Mr. Stockham has worked collaboratively with staff and stakeholders to assess the TRPA permitting system and recommend improvements. In August 2022, the Governing Board reviewed the TRPA Permitting Improvement [Action Plan](#) prepared by the consultant, provided comments, and endorsed the document. The Action Plan outlines a strategy and work program to improve the TRPA permitting system.

Implementation Recommendations for the Permitting Improvement Action Plan:

The [Implementation Report](#) endorsed by the TRPA Governing Board in March 2023 expanded upon the Action Plan by detailing the specific recommendations for the initial suite of permitting program improvements. Recommendations were reviewed, discussed, and refined in coordination with the TRPA staff team and a variety of stakeholders. The recommended changes should significantly improve permitting operations for applicants and staff.

The attached memo from Stockham Consulting, consultant for the project, provides additional detail regarding deliverables of the project, stakeholder outreach, and anticipated next phase of the project. (Attachment A)

Tasks and deliverables (i.e. recommendations) of the Permitting Improvement Project include both (1) proposed amendments to the TRPA Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule, and (2) other administrative improvements.

The proposed amendments included in this packet require adoption by ordinance and resolution by the TRPA Governing Board and are analyzed further within this packet for any potential environmental impact. A summary table of all proposed amendments is included as Attachment B. The environmental analysis and required findings for the proposed amendments is included in Attachment C and D. Draft ordinances and a resolution that would be provided to the Governing Board is included in Attachment E for reference. Full versions of the Code of Ordinances, Rules of Procedures, Design Review Guidelines, and Fee Schedule with redline proposed amendments are available [online](https://www.trpa.gov/permitting-improvement-project/) at <https://www.trpa.gov/permitting-improvement-project/>.

Staff and the consultant are also developing other administrative improvements as part of the project and to help implement recommendations, including: a new Procedural Manual with standard operating procedures, permitting staff guidance, and standardized templates to aid streamlined and consistent project review; staff reorganization with dedicated project review teams and customer service team; new appointment system to meet with a planner; revised project applications; improved customer service navigation at TRPA.gov; and a permitting cost recovery monitoring strategy. These administrative deliverables are still under development and do not require Governing Board action.

Staff tentatively plans to bring forward additional deliverables and improvements for the Permitting Improvement Project in March 2024.

More information on the project and its progress are publicly available online at <https://www.trpa.gov/permitting-improvement-project/>.

Approval Process:

Staff requests APC discuss the proposed amendments, provide feedback, and recommend approval of the amendments at their September 13, 2023 meeting.

The proposed amendments were presented and discussed with the Regional Plan Implementation Committee (RPIC), a group of Governing Board members, at their August 23, 2023. RPIC unanimously passed the three motions presented within this packet and that will be discussed at the APC meeting to recommend approval of the amendments to the TRPA Governing Board. RPIC member Shelly Aldean requested the following minor grammatical corrections to the packet which were included in the motion:

1. Code of Ordinances, Section 2.3.2.H.3, typographical correction to eliminate an unnecessary “be”
2. Code of Ordinances, Section 2.3.3.P, typographical correction to add a “be” to “shall not be internally illuminated”
3. Code of Ordinances, Section 30.4.2.A.4, typographical correction to eliminate the use of multiple “exemptions”
4. Rules of Procedures, Section 16.8.3, typographical correction to remove a redundant “for”

Following the RPIC meeting, TRPA staff found and corrected a following grammatical corrections. These corrections do not change or alter the policy direction and recommended approval provided by RPIC:

5. Code of Ordinances, Section 30.6 introduction, typographical correction to clarify that certain Qualified Exempt activities shall comply with the excess coverage mitigation program
6. Code of Ordinances, Section 2.3.6.A.8., typographical correction to clarify application requirements which accommodate digital submittals and information requests
7. Code of Ordinances, Section 2.3.6.A.1 and 2.3.6.A.2, typographical correction to correct references.

Following APC review, the amendment packet and materials will be presented to the Governing Board for consideration of approval and adoption on September 27, 2023. Amendments would go into effect, if approved and adopted, 60 days following adoption (or November 27, 2023). Training sessions regarding the amendments for TRPA staff, partner agencies, and applicant representatives will be held prior to the effective date.

Public Comment:

To provide written public comment to decision makers, please email publiccomment@trpa.gov with the appropriate agenda item in the subject line. We encourage you to submit written comment (email, mail, or fax) in advance of the meeting date to give our staff adequate time to organize, post, and distribute your input to the appropriate staff and representatives. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting. Late comments may be distributed and posted after the meeting.

Contact Information:

For questions regarding this agenda item, please contact Jennifer Self at 775-589-5261 or jself@trpa.gov.

Attachments:

- A. Stockham Consulting Memorandum
- B. Table of Amendments
- C. IEC
- D. Findings and FONSE
- E. Adopting Ordinances & Resolution
- F. [Code of Ordinance \(Full Document with Redline Changes Available Online\)](#)
- G. [Rules of Procedure \(Full Document with Redline Changes Available Online\)](#)
- H. [Design Review Guidelines, Appendix H \(Full Document with Redline Changes Available Online\)](#)
- I. [Fee Schedule \(\(Full Document with Redline Changes Available Online\)](#)

Attachment A

Stockham Consulting Memorandum

Date: September 6, 2023
To: TRPA Advisory Planning Commission
From: Arlo Stockham, AICP

Subject: TRPA PERMITTING IMPROVEMENT PROJECT: Proposed Amendments to the Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule

Summary: I am pleased to present the next phase of work from the Tahoe Regional Planning Agency (TRPA) permitting improvement team. This is a priority project to improve TRPA permitting operations.

Project information and deliverables are publicly available online at the <https://www.trpa.gov/permitting-improvement-project/>.

This memo outlines draft changes to the *TRPA Code of Ordinances (the “Code”), Rules of Procedure (the “Rules”), Design Review Guidelines Appendix H (the “DRG”) and Fee Schedule (the “Fees”)*. The proposed changes are consistent with the *TRPA Permitting Improvement Action Plan (the “Action Plan”)* and the *Implementation Report for TRPA Permitting Improvements (the “Implementation Report”)*.

The *Action Plan* is a strategy and 18-month work program to improve the TRPA permitting system. It was developed through a participatory process and was endorsed by the TRPA Governing Board in August 2022. The *Action Plan* directed staff to pursue process improvements and code amendments focused on the following priority topics:

- *Establish more efficient, consistent, and predictable application review processes.*
- *Simplify and shorten review processes for minor applications and sequential approvals.*
- *Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.*
- *Prioritize public communication and customer services.*
- *Expand tools for staff development and training.*
- *Maintain adequate and dependable funding to support quality application reviews.*

The *Implementation Report* is a technical memo detailing specific recommendations to implement the *Action Plan*. It was also developed with extensive stakeholder participation and was endorsed by the TRPA Governing Board in March 2023.

Since March, I have worked with staff and stakeholders to prepare and refine complete implementation documents (*Code, Rules, DRG, and Fees*). Draft amendments are available in redline format. The August 24 drafts reflect refinements made following public distribution and review of prior drafts by stakeholders and the Regional Plan Implementation Committee (RPIC).

Attachment B was prepared as a reference document for reviewers. It is a comprehensive table identifying each of the proposed *Code, Rules, DRG, and Fees* changes (in chronological order).

The table references action items from the *Implementation Report* and notes implementation details. Please review the [Implementation Report](#) for additional supporting information.

Full versions of the Code, Rules, DRG, and Fees with redline changes are publicly available at <https://www.trpa.gov/permitting-improvement-project/>.

Recommendations: Tasks and deliverables (i.e. recommendations) of the Permitting Improvement Project include both (1) proposed amendments to the TRPA Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule, and (2) other administrative improvements.

The proposed amendments to the *Code, Rules, DRG, and Fees* are broadly summarized below. The amendments were reviewed, discussed, and refined in coordination with the TRPA staff team for permitting improvements, and with other staff members. Additional refinements were made following stakeholder review and comment.

Proposed changes include:

Priority #1: Establish more efficient, consistent, and predictable application review processes.

Administrative improvements are being made together with changes to *Code, Rules, DRG, and Fees*. Central to this effort is a comprehensive administrative *Procedure Manual* outlining standard practices for project reviews and other department functions. Establishing written process guidelines should improve the consistency and quality of permitting operations. The *Procedure Manual* will also serve as a staff training and evaluation tool, and as a publicly available resource. The *Procedure Manual* will be refined and expanded over time.

The department has 21 full time staff members and is now organized with three staff teams plus special project staff. The staff teams manage routine operations, with team leaders providing mentoring and consistent guidance for their teams.

Staff is also working to standardize the materials used for application reviews. Shared permit templates and a consolidated list of standard conditions are being assembled. Application forms and the Accela permitting system are also being updated.

The application documents and standard review procedures will be enhanced during Phase 3.

Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.

- Minor Applications: A new “Minor Application” process will be established for less complex project applications. Minor Applications will have shorter review timelines (15 + 40 days), simplified reviews, and a dedicated review team. Procedures are detailed in new section 5.4 in the Rules of Procedure, including the list of qualifying projects.
- Bundled and Concurrent Applications: Changes will allow frequently-related applications to be processed concurrently and in a coordinated manner. This should improve the review process, while reducing the combined processing time for projects that also

involve development right transfers, lot line adjustments, or historic resource determinations. See new section 5.5 in the Rules of Procedure.

- Exempt and Qualified Exempt Activities: The Qualified Exempt (QE) declaration process is being simplified consistent with existing Code language. Additional minor improvements are also moved from the QE list to the fully Exempt list. See changes in Code section 2.3.
- Historic Resource Protection: Changes authorize streamlined historic resource determination procedures and staff-level approval of projects involving potential historic resources. Procedures for designated historic resources will not change. Routine project-level consultations with state historic preservation offices will be handled by TRPA staff, consistent with a request from the California office and with concurrence of the Nevada office. See Code subparagraph 2.2.2.A.2.c and Chapter 67.
- Additional Staff-Level Decisions: Staff-level approval procedures are proposed for additional routine determinations, including certain underground utility replacement and Environmental Improvement Projects. Bonus Units will no longer require a different and sometimes more intensive review process than the projects for which they are being used. Many routine shorezone applications, including new and expanded piers, will be reviewed at the staff level – however noticing requirements and appeal provisions are retained for the shorezone applications. See Code section 2.2.2.

Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.

- Code Interpretations and Clarifications: A suite of code clarifications are proposed, consistent with past interpretations and ongoing practices. Additional language is added in numerous sections to clarify the approval criteria for basic regulations. This should help project applicants understand key development limitations, while providing a framework for more consistent and improved reviews. Topics addressed include:
 - Land coverage for public safety and access of the disabled (Code sec 30.4.2)
 - Land coverage transfers between Bailey and IPES lots (Code sec 30.4.3)
 - Land coverage exemptions – non-permanent coverage, pervious coverage, pervious decks. Changes also include new provisions for small utility installations including utility boxes, generators, HVAC pads, EV chargers, solar, etc (Code sec 30.4.6)
 - Off-site coverage (Code sec 30.4.7)
 - Heights for buildings with multiple roof pitches (Code sec 37.3.4)
 - Height standards for segmented buildings on slopes (Code sec 37.4.2)
 - Standards for reflectivity and glare outside the shorezone/shoreland (Code sec 66.1.6)
 - Shorezone boulder relocation (qualified exempt) vs dredging (Code sec 82.5.8)
 - Rules for Rounding (Code sec 90.1.14). Rounding rules are also added in the Shoreland Visual Assessment Tool (Design Review Guidelines Appendix H).
 - Definitions (Code sec 90.2)

- Active Solar Energy System
 - Deck
 - Electric Vehicle Charger
 - Electric Vehicle Charging Station
 - Expansion (addresses expansion vs modification for shorezone structures)
 - Land Coverage (addresses minor site improvements)
 - Walkway
- Focus Staff Time on High-Value Work: Procedure ordinances are updated to reduce audit frequency for single family permits and to only conduct the “below the IPES line” drawing if there is insufficient supply in the Residential Allocation Incentive Pool. Changes will significantly reduce staff work without impacting outcomes. See Code sec 50.5.2 (A and E).
 - Organize Code Reference Documents: Documents and datasets that are “adopted by reference” in the TRPA Code have been compiled in a list with convenient links to each document. This will be included in the procedure manual and posted online.

Priority #4: Prioritize public communication and customer services.

Customer service improvements are being implemented, including dedicated customer service staff, a customer service policy for staff, and additional online resources for applicants. Customers will also benefit from more consistent and efficient project reviews.

Priority #5: Expand tools for staff development and training.

The *procedure manual* and project review teams provide a framework for enhanced staff guidance/training and increased delegation of work to lower level positions. Future efforts will include staff training and increasing opportunities and responsibilities for lower level positions.

Priority #6: Maintain adequate and dependable funding to support quality application reviews.

In recent years, TRPA applications have increased rapidly – both in volume and complexity. Increases in complex shoreland and shorezone applications have been most notable. Staff have struggled to keep up with permit reviews, but funding is limited for additional staff increases.

The *Implementation Report* focused on efficiency improvements, but also identified targeted fee changes to better reflect the cost of reviews. These changes are now addressed in the Fee Schedule amendments. Moving forward, additional expense monitoring systems and reports are being developed. These can be used when evaluating operating costs and considering future fee changes.

Most application fees remain unchanged, including for all residential and commercial projects outside the shoreland/shorezone. The changes proposed address fees that are clearly out of alignment with the complexity of reviews.

The fee multiplier sheet is updated to better reflect review time requirements. The 25 percent increase in special planning areas is eliminated and replaced with a new 25 percent multiplier for projects that can be approved at the staff level, but require public noticing.

In aggregate, application fees for development in the shoreland and shorezone currently fall well short of the associated administrative costs.

Shoreland scenic review fees are proposed to increase to reflect the time required for these reviews. This will impact projects that are located in the shoreland or shorezone and are visible from Lake Tahoe. The current \$629 added application fee is increased to \$1,000 or \$2,000, depending on the review process type/complexity. Several shorezone fees are also increased, including for buoys, mooring lottery eligibility reviews, and pier expansions.

The expanded staff-level approval authorities (with noticing) provides fee reductions that offset the increases for some applications. Net fee changes for common applications are noted in the table below. These amounts are better aligned with typical project review costs.

| <u>Application Type</u> | <u>Total Fee (Existing)</u> | <u>Total Fee (Proposed)</u> |
|--------------------------------------------------------------------------|-----------------------------|-------------------------------|
| <i>Single Family Remodel/Addition (Lakefront, 4,000 sf, High Scenic)</i> | <i>\$7,799</i> | <i>\$9,170</i> |
| <i>New Pier – multiple use (High Scenic)</i> | <i>\$11,809</i> | <i>\$9,852 (no GB review)</i> |
| <i>New Pier – single use (High Scenic)</i> | <i>\$9,389</i> | <i>\$9,852 (no HO review)</i> |
| <i>Pier Expansion (High Scenic)</i> | <i>\$3,944</i> | <i>\$9,852</i> |
| <i>Pier Modification (No Scenic)</i> | <i>\$3,315</i> | <i>\$3,315</i> |
| <i>One New Buoy (No Scenic)</i> | <i>\$787</i> | <i>\$1,500</i> |

In other areas, targeted changes are proposed with no significant change to total fee revenue. Day care fees are decreased. Lodging fees are increased consistent with fees for multi-family projects. Modest fees are applied to certain “no-fee” submittals, including additional Qualified Exempt declarations (some pay now), repeat acknowledgement (final approval) of approved permits, and parcel consolidation deed restrictions.

Fee-related provisions in the *Code, Rules, and Fee Schedule* are also reorganized to simplify administrative processes. Procedures for fees are moved to a new chapter 16 in the *Rules*. Fee amounts are all listed in the *Fee Schedule* and are not repeated elsewhere. References in various sections are updated to reflect this approach. Language is also changed to consistently use the Western States CPI for fee indexing (where applicable) and to discontinue use of other inflation indexes.

Please see Attachment B for a detailed list of amendments to the *Code, Rules, DRG, and Fee Schedule*.

Summary of Requested Action by Project Task:

| TASKS & DELIVERABLES | REQUESTED ACTION |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Priority #1: Establish more efficient, consistent, and predictable application review processes</i> | |
| Procedural Manual Standardized Forms, Templates, and Conditions of Approval Dedicated Project Review Teams | These improvements are administrative and operational in nature (e.g. provides procedural guidance). No action requested. Deliverables are under development. Comments welcomed. |
| <i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i> | |
| Minor Applications Bundled Applications | These improvements are administrative and operational in nature (e.g. provides procedural guidance). <i>Procedures are detailed in new section 5.4 and 5.5 in the TRPA Rules of Procedure, including a list of qualifying projects.</i> Requested action of APC to recommend adoption of amendments to the Rules of Procedures. |
| QE Declaration Process Simplification | The existing Qualified Exempt (QE) declaration procedures are being clarified consistent with <u>existing</u> code language. These improvements are administrative and operational in nature. (e.g. provides procedural guidance) Clarifications regarding the QE procedure will be included in the Procedural Manual and TRPA applications. No action requested. Deliverables will be available at TRPA.gov November 2023. Comments welcomed. |
| Expand Exempt Activities List | The proposed amendments include moving select minor activities from the QE list to the fully Exempt list in TRPA Code 2.3. These are consistent in scale and scope of existing exempt activities. Requested action of APC to recommend adoption of amendments to the Code of Ordinances. |
| Historic Resource Process Simplification | Amendments include streamlined historic resource determination procedures and staff- |

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| | <p>level approval of projects involving potential historic resources.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p> |
| Additional Staff Level Delegation | <p>Staff-level approval procedures are proposed for additional determinations.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p> |
| <i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i> | |
| Code Interpretations and Clarifications | <p>A suite of amendments is proposed, consistent with past code interpretations and ongoing practices. The amendments clarify the approval criteria for common regulations, such as land coverage and height. The amendments help project applicants better understand development limitations and considerations, while providing a framework for more consistent and improved reviews.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p> |
| Reduce Audit Volumes | <p>Procedural ordinances are updated to reduce audit frequency for single family permits and to only conduct the “below the IPES line” drawing if there is insufficient supply in the Residential Allocation Incentive Pool.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p> |
| Reduce “Below the IPES Line” Drawings | |
| Organize and Publicize Code Reference Documents | <p>This improvement is administrative and operational in nature. (e.g. provides procedural guidance and references important documents)</p> <p>No action requested. Deliverables will be available at TRPA.gov November 2023. Comments welcomed.</p> |

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| Priority #4: Prioritize public communication and customer service. | |
| <i>See tasks and deliverable for Priority #1.</i> | |
| Priority #5: Expand tools for staff development and training. | |
| <i>See tasks and deliverable for Priority #1.</i> | |
| Priority #6: Maintain adequate and dependable funding to support quality application reviews. | |
| Updates Select Fees and TRPA Fee Schedule | Requested action of APC to recommend adoption of amendments to the Fee Schedule. |
| | |
| Cost Recovery Monitoring Program | <p>These improvements are administrative and operational in nature. Program is intended to better understand required resources and staffing necessary to review applications and expenses incurred.</p> <p>No action requested. Deliverables are under development. Comments welcomed.</p> |

“Phase-3” Projects: The next 6-month phase of this permitting improvement project will focus on TRPA’s application requirements and forms, project review procedures, online navigation to permitting tools and resources, and administrative systems. The team has been discussing opportunities to simplify application requirements, operate more efficiently, and automate certain permitting functions.

Attachment B

Table of Amendments

Attachment B

Draft Amendments to the Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule

Table 1: Code of Ordinance Amendments

Updated August 24, 2023

| <i>Section</i> | <i>Topic</i> | <i>Implementation Item / Explanation</i> | <i>Proposed Amendment</i> |
|----------------|--------------|------------------------------------------|---------------------------|
|----------------|--------------|------------------------------------------|---------------------------|

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|---------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code 2.2.2.A.2.c | Project Review: Historic Resources | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Historic Resource Protection:</i></p> <ul style="list-style-type: none"> • <i>Authorize staff approval of additions, reconstruction, or demolition of eligible historic resources. This would retain Hearings Officer reviews for modifications to designated historic resources. Code amendments will be required.</i> | <p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>A. General Projects or Matters</p> <p>2. Hearings Officer Review</p> <p>The following projects or matters require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> c. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: Historic Resource Protection); |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|---------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code 2.2.2.A.2.d | Project Review: Underground Utility Replacement | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions:</i></p> <ul style="list-style-type: none"> • <i>Expand exemptions for hearings officer review of SEZ disturbances to permit staff approval for underground utility replacement projects.</i> | <p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>A. General Projects or Matters</p> <p>2. Hearings Officer Review</p> <p>The following projects or matters require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> d. Modification to SEZs, excluding modifications for residential projects <u>and underground utility replacement projects</u> in accordance with subparagraph 30.5.2.A and erosion control and other environmentally oriented projects and facilities in accordance with subparagraph 30.5.2.D; |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|--------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code 2.2.2.B | Project Review: Award of Bonus Units | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p>**This is an additional process improvement for projects using bonus units.</p> <p>Code outlines separate approval authorities for housing projects and for bonus units that may be used.</p> <p>Projects that use bonus units – often affordable or moderate income housing - sometimes require a more intensive review process than would be required for market rate housing or timeshares.</p> <p>Chapter 52 has clear standards for the assignment of bonus units. Projects either qualify or they don't.</p> <p>Proposed amendments eliminate the separate review requirements for the allocation of bonus units.</p> <p>Bonus units will be assigned as an administrative action following approval of qualifying projects by the applicable decision making body.</p> <p>**Significant code amendments for housing are also in development. This targeted process improvement supports TRPA's broader housing initiative.</p> | <p>B. Residential Projects</p> <p>1. Governing Board Review</p> <p>Residential projects involving the following require review and approval by the Governing Board:</p> <ul style="list-style-type: none"> a. Allocation of ten or more residential bonus units for income-restricted housing; and b.a. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses. <p>2. Hearings Officer</p> <p>Residential projects involving the following require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> a. Multi-residential and employee housing greater than four units; and b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and c. Allocation of more than two, but less than ten, residential bonus units for income-restricted housing. |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 2.2.2.D.1.a | Project Review: Public Service EIP Projects | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions:</i></p> <ul style="list-style-type: none"> • <i>Permit staff approval of added land coverage for qualifying transportation improvements</i> <p>**Note this was broadened to include Transportation and Recreation EIP projects with up to 15,000 square feet of land coverage.</p> | <p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>D. Public Service Projects</p> <p>1. Governing Board Review</p> <p>Public service projects involving the following require review and approval by the Governing Board:</p> <ul style="list-style-type: none"> a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage, <u>except Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square feet of land coverage</u>; and |
| Code 2.2.2.E.1.a | Project Review: Recreation EIP Projects | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions:</i></p> <ul style="list-style-type: none"> • <i>Permit staff approval of added land coverage for qualifying transportation improvements</i> <p>**Note this was broadened to include Transportation and Recreation EIP projects with up to 15,000 square feet of land coverage.</p> | <p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>E. Recreation Projects</p> <p>1. Governing Board Review</p> <p>Recreation projects involving the following require review and approval by the Governing Board:</p> <ul style="list-style-type: none"> a. _____ New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage, <u>with the following exceptions:</u> <ul style="list-style-type: none"> (1) _____ (except #Recreational trails); <u>and</u> (1) (2) <u>Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square feet of land coverage.</u> |

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| Code 2.2.2.F | Project Review: Shorezone Projects | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions in the Shorezone:</i></p> <p><i>Allow staff-level decisions with noticing / appeal process.</i></p> <ul style="list-style-type: none"> • <i>New multiple parcel/multiple use piers, which are currently considered by the Governing Board.</i> • <i>New single parcel piers, which are currently considered by the Hearings Officer.</i> • <i>Existing buoy field expansions, which are currently considered by the Hearings Officer.</i> <p>**Note refinements to:</p> <ul style="list-style-type: none"> - Not change special use requirements for shoreline revetments and stabilization; and - Allow staff-level decisions for minor improvements listed as allowed (not special) uses in section 84.8. | <p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>F. Shorezone Projects</p> <p>1. Governing Board Review</p> <p>Shorezone projects involving the following require review and approval by the Governing Board:</p> <ul style="list-style-type: none"> a. Tour boat operations (new or expansion); b. Waterborne transit (new or expansion); c. Seaplane operation (new or expansion); d. Marinas (new or expansion); e. Boat launching facilities (new or expansion); f. Recognition of multiple-use facilities (Section 84.4), <u>except recognition of new multiple parcel/use piers and buoy field expansions</u>; and <p>2. Hearings Officer</p> <p>Shorezone projects involving the following require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and b. New structures (except those identified for Governing Board review), <u>with the following exceptions:</u> <ul style="list-style-type: none"> (1) and a <u>New mooring buoys and piers</u> for eligible private, single-family littoral parcels}. (2) <u>Buoy field expansions.</u> (3) <u>Other structures that are identified in Section 84.8 and are not special uses.</u> |
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| Code 2.3.2.A (was 2.3.6.A.1 Qualified Exempt) | Exempt Activities: Structural Repair | <p><i>[Moved from 2.3.6 Qualified Exempt]</i></p> <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>1. <i>Structural repairs under \$50,000 (increased from \$21,000)</i></p> <p>**Language shown in green text is relocated from 2.3.6 (Qualified Exempt). The maximum improvement value is increased to generally adjust for inflation and material costs of the same type of activities. The current structural repair amount (\$21,00) has not been updated in 12 or more years. Larger remodels and additions remain as QE with requirements for BMPs and Excess Coverage Mitigation.</p> | <p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.2 General Activities</p> <p><u>1.A. Structural Repair</u></p> <p><u>Exterior Structural repair of existing structures of less than \$50,000\$21,000 per year, provided there is:</u></p> <ol style="list-style-type: none"> <u>1. No excavation, filling, or backfilling in excess of that exempted by subparagraph E-A.6 below;</u> <u>2. No increase in the dimensions of a structure;</u> <u>3. No intensification or change in use;</u> <u>4. No increase in commercial floor area, and</u> <u>5. No increase in density.</u> <p><u>This amount shall be calculated on an objective market valuation of the materials involved.</u></p> |

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| Code 2.3.2.E | Exempt Activities: Excavation | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>3. <i>Additional grading on non-sensitive land (increased from 3 cu. yards to 10 cu. yards).</i></p> <p>**Language maintains the current general exemption for up to 3 cy of grading. The exemption amount is increased to 10 cy for grading on non-sensitive land during the grading season. This code section maintains protections for drainage patterns and natural grade.</p> | <p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.2 General Activities</p> <p><u>D, E.</u> Excavation, Filling, or Backfilling</p> <p>Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. <u>Excavation, filling, or backfilling for a volume up to ten cubic yards is exempt on non-sensitive land only and provided the activity occurs during the grading season (May 1 to October 15) and the excavation site is stabilized within 48 hours to prevent erosion. Changes to existing grade shall not exceed two vertical feet in any location and shall not alter existing drainage patterns except as needed to implement water quality BMPs.</u> This exemption shall not be construed to exempt a series of excavations, filling, or backfilling that collectively would constitute a project.</p> |

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| <p>Code 2.3.2.H (was 2.3.6.A.9 Qualified Exempt)</p> | <p>Exempt Activities: Seasonal Outdoor Retail Sales</p> | <p><i>[Moved from 2.3.6 Qualified Exempt]</i> <i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i> <i>Exempt and Qualified Exempt Activities:</i> <i>The least significant QE activities should be made fully exempt from TRPA review. include:</i> <i>4. Seasonal Outdoor Retail Sales Use</i> **Language shown in green text is relocated from 2.3.6 (Qualified Exempt) and modified to use a list format, to allow the use in mixed-use districts, and to include new limitations 4 and 5 for noise and land disturbances. The proposed amendment retains protections to vegetation, water quality, and soils by limiting parking and where this type of activity can occur. The proposed amendment adds further mitigation to ensure environmental protection. The activity would not create or relocate land coverage, any disturbed area would be revegetated and stabilized, and no excess noise is created beyond the limits of the Code. This section does not relate to Outdoor Retail Sales within the Shorezone.</p> | <p>2.3 EXEMPT ACTIVITIES 2.3.2 General Activities <u>9.H. Seasonal Outdoor Retail Sales Use</u> <u>An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use:</u></p> <ol style="list-style-type: none"> <u>1. Does shall not cause parking on unpaved areas;</u> <u>2. Does not operate for more than six consecutive weeks in a 12-month period, and;</u> <u>3. Is is located in a plan area designated mixed-use, commercial, public service, or tourist;</u> <u>4. Does not create noise in excess of the limits in Chapter 68: Noise Limitations; and</u> <u>5. Does not create permanent land coverage or disturbance. Any disturbed area shall be revegetated and stabilized to prevent erosion.</u> |

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| Code 2.3.3.P & Q (was 2.3.6.B Qualified Exempt) | Exempt Activities: Signs | <p><i>[Moved from 2.3.6 Qualified Exempt]</i></p> <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>5. <i>Subdivision Identification Signs</i></p> <p>6. <i>Replacement of Approved Sign Faces</i></p> <p>**Language shown in green text is relocated from 2.3.6 (Qualified Exempt). No changes</p> <p>This activity is consistent in scale and scope to other sign activities that are currently exempt including identification signs (Sec 2.3.3.D) and residential property identification signs (Sec 2.3.3.I). Section 2.3.3.Q, are signs that have previously been approved by TRPA and found in conformance within the Code. Only replacement in-kind would qualify under this section.</p> | <p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.3. Sign Activities</p> <p><u>1.P. Subdivision Identification Signs</u></p> <p><u>Installation or replacement of subdivision identification names or letters, provided the name or lettering shall be installed on an existing wall or similar structure, shall be not be over 12 inches high, and shall not be internally illuminated; and</u></p> <p><u>2.Q. Replacement of Approved Sign Faces</u></p> <p><u>Replacement of sign faces on signs approved by TRPA pursuant to Chapter 38: Signs, provided the new sign face remains in compliance with Chapter 38.</u></p> |

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| Code 2.3.4.A | Code References | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Organize Code Reference Documents:</i></p> <p><i>Code amendments should be processed to reduce the number of different documents that need to be referenced during the Project application process.</i></p> <p>**The referenced mail delivery program is not known to staff.</p> | <p>EXEMPT ACTIVITIES</p> <p>2.3.4. Mail Delivery Activities</p> <p>The mail delivery activities listed below are exempt.</p> <p>A. Mail delivery receptacles that are designed and installed in accordance with design standards that are part of a TRPA-approved area wide mail delivery program.</p> <p>B.A. Mail delivery receptacles and support structures that comply with the following standards:</p> <ol style="list-style-type: none"> 1. A maximum of one mail box shall be allowed for each parcel or project area provided that: <ol style="list-style-type: none"> a. Complies with all U.S. Postal Service standards; b. Is located in a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and c. If located within a scenic highway corridor pursuant to Section 66.2, is colored using dark shades of earthtone colors and matte finish. 2. One set of cluster boxes shall be allowed provided that the number of boxes is equal to the number of parcels or project areas being served and the set meets the design and scenic standards listed in subparagraph 1 above. |

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| Code 2.3.6.A.1 (now 2.3.2.A exempt) | Exempt Activities: Qualified Exempt | <u>[Moved to 2.3.2.A Exempt General Activities]</u> | <p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.6. Qualified Exempt Activities</p> <p>A. General Activities</p> <p>Structural Repair</p> <p>Exterior Structural repair of existing structures of less than \$21,000 per year, provided there is:</p> <ul style="list-style-type: none"> a. No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below; b. No increase in the dimensions of a structure; c. No intensification or change in use; d. No increase in commercial floor area, and e. No increase in density. <p>This amount shall be calculated on an objective market valuation of the materials involved.</p> |

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| Code 2.3.6.A.6 (now 2.2.2.E exempt) | Exempt Activities: Qualified Exempt | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>3. <i>Additional grading on non-sensitive land (increased from 3 cu. yards to 10 cu. yards).</i></p> <p>**Grading up to 10 cy during the grading season on non-sensitive land is proposed to be exempt.</p> | <p>2.3.6. Qualified Exempt Activities</p> <p>A. General Activities</p> <p>6. Excavation, Filling, or Backfilling</p> <p>Excavation, filling, or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations that viewed as a whole would constitute a project.</p> |
| Code 2.3.6.A.9 (now 2.3.2.H exempt) | Exempt Activities: Qualified Exempt | <p><u><i>[Moved to 2.3.2 Exempt General Activities]</i></u></p> | <p>2.3.6. Qualified Exempt Activities</p> <p>A. General Activities</p> <p>9. Seasonal Outdoor Retail Sales Use</p> <p>An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use shall not cause parking on unpaved areas, does not operate for more than six consecutive weeks in a 12-month period, and is located in a plan area designated commercial, public service, or tourist.</p> |

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| Code 2.3.6.A.11 (now 8) | Exempt Activities: Qualified Exempt | **Clean up amendment to reflect ongoing practice. | <p>11. 8. Replacement of Existing Roof with Metal Roof</p> <p>Replacement of an existing roof with a metal roof that is composed of non-glare earthtone colors. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. The applicant shall <u>provide submit</u> color and material <u>information samples</u> to TRPA with their qualified exempt form.</p> |
| Code 2.3.6.B (Now 2.3.3.P & Q exempt) | Exempt Activities: Qualified Exempt | <u>[Moved to 2.3.3 Exempt Sign Activities</u> | <p>2.3.6. Qualified Exempt Activities</p> <p>B. Sign Activities</p> <p>The following sign activities are qualified exempt:</p> <p>1. Subdivision Identification Signs</p> <p>Installation or replacement of subdivision identification names or letters, provided the name or lettering shall be installed on an existing wall or similar structure, shall be not over 12 inches high, and shall not internally illuminated; and</p> <p>2. Replacement of Approved Sign Faces</p> <p>Replacement of sign faces on signs approved by TRPA pursuant to Chapter 38: Signs, provided the new sign face remains in compliance with Chapter 38.</p> |
| CHAPTER 30: LAND COVERAGE | | | |

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| <p>Code 30.4.2.A.4</p> | <p>Land Coverage Limitations: Transferred Land Coverage</p> | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>**This section applies when existing developed properties require improvements for public safety or access of the disabled, do not have coverage available to use, and do not qualify for coverage exemptions.</p> <p>Coverage must be transferred from a comparable or more sensitive property, providing significant mitigation.</p> <p>Language is added and clarified consistent with the established administrative decision making considerations. Changes clarify what is considered coverage, what improvements can be exempted, and when this transfer provision can be used.</p> <p>Further, the amendment would limit the applicability and minimize the installation footprint of such facilities by putting into place safeguards for sensitive land that is not clear with the existing code language. These clarifications reduce the risk that the provisions for necessary and important health and safety needs may be taken</p> | <p>4. Facilities for Public Safety and Access of the Disabled</p> <p><u>Facilities legally existing on the effective date of the Regional Plan: TFor receiving parcels with legally existing development and insufficient available or banked coverage,</u> transfers of land coverage may be permitted for the addition of facilities for access of disabled persons for compliance with the American Disabilities Act (ADA) and other public safety requirements that do not qualify for a coverage exemption under subparagraph 30.4.6-C.</p> <p>a. <u>Transfer Standards</u></p> <p>The maximum land coverage <u>transferred</u> shall be <u>consistent with the following standards:</u></p> <ol style="list-style-type: none"> <u>(1) Transferred coverage shall be</u> the minimum amount necessary to meet the public safety and access requirements; <u>(2) Coverage shall not be transferred to sensitive land unless there is no feasible alternative on the receiving parcel.</u> <u>(3) Pervious decking shall be used where feasible.</u> <u>(4) Receiving parcels shall have installed and maintained BMPs meeting TRPA requirements and the transferred coverage shall also have BMPs installed and maintained to meet TRPA requirements.</u> <u>(5) This provision shall not be used in conjunction with any project that adds coverage for purposes not related to public safety or access of the disabled.</u> <u>(6) When feasible alternatives exist, TRPA may require the relocation of on-site coverage for some or all of the coverage needed. On-site coverage relocation is appropriate for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without significant structural modifications or significant impacts to the usability of the parcel. This subparagraph shall not be interpreted to require the removal of existing living area, garage space, vehicle access routes, pedestrian</u> |
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| | | <p>advantage of or provided to parcels where other reasonable alternatives may exist.</p> <p>**This is part of a broader clarification of the overall framework for land coverage. Amendments are made to the land coverage definition, coverage exemptions in section 30.4.6, and this transfer provision.</p> | <p><u>access routes, the first 1,000 square feet of driveway or the first 1,000 square feet of decking/patio space on each parcel.</u></p> <p>b. <u>Eligible Improvements</u></p> <p><u>Eligible improvements include:</u></p> <ul style="list-style-type: none"><u>(1) Facilities for access of disabled persons for compliance with the American Disabilities Act (ADA).</u><u>(2) Utility improvements including boxes, vaults, poles and electric vehicle chargers.</u><u>(3) The minimum driveway necessary to provide two off-site parking spaces for each residential parcel.</u><u>(4) Other property improvements that the executive director determines are necessary for public safety or access of the disabled.</u> <p>c. <u>Land coverage transferred for public safety and access shall be classified exempt in accordance with subparagraph 30.4.6.H.</u></p> |
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| <p>Code 30.4.3.B.3 & 4</p> | <p>Land Coverage Limitations: Method of Transferring Land Coverage</p> | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings.</i></p> <p>**This text and table 30.4.3-2 below implement code interpretations 1989-3 (Sensitivity Coverage Transfers Land Capability) and 1989-4 (Potential Base Coverage Transfer Bailey IPES), both dated 1989-10-28, and are consistent with ongoing practice.</p> <p>This amendment provides procedural guidance regarding how to calculate and determine the amount of coverage that can be transferred between a Baileys land capability and IPES parcel. The amendment does not alter land growth management controls or increase development potential within the Region.</p> | <p>30.4 Land Coverage Limitations</p> <p>3. Base Land Coverage</p> <p>Unused allowable base land coverage (i.e., potential coverage) referred to in subsection 30.4.1 may be transferred in all cases, except for transfers relating to commercial, mixed-use, or tourist accommodation uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial, mixed-use, and tourist accommodation projects shall be existing hard coverage except as provided in subparagraph 2 above.</p> <p>a. <u>General Rule for Transfer Amounts</u></p> <p><u>The amount of coverage that may be transferred from a parcel having an IPES score shall be the amount of potential base coverage allowed under IPES. Potential base coverage under the Bailey system may be transferred only when an IPES score has not been established for the sending parcel.</u></p> <p>b. <u>Exceptions to the General Rule:</u></p> <p><u>Bailey coverage, not IPES coverage, shall be used to determine the amount of potential coverage to be transferred in the following situations:</u></p> <ul style="list-style-type: none"> <u>(1) When an IPES score has been assigned to a sending parcel that is subsequently developed under the Bailey system; or</u> <u>(2) When the sending parcel has a current TRPA approval under the Bailey system.</u> <p>4. Land Coverage for Single-Family House</p> <p>Land coverage transferred for a single-family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as or more environmentally sensitive than the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the</p> |
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| | | | <p>other does not, TRPA shall determine sensitivity <u>sensitivity shall be determined based on Table 30.4.3-2.</u></p> |
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| <u>Table 30.4.3-2 Potential Coverage Transfers Between Bailey and IPES Lots</u> | | | | | | | | | |
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| | | | <u>Receiving Parcel</u> | | | | | | |
| | | | <u>Bailey Land Classifications</u> | | | | | <u>IPES Score</u> | |
| | | | <u>1a, 1b, 1c, 2, 3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>Above 725</u> | <u>At or Below 725</u> |
| <u>Sending Parcel</u> | <u>IPES Score</u> | <u>At or Below 725</u> | <u>N</u> | <u>E</u> | <u>E</u> | <u>E</u> | <u>E</u> | <u>See Subparagraph 30.4.3.B.3</u> | |
| | | <u>Above 725</u> | <u>N</u> | <u>E</u> | <u>E</u> | <u>E</u> | <u>E</u> | | |
| | <u>Bailey Classification</u> | <u>7</u> | <u>See Subparagraph 30.4.3.B.3</u> | | | | | <u>E</u> | <u>N</u> |
| | | <u>6</u> | | | | | | <u>E</u> | <u>N</u> |
| | | <u>5</u> | | | | | | <u>E</u> | <u>N</u> |
| | | <u>4</u> | | | | | | <u>E</u> | <u>N</u> |
| | | <u>3</u> | | | | | | <u>E</u> | <u>E</u> |
| | | <u>2</u> | | | | | | <u>E</u> | <u>E</u> |
| | | <u>1c</u> | | | | | | <u>E</u> | <u>E</u> |
| | | <u>1b</u> | | | | | | <u>E</u> | <u>E</u> |
| <u>1a</u> | | | | | | <u>E</u> | <u>E</u> | | |
| | | | <u>E – Eligible for Transfer</u> | | | | | | |
| | | | <u>N – Not Eligible for Transfer</u> | | | | | | |
| | | | <u>* - New coverage is generally not allowed on residential lots with Bailey classifications 1-3. Exceptions shall be consistent with the TRPA Code of Ordinances.</u> | | | | | | |

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| <p>Code 30.4.6.A</p> | <p>Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Non-Permanent Structures and Small Utility Installations</p> | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>**Additionally, this language proposes new allowances for up to 30 square feet of small utility installations in lieu of an equivalent non-permanent structure exemption. This will address ongoing challenges for parcels without available coverage and will support the installation of solar energy and EV charging infrastructure. New exemptions do not extend into sensitive lands.</p> <p>Additional climate smart code amendments are being separately developed and are expected to include additional climate-smart codes that extend beyond the procedural nature of these amendments.</p> | <p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>A. Exemption for Non-Permanent Structures <u>and Small Utility Installations</u></p> <p><u>Up to 120 square feet of</u> Land coverage underlying non-permanent structures <u>and small utility installations</u> are exempt from the calculation of land coverage, <u>subject to the following limitations:-</u></p> <ol style="list-style-type: none"> 1. For purposes of this provision only, non-permanent structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size, are located on non-sensitive lands, do not exceed two percent of the total amount of non-sensitive land on a parcel, and do not require a permit from TRPA. <u>Non-permanent structures may include emergency power generators, hot tubs, sheds, greenhouses, and similar improvements when installed without a permanent foundation. Non-permanent structures with sanitary sewer service do not qualify</u> 2. <u>For purposes of this provision only, small utility installations may include up to 30 square feet of coverage for any combination of the improvements listed below.</u> <ol style="list-style-type: none"> a. <u>Emergency power generators;</u> b. <u>HVAC installations;</u> c. <u>Electric vehicle chargers; and</u> d. <u>Active solar energy systems with panel reflectivity ratings of 11 percent or less; and</u> e. <u>Utility improvements including boxes, vaults, and poles that are included in the definition of land coverage.</u> 3. <u>Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.</u> |
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| | | | <p>4. In addition, the following limitations apply:</p> <p>a. <u>Exempted installations shall be on non-sensitive land;</u></p> <p>b. <u>Exempted installations shall not exceed two percent of the total amount of non-sensitive land on a parcel.</u></p> <p>c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements and the exempted non-permanent coverage shall also have BMPs installed and maintained to meet TRPA requirements; and</p> <p>d. This exemption shall not apply to structures or facilities used for access, parking, or storage of motorized vehicles.</p> <p>e. <u>Total coverage exempted for non-permanent structures and small utility installations may not exceed 120 square feet total.</u></p> |

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| <p>Code 30.4.6.D.1.e</p> | <p>Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Pervious Coverage</p> | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>**New language provides a standard accepted design for pervious coverage (e(i) & (ii)), allows demonstration of pervious design consistent with standard condition of approval language (e(iii)), and clarifies how existing verified coverage is handled.</p> <p>The standard design is for pervious “walkways” (a new defined term). Pervious “driveways” will continue to require design details and maintenance plans.</p> | <p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>1. Pervious Coverage</p> <p>For pervious coverage on non-sensitive lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements:</p> <ol style="list-style-type: none"> a. The coverage shall comply with all applicable BMPs, including those relating to installation and maintenance. b. Pervious asphalt is not eligible for credit under this provision. c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements. d. This exemption shall apply only to locations with low sediment loads (e.g., locations that do not receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place. <p><u>e. Applications to use pervious land coverage shall be consistent with one of the following design options to be approved:</u></p> <ol style="list-style-type: none"> (i) <u>UngROUTED stone or paver walkways meeting all of the following criteria shall be considered pervious:</u> <ol style="list-style-type: none"> (1) <u>Individual stones or pavers do not exceed 1 foot in width and three feet in length;</u> (2) <u>10 percent minimum open surface;</u> (3) <u>4 inch minimum layer of well-draining base material; and</u> (4) <u>Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.</u> (ii) <u>UngROUTED metal grates and similar hard surface walkways meeting all of the following criteria shall be considered pervious:</u> |
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| | | | <p>(1) <u>Perforations spaced no more than 8 inches apart;</u></p> <p>(2) <u>10 percent minimum open surface;</u></p> <p>(3) <u>4 inch minimum layer of well-draining base material; and</u></p> <p>(4) <u>Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.</u></p> <p>(iii) <u>Plans for alternative pervious coverage installations shall include details of the proposed pervious coverage (pavers or concrete), including the manufacturer’s instructions for installation and maintenance to ensure the installation allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.</u></p> <p>f. <u>Any existing pervious coverage that was legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.</u></p> |

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| <p>Code 30.4.6.D.2.E</p> | <p>Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Pervious Decks</p> | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>**New language provides a measurable standard for gaps in pervious decks (e(1)-(5)), and clarifies how existing verified coverage is handled.</p> <p>This works together with the new definition of “Deck”. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.</p> | <p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>2. Pervious Decks</p> <p>a. Partial exemption from the calculation of land coverage is available for new residential pervious decks on non-sensitive lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.</p> <p>b. The following exemptions are available: Applicable to the first 500 square feet of decking: 100 percent exemption Applicable to decking above the first 500 square feet:</p> <ul style="list-style-type: none"> (1) 1 – 125 square feet decking: 80 percent exemption (2) 126 – 250 square feet decking: 60 percent exemption (3) 251 – 375 square feet decking: 40 percent exemption (4) 376 – 500 square feet decking: 20 percent exemption <p>c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall only qualify for this partial exemption if consistent with all approval criteria.</p> <p>d. This exemption shall apply only to residential parcels with installed and maintained BMPs meeting TRPA requirements.</p> <p>e. A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion <u>consistent with the criteria below</u> to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.</p> <p><u>(1) Decks surfaced with dimensional boards shall use boards not exceeding 8 inches in width installed with ¼ inch minimum gaps between each board.</u></p> |
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| | | | <p><u>(2) Decks surfaced with metal grates or similar hard surfaces shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.</u></p> <p><u>(3) Decks surfaced with dimensional blocks shall use blocks not exceeding 8 inches in width installed with ¼ inch minimum gaps between each block.</u></p> <p><u>(4) Decks surfaced with other materials shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.</u></p> <p><u>(5) Any deck covering (roofing, trellis, etc) shall meet the same standards for gaps that allow water to pass freely, except for those areas that are excluded from coverage in accordance with the overhang allowance in subparagraph 30.4.6.B.</u></p> <p>f. This exemption shall not exempt more than five percent of the total amount of non-sensitive land on a parcel or project area, or 750 square feet per parcel, whichever is less, provided that the pervious deck meets BMP requirements and is located on non-sensitive land.</p> <p>g. If decking qualifies for a partial exemption, applicants may determine which portion of the deck is exempt and which portion is not.</p> <p><u>h. Any existing decks that were legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.</u></p> |

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| Code 30.4.6.E | Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Limit on Aggregate Exemption | **Reference Code sec 30.4.6.A. Small Utility Installations are included in the aggregate exemption limit (ten percent of non-sensitive land). | <p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>E. Limit on Aggregate of Coverage Exemptions and Credits on Parcels or Project Areas</p> <p>The total amount of coverage exemptions and credits on parcels or project areas applies only to non-permanent structures, pervious decks, and pervious coverage, <u>and small utility installations</u> and shall not exceed in aggregate ten percent of the total amount of non-sensitive land on a parcel.</p> |
| Code 30.4.6.G | Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>**Note: Consistent with ongoing practice, gravel groundcover used for defensible space is exempted from the calculation of land coverage.</p> | <p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p><u>G. Fire Defensible Space</u></p> <p><u>Gravel and similar pervious non-flammable groundcover that is used for defensible space within 5 feet of a structure is exempt from the calculation of land coverage. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.</u></p> |

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| Code 30.4.6.H | Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage | **Reference Code sec 30.4.2.A.4. Consistent with ongoing practice, coverage transferred for public safety and access of the disabled is exempted from land coverage calculations. Qualifying standards are listed in sec 30.4.2.A.4. | 30.4 Land Coverage Limitations 30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage H. <u>Facilities for Public Safety and Access of the Disabled</u> <u>Coverage transferred to a parcel for public safety and access facilities in accordance with subparagraph 30.4.2.A.4 shall be exempted from calculations of land coverage.</u> |
| Code 30.4.6.I | Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage | <i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i> <i>Code Interpretations and Clarifications:</i> <i>Clarify when land coverage is "Available" vs "Banked".</i> **This clarifies that coverage is banked after the application of coverage exemptions if the coverage is not used in other project locations. | 30.4 Land Coverage Limitations 30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage I. <u>Relocating or Banking Exempted Coverage</u> <u>When TRPA authorizes exemptions for existing verified coverage, the exempted coverage may be relocated onsite or banked for future use or transfer in accordance with Chapter 51.</u> |

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| Code 30.4.7 | Land Coverage Limitations | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p>**This new text implements the code interpretation memo dated 2001-11-27 (Offsite Coverage as Excess Coverage) and is consistent with ongoing practice.</p> <p>As discussed within the IEC, this amendment may result in additional coverage within the Region; however, all off-site coverage is required to be fully mitigated by paying an excess coverage mitigation fee and therefore would result in a less-than-significant impact to water quality and pollutant run-off. Excess coverage mitigation fees are paid by project proponents and provided by TRPA to the California and Nevada land banks that use those funds to retire development and development potential on sensitive or remote lands.</p> | <p>30.4 Land Coverage Limitations</p> <p><u>30.4.7. Off-Site Land Coverage</u></p> <p><u>For purposes of this section, off-site coverage is coverage that is located in the public right-of-way, but used for private purposes. Most developed properties have off-site driveway coverage.</u></p> <p><u>A. General Standards</u></p> <ol style="list-style-type: none"> <u>1. Off-site driveway coverage shall be the minimum necessary to provide safe property access.</u> <u>2. Off-site walkway coverage is allowed for connections between on-site walkways and sidewalks, trails or roads.</u> <u>3. When projects decrease off-site coverage, the off-site coverage shall be retired.</u> <u>4. When projects increase off-site coverage, the additional coverage shall be fully mitigated in accordance with the applicable Hydrologic Area Mitigation fee listed in the fee schedule.</u> |

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| Code 30.6 Introduction | Excess Coverage Mitigation - Applicability | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p>**Applicability language added for certain qualified exempt activities, consistent with Section 2.3.6 and ongoing practice. Excess coverage mitigation is required for: “Structural Remodeling or Additions” and for “Non-Permanent Structures” meeting coverage exemption criteria in Section 30.4.6.A.</p> | <p>30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM</p> <p>INTRODUCTION (Applicability)</p> <p>This section applies to projects <u>and certain qualified exempt activities pursuant to subsection 2.3.6</u> where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.</p> |

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| Code 30.6.1.C.2 | Fees | **This is a revised reference to the fee schedule. | <p>30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM</p> <p>C. Determination of Excess Land Coverage Mitigation</p> <p>2. Excess Land Coverage Mitigation Fee</p> <p>The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff using an Annual Percentage Growth Rate (APGR) calculation (or best available alternate methodology) based on the best available residential sales information for the Tahoe Region. The APGR shall be calculated regularly, at least every 4 years. The fee shall be updated utilizing the most recently calculated APGR. Fee adjustments are limited to increases, even in instances when the APGR calculation may result in a negative percentage growth, to preserve the intent of the Excess Land Coverage Mitigation Fee program, and maintain consistency with the land bank's cost to acquire and restore land coverage under this program. The current excess land coverage fee shall be included within the <u>fee schedule provided in the Rules of Procedure in subsection 10.8.5.</u></p> |
| CHAPTER 37: HEIGHT | | | |

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| Code 37.3.4 | Height Height Standards for Buildings | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p><i>Clarify how Building Height is measured.</i></p> <p>**This new text implements the code interpretation memo dated 1993-12-22 (Clarification of Height Policy) and is consistent with ongoing practice.</p> | <p>37.3 Definitions</p> <p><u>37.3.4. Roof Pitch</u></p> <p><u>A. Buildings with a single roof pitch shall not exceed the maximum height permitted in Section 37.4.</u></p> <p><u>B. For buildings with multiple roof pitches, maximum height shall be determined as follows:</u></p> <ol style="list-style-type: none"> <u>1. A roof pitch that constitutes more than 50 percent of the total roof area shall be the majority roof pitch used to determine maximum height in accordance with Section 37.4. The remaining roofs, if of a shallower pitch, may be constructed up to the maximum height based on the majority roof pitch. Portions of the roof which have a steeper pitch than the majority roof pitch, may be constructed up to the maximum height permitted for that roof pitch.</u> <u>2. When no roof pitch constitutes more than 50 percent of the total roof area, all roofs must independently conform to the maximum height for that roof pitch in accordance with Section 37.4.</u> <p><u>C. Height measurements for each roof pitch shall be taken from the same lowest natural ground elevation for the building; or for each building segment established in accordance with Section 37.4.2.</u></p> |

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| Code 37.4.2 | Height Definitions | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p><i>Clarify how Building Height is measured.</i></p> <p>**This new text clarifies design requirements for “segmented” buildings on slopes.</p> | <p>37.4 Height Standards for Buildings</p> <p>37.4.2. Maximum Height for Buildings on Slopes</p> <p>For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the provisions of subsection 37.4.1 may be modified as follows:</p> <p>A. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);</p> <p>B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, except that the ground floor segment (the building segment closest to the street providing primary access to the building) shall not exceed 28 feet in height, including any additional height approved under Section 37.5; and</p> <p>C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.</p> <p><u>D. When building segments are used for maximum height calculations, the ground slope and roof pitch calculations shall be completed separately for each building segment as if it was a separate building.</u></p> <p><u>E. Building segments shall be consistent with all of the following standards.</u></p> <ol style="list-style-type: none"> <u>1. Segment boundaries shall correspond with structural elements of the building such as support walls or distinct roof planes.</u> <u>2. Segments shall have 120 square feet or more covered by a roof.</u> <u>3. Segments shall be at least one story in height.</u> |
| CHAPTER 50: ALLOCATION OF DEVELOPMENT | | | |

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| <p>Code 50.5.2.A</p> | <p>Allocation of Additional Residential Uses</p> | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Focus Staff Time on High-Value Work</i></p> <p><i>IPES Parcels with scores “below the line” are addressed with redundant programs.</i></p> <p><i>Section 50.5.2.A requires procedures for an annual “below the IPES line drawing”. This is a labor-intensive process.</i></p> <p><i>A newer program allows a below the IPES line parcel to retire a sensitive lot in exchange for an allocation from the Residential Allocation Incentive Pool (Section 50.5.1.D.1).</i></p> <p><i>Programs should be consolidated under the Residential Allocation Incentive Program.</i></p> <p><i>**Text specifies that a “below the IPES line drawing” is only required if there is insufficient supply in the Residential Allocation Incentive Pool.</i></p> | <p>50.5 Allocation of Additional Residential Units</p> <p>50.5.2. Distribution and Administration of Residential Allocations</p> <p>Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.</p> <p>A. Reserved Allocations</p> <p>Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.</p> <p>1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line.</p> <p><u>2. In the event there are sufficient allocations in the Residential Allocation Incentive Pool to accommodate all applications to retire a parcel below the Individual Parcel Evaluation System (IPES) line, the following process applies:</u></p> <p style="padding-left: 40px;"><u>a. TRPA shall assign allocations from the residential allocation incentive pool to parcels provided the recipient retires a parcel below the Individual Parcel Evaluation System (IPES) line; and</u></p> <p style="padding-left: 40px;"><u>b. TRPA shall issue the reserved allocations to jurisdiction of origin.</u></p> <p><u>3. In the event there are insufficient allocations in the Residential Allocation Incentive Pool to accommodate all applications to retire a parcel below the Individual Parcel Evaluation System (IPES) line, the following process applies:</u></p> <p style="padding-left: 40px;">a. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.</p> |
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| | | | <ul style="list-style-type: none"> b. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance. c. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin. |

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| Code 50.5.2.E.3 | Allocation of Additional Residential Uses | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Focus Staff Time on High-Value Work</i></p> <p><i>Reduce single family audit requirements from 10 percent to 5 percent</i></p> <p>**Language reduces audit frequency, while maintaining the sample size for annual audits.</p> | <p>50.5 Allocation of Additional Residential Units</p> <p>50.5.2. Distribution and Administration of Residential Allocations</p> <p>E. Performance Review System</p> <p>3. Permit Monitoring and Compliance</p> <p>By October 1 of each year, TRPA shall conduct a representative sample audit of not less than <u>fiveten</u> percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the <u>combined</u> score <u>of the two most recent annual audits</u>, as follows:</p> <ul style="list-style-type: none"> a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent. |
| CHAPTER 60: WATER QUALITY | | | |
| Code 60.2.4 | Fees | **This is a revised reference to the fee schedule. | <p>60.2.4. Fee Required</p> <p>A fee shall be assessed for each square foot of additional land coverage created. The amount of contribution shall be established <u>and periodically updated by Resolution of the Board and recorded in a fee schedule in the Rules of Procedure.</u></p> |

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| CHAPTER 65: AIR QUALITY/TRANSPORTATION | | | |
| Code 65.1.4.A.2 | Air Quality Combustions Appliances | **Clean up amendment to reflect ongoing practice. | <p>2. List of Approved Heaters</p> <p>TRPA shall maintain a list of <u>standards for</u> gas heaters that are in compliance with the air quality standards in subparagraph 65.1.4.A.1. The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with subparagraph 65.1.4.A.1.</p> |
| Code 65.2.4.D | Fees | **This is a revised reference to the fee schedule and removal of alternative inflation index. Western States CPI will be applied annually. | <p>65.2.4. Requirements for New Development</p> <p>D. Fee Schedule</p> <p>The mobility mitigation fee shall be assessed in accordance with the <u>mitigation</u> fee schedule in the Rules of Procedure. The mitigation fee shall be adjusted annually consistent with <u>the annual change in the Consumer Price Index for the San Francisco region</u>. Fee adjustments are limited to increases, even in instances when the calculation may result in a negative percentage growth, to preserve the intent of the mobility mitigation fee and maintain consistency with the costs to implement VMT reduction measures. The current mobility mitigation fee shall be included within the schedule provided in the Article 16 in the Rules of Procedures subsection 10.8.5.</p> |
| Code 65.2.6 | Fees | **This is a revised reference to Rules of Procedure for fees. | <p>65.2.6. Revision of Fee Schedules</p> <p>TRPA shall review the fee schedules in accordance with <u>Article 16 subsection 10.7</u> in the Rules of Procedure.</p> |
| CHAPTER 66: SCENIC QUALITY | | | |

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| Code 66.1.6 | Scenic Quality Reflectivity and Glare | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>The criteria for rating scenic quality and assessing potential impacts could be clarified for projects outside the shorezone/shoreland regulatory areas.</i></p> <p>**Text clarifies locations and standards to limit building reflectivity outside the shoreland and shorezone. This amendment serves to improve the consistency of implementation of existing scenic protection standards. Due to the inconsistency of reflectivity provisions in the past, adding this clarification will likely result in increased attainment to scenic thresholds over time.</p> | <p><u>66.1.6. Reflectivity and Glare</u></p> <p><u>Structure planes (roofs, walls, etc) that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area are subject to the following standards:</u></p> <p><u>A. Reflectivity for Windows and Glass Railings</u></p> <p><u>Reflectivity shall not exceed 11 percent on all unscreened glass or glass-like windows, railings and other building features that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area.</u></p> <p><u>B. Reflectivity for Metal and Other Low-Texture Building Surfaces</u></p> <p><u>Metal, plastic, composite, and other low texture building surfaces that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area shall be constructed with non-glare finishes that minimize reflectivity.</u></p> <p><u>C. Screening and Orientation</u></p> <p><u>Projects with vegetation screening and/or surface plane orientations preventing sunlight glare from directly reflecting onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area are exempt from these Reflectivity and Glare standards.</u></p> |

CHAPTER 67: HISTORIC RESOURCE PROTECTION

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 67.4 | | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <ul style="list-style-type: none"> • <i>Establish a more efficient process for Historic Resource Determinations</i> • <i>Pursue development of MOUs with State Historic Preservation Offices to comply with the TRPA Code of Ordinances and limit when consultation is warranted.</i> <p>**Language here and in 67.7.3 below is consistent with a request from the California State Historic Preservation Office (SHPO) and is also supported by the Nevada SHPO and TRPA staff.</p> <p>SHPO staff desire to stop to this type of consultation, noting concerns regarding proper authorities and insufficient staff time available to serve in such a manner.</p> | <p>67.4. DISCOVERY OF ELIGIBLE RESOURCES</p> <p>Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO), and with the Washoe Tribe if it is a Washoe site. If the resource initially is determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Sections 67.6 and 67.5.</p> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 67.7.3 | Historic Resource Protection Projects Relating to Historic Resources | **Change associated with 67.4 above. | <p>67.7. PROJECTS RELATING TO HISTORIC RESOURCES</p> <p>67.7.3. Demolition</p> <p>Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:</p> <p>A. The action will not be detrimental to the historic significance of the resource;</p> <p>B. The action is pursuant to a <u>TRPA-approved</u> recovery plan approved by the applicable state historic preservation officer; or</p> <p>C. It is the only feasible alternative to protect the health and safety of the public.</p> |

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES [SHOREZONE]

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 82.5.8 | Shorezone Existing Structures and Exempt Activities Qualified Exempt Activities (Shorezone) | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Boulder relocation standards should be clarified in relation to dredging.</i></p> <p>**Text implements a recent code interpretation clarifying the distinction between boulder relocation (qualified exempt) and dredging (not exempt).</p> <p>This amendment mitigates potential impacts by limiting such activity and placing measurable requirements on such activities.</p> | <p>82.5. QUALIFIED EXEMPT ACTIVITIES [SHOREZONE]</p> <p>82.5.8. Relocation of boulders for navigational purposes provided that the character and habitat function throughout the project area is maintained and the relocation is consistent with Chapter 67. This provision does not apply to removal, modification, or destruction of boulders. <u>Up to six boulders, or three cubic yards of boulders, whichever is more limiting, may be relocated if they are directly impeding watercraft access to an existing boatlift or catwalk.</u> Relocations of boulders may also be allowed in conjunction with a pier expansion if the expansion will bring a con-conforming pier completely into conformance with the applicable development standards in TRPA Code of Ordinances Chapter 84. A qualified exempt boulder relocation must comply with the all of the following requirements:</p> <ol style="list-style-type: none"> <u>1. No more than 6 boulders, or a total of 3 cubic yards of boulders, whichever is more limiting, may be relocated under a Qualified Exempt Declaration.</u> <u>2. A boulder is an object that is greater than 10 inches in diameter</u> <u>3. Boulders to be relocated shall not be buried or partially buried beneath the substrate. The declarant shall demonstrate that a boulder can be plucked off the top of the substrate rather than pulled out from the substrate so that lake bottom disturbance is minimized.</u> <u>4. A boulder shall not be relocated if the only way to move the boulder is to drag it across the lake bottom.</u> |
| CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE | | | |
| Code 84.3.2.G | Fees | **This is a revised reference to the fee schedule. | <p>G. Mooring Registration Fee.</p> <p>All existing and additional moorings shall be subject to an annual TRPA mooring registration fee, as set forth in Article 106 of the TRPA Rules of Procedure <u>and fee schedule.</u></p> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 84.3.3.C | Fees | **This is a revised reference to the fee schedule. | C. Buoy Scenic Mitigation Fee. All existing and additional buoys shall be subject to an annual TRPA buoy scenic mitigation fee in addition to the annual mooring registration fee, as set forth in Article 106 of the TRPA Rules of Procedure <u>and fee schedule</u> . |
| Code Figure 84.3.3-2 | Shorezone Development Standards Mooring Structures | <i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i> <i>Code Interpretations and Clarifications:</i> <i>Possible clarifications to buoy standards.</i> **This modifies text associates with the buoy field graphic to be consistent with the language in code. | <div style="border: 1px solid black; padding: 5px;"> <p>A) TOTAL NUMBER OF BUOYS IN BUOY FIELD SHALL NOT EXCEED THE CAPACITY, THE AREA FOR WHICH IS DEFINED BY THE LAKE FRONTAGE, NOT INCLUDING SETBACKS, MULTIPLIED BY 300'</p> <p>B) BUOYS SHALL BE LOCATED AT LEAST 50' FROM LEGALLY EXISTING BUOYS</p> <p>C) BUOYS SHALL BE NO GREATER THAN 600' LAKEWARD FROM 6,220 LTD</p> <p>D) BUOYS SHALL BE LOCATED AT LEAST 20' FROM ADJACENT LITTORAL PARCEL BOUNDARY PROJECTION LINES</p> </div> |
| Code 84.11.2.E. | Fees | **This is a revised reference to the fee schedule. | 84.11. MITIGATION 84.11.2. Mitigation Required To assist in providing funds for restoration of fish habitat and providing public access to Lake Tahoe, all new construction and the expansion of piers, boat ramps, and marinas, regardless of fish habitat type, shall pay a mitigation fee, set forth in Article 160 of the TRPA Rules of Procedure <u>and fee schedule</u> . |
| CHAPTER 90: DEFINITIONS | | | |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 90.1.14 | Definitions Rules of Interpretation and Construction Rounding | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Rounding standards should be addressed for TRPA's key development limitations.</i></p> <p>**New text specifies rounding rules and is consistent with ongoing practice.</p> | <p>90.1.14. Rounding</p> <p><u>A. Unless otherwise specified, numbers shall be rounded to the nearest whole number. Fractional numbers .5 or greater are rounded up. Fractional numbers less than .5 are rounded down.</u></p> <p><u>B. Unless otherwise specified, when standards specify a minimum or maximum limit, those limits shall be the actual limit. The fractional number rounded to the nearest whole number shall not exceed the maximum limit or be less than the minimum limit.</u></p> <p><u>C. The following rules of rounding apply to land coverage:</u></p> <ol style="list-style-type: none"> <u>1. Round each distinct land coverage category to the nearest square foot.</u> <u>2. Round disconnected areas of the same land coverage category to the nearest square foot before totaling.</u> <p><u>D. The following rules of rounding apply to height:</u></p> <ol style="list-style-type: none"> <u>1. Calculate natural ground elevation to the nearest inch.</u> <u>2. Calculate building height to the nearest inch.</u> <p><u>E. The following rules of rounding apply to development rights and units of use for conversions, banking, etc:</u></p> <ol style="list-style-type: none"> <u>1. CFA shall be rounded to the nearest whole number in square feet.</u> <u>2. All other units of use shall be rounded to the nearest one-hundredth of a unit (0.01).</u> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Code 90.2 | Definitions Active Solar Energy System | **Definition relates to coverage exemptions for small utility installations (30.4.6.A). | <p>90.2. OTHER TERMS DEFINED</p> <p><u>Active Solar Energy System</u></p> <p><u>A solar energy system with a primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.</u></p> |
| Code 90.2 | Definitions Deck | **Definition relates to coverage exemptions for pervious decks (30.4.6.D.2). | <p>90.2. OTHER TERMS DEFINED</p> <p><u>Deck</u></p> <p><u>An elevated structure or element of a structure, designed or used as a floor for the support of persons, animals, or property in an outdoor setting. Decks are typically surfaced with dimensional lumber, composite boards, blocks, or metal grates. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.</u></p> |
| Code 90.2 | Definitions Electric Vehicle Charger Electric Vehicle Charging Station | **Definitions relate to coverage exemptions for small utility installations (30.4.6.A). | <p>90.2. OTHER TERMS DEFINED</p> <p><u>Electric Vehicle Charger</u></p> <p><u>Off-board charging equipment used to charge an electric vehicle. A “universal” EV charger means an electric vehicle charger that is compatible with multiple types and models of electric vehicles, regardless of make, brand, or input.</u></p> <p><u>Electric Vehicle Charging Station</u></p> <p><u>One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.</u></p> |

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| Code 90.2 | Definitions Expansion (Shorezone) | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Pier expansion criteria should be clarified in relation to boatlifts, hand railing for safety purposes, etc.</i></p> <p>**New text clarifies the distinction between pier modifications and pier expansions.</p> | <p>90.2. OTHER TERMS DEFINED</p> <p>Expansion</p> <p>Outside of the shorezone, “expansion” means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.</p> <p><u>The following are modifications to existing piers that do not constitute an expansion of a pier:</u></p> <ul style="list-style-type: none"> <u>A. Placement of bumpers on piers.</u> <u>B. Removal of non-conforming structures (i.e. rock cribbing).</u> <u>C. Handrails.</u> <u>D. Swim ladders.</u> <u>E. Pier deck height if there is a net decrease in the total visible mass of the pier.</u> <u>F. Addition of a catwalk if taking the place of existing pier footprint and not creating additional visible mass.</u> <p><u>The following are modifications to existing piers that do constitute an expansion of a pier:</u></p> <ul style="list-style-type: none"> <u>A. Additional pier width.</u> <u>B. Additional pier length.</u> <u>C. Addition of a boatlift.</u> <u>D. Additional visible mass except for the additional visible mass created by the addition of structures/edifices/accessories listed above.</u> |
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| Code 90.2 | Definitions Land Coverage | <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p><i>The definition of land coverage should be clarified for accessory site improvements such as post foundations, masonry walls, elevated metal grates, utility lids, ungrouted stone walks, placed rocks or boulders, and BMP installations.</i></p> <p>**New text clarifies the dimension standards for small site improvements that are not land coverage. This is generally consistent with past interpretations and ongoing practice. Numeric standards will assist with consistent outcomes.</p> <p>The governing board previously approved a code interpretation of non-coverage for bear resistant garbage enclosure elevated 18 inches or more. The proposed height limit is reduced to 6 inches. Language is also added to limit the maximum size. This does not apply to larger dumpsters.</p> | <p>90.2. OTHER TERMS DEFINED</p> <p>Land Coverage</p> <p>A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also “Potential Land Coverage.” Common terms related to land coverage are:</p> <ul style="list-style-type: none"> A. Hard Coverage—man-made structures as defined above. B. Soft Coverage—compacted areas without structures as defined above. <p><u>The following improvements are not land coverage:</u></p> <ul style="list-style-type: none"> <u>A. Post foundations that are 12 inches or less in width and length at ground level.</u> <u>B. Walls and other impervious improvements that are 12 inches or less in width at ground level and in aggregate do not exceed one percent of the project area.</u> <u>C. Utility improvements including boxes, vaults, and poles that are required for utility services (including water, sewer, electricity including undergrounding, natural gas, and telecommunications), are surrounded by pervious surfaces, and do not individually exceed 6 square feet in size. This provision does not extend to</u> |
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| | | | <p><u>additional discretionary utility improvements such as generators and HVAC installations.</u></p> <p><u>D. Bear resistant garbage enclosures not exceeding 3 feet in depth that are installed on one or more posts and have an enclosure elevated 6 inches or more above ground level.</u></p> <p><u>E. Land coverage associated with BMP installations may be excluded from land coverage calculations if such improvements are necessary for a properly functioning BMP installation.</u></p> <p><u>F. Natural rocks used in landscaping, slope retention, and for aesthetic purposes are not land coverage if the rocks are in their natural location or are surrounded by pervious surfaces, are not designed to serve as a walkway or gathering area.</u></p> |
| Code 90.2 | Definitions Walkway | **Definition relates to coverage exemptions for pervious coverage (30.4.6.D.1). | <p>90.2. OTHER TERMS DEFINED</p> <p><u>Walkway</u></p> <p><u>A clearly identifiable gathering area or access path for pedestrians. Walkways are separated from Driveways and Roads with curbing, railings, landscaping, rocks or similar barriers. Walkways include paved and unpaved patios, sidewalks, trails, and paths. Walkways are generally located on the ground but may have elevated sections or bridges</u></p> |

Table 2: Rule of Procedure Amendments

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Rules 5.3 | Completeness Reviews | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Establish a Minor Application process with shorter deadlines, less complex applications, simplified reviews, and a dedicated application review team</i></p> <p>**New procedures split minor from regular applications upon submittal. Other text is updated to reflect digital applications and current practices.</p> | <p>5.3. DETERMINATION OF <u>COMPLETE APPLICATION TYPE AND COMPLETENESS</u></p> <p>Upon receipt submittal of an application, the application <u>processing shall begin. be stamped “Received – TRPA,” dated, and signed by the TRPA employee authorized to receive it. If the application has been submitted as a minor application, it shall be routed for expedited processing in accordance with Section 5.4.</u> If the application has not been acted upon within 30 calendar days of submittal <u>the “Received – TRPA” date</u>, then TRPA shall notify the applicant, in writing, of the information required prior to a TRPA determination that the application is “complete” for purposes of commencing review of the application. The notice shall comply with the requirements of Section 5.75-9. Upon receipt of the requested information, TRPA shall deem the application complete and shall notify the applicant of such.</p> |

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| <p>Rules 5.4</p> | <p>Minor Applications</p> | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Establish a Minor Application process with shorter deadlines, less complex applications, simplified reviews, and a dedicated application review team</i></p> <p>**Subparagraph 1 is the list of projects that qualify for minor application processing.</p> <p>Subparagraph 2 established the expedited 15 + 40 days review process.</p> | <p><u>5.4. MINOR APPLICATIONS</u></p> <p><u>Applicants may request expedited processing of certain minor applications.</u></p> <p><u>1. Qualifying Applications</u></p> <p><u>The following applications may be submitted as minor applications:</u></p> <ul style="list-style-type: none"> <u>A. Development Right Banking</u> <u>B. Conversions and Transfers of Banked Development Rights</u> <u>C. Coverage Banking from Non-Sensitive Land</u> <u>D. Transfers of Banked Coverage from Non-Sensitive Land</u> <u>E. Historic Resource determinations</u> <u>F. Lot Line Adjustments meeting all the following criteria:</u> <ul style="list-style-type: none"> <u>1. The adjustment is between two parcels.</u> <u>2. The adjustment is an equal area exchange, with existing parcel areas maintained to the nearest square foot.</u> <u>3. The exchanged areas do not include any land coverage.</u> <u>4. The exchanged areas have the same Land Capability Classification.</u> <u>5. The project area is located entirely outside of the shorezone/shoreland.</u> <u>G. Minor Site or Building Improvements meeting all the following criteria:</u> <ul style="list-style-type: none"> <u>1. The project is a single parcel application.</u> <u>2. The project area is classified as Residential, Mixed-Use, or Tourist Land Use.</u> <u>3. The project area is located entirely outside of the shorezone/shoreland.</u> <u>4. The project does not propose any new or relocated coverage on sensitive land.</u> |
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| | | | <p><u>5. The parcel has an existing BMP certificate; except revisions to approved permits may be Minor with a BMP certificate to be issued with project completion.</u></p> <p><u>6. The project will not add “additional building height” (above 26 feet).</u></p> <p><u>7. The project does not involve a non-conforming use or structure.</u></p> <p><u>H. Establishment of up to two Accessory Dwelling Units, as long as the project does not exceed other limitations for Minor Applications.</u></p> <p><u>I. Grading not exceeding 10 cu. yards on sensitive land and 50 cu. yards total.</u></p> <p><u>J. Sign permits for projects having no more than two signs with sizes not exceeding 40 sf each.</u></p> <p><u>K. Linear Public Facility repair or reconstruction projects resulting in no new coverage and no significant changes to finished grades.</u></p> <p><u>L. Public Health and Safety Facilities; unless staff determines that the project scale or complexity warrants regular project review.</u></p> <p><u>M. Fire mitigation projects for pipelines and power transmission facilities, if outside scenic areas; unless staff determines that the project scale or complexity warrants regular project review.</u></p> <p><u>2. Minor Application Review Process:</u></p> <p><u>The following revised procedures apply to minor applications:</u></p> <p><u>A. The application completeness review described in Section 5.3 shall be expedited to 15 days. Minor applications that are determined to not qualify in accordance with subsection 1 above shall be processed as regular applications with all required application material.</u></p> <p><u>B. The application processing procedures described in Section 5.7 shall be expedited to 40 days.</u></p> |
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| Rules 5.5 | Bundled Applications | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Procedures should be implemented to review and approve certain “bundled” applications in a combined and coordinated manner</i></p> <p>**Text list applications that may be bundled.</p> | <p><u>5.5. BUNDLED APPLICATIONS</u></p> <p><u>Applicants may request coordinated and concurrent processing of associated applications for the same project area. Review timelines for the longest of the bundled applications shall apply to all bundled applications.</u></p> <p><u>1. Qualifying Applications</u></p> <p><u>A. Development right transfers and conversions associated with project applications.</u></p> <p><u>B. Coverage transfers to enable project applications.</u></p> <p><u>C. Lot Line Adjustments to enable project applications.</u></p> <p><u>D. Historic Resource determinations with project applications.</u></p> |
| Rules 5.8 | Fee Schedule | <p>**Reorganize content in new Article 16 (Fees). Retain a reference.</p> | <p><u>5.6. FEE SCHEDULE</u></p> <p><u>TRPA may fix and collect reasonable fees for project review services to recover costs associated with permit reviews and other services and to mitigate impacts associated with permitted development. The Board shall adopt, by resolution, an application fee schedule. Fees shall not be charged for inquiries and requests preceding the filing of an application, except as otherwise required by the fee schedule. See Article 16 Fees.</u></p> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment | | | | | | | | | | | | | | | | |
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| Rules 5.10 | Application Refund | **Reorganize to new Article 16 (Fees) | <p>5.10. APPLICATION REFUND</p> <p>5.10.1. If the application is withdrawn by written request by the applicant or by TRPA in accordance with Section 5.7, the Executive Director shall refund the application fee according to the schedule below. APPLICATION REFUND SCHEDULE</p> <table border="1" data-bbox="1066 467 1967 1084"> <thead> <tr> <th colspan="2" data-bbox="1066 467 1967 540">APPLICATION REFUND SCHEDULE</th> </tr> <tr> <th data-bbox="1066 540 1761 589">Task Completed</th> <th data-bbox="1761 540 1967 589">Refund Amount</th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 589 1761 719">If there are no actions other than the application is stamped "Received - TRPA," dated, and signed by the TRPA employee authorized to receive it pursuant to Section 5.3</td> <td data-bbox="1761 589 1967 719">90%</td> </tr> <tr> <td data-bbox="1066 719 1761 760">30-day review complete per Section 5.3</td> <td data-bbox="1761 719 1967 760">75%</td> </tr> <tr> <td data-bbox="1066 760 1761 865">If an "incomplete" application is made "complete," or more than one incomplete letter or time extension is issued</td> <td data-bbox="1761 760 1967 865">65% (less 10% additional income or time extension)</td> </tr> <tr> <td data-bbox="1066 865 1761 938">If TRPA review of a "complete" application is less than 50% finished</td> <td data-bbox="1761 865 1967 938">45%, (but no more than 10% refund)</td> </tr> <tr> <td data-bbox="1066 938 1761 1011">If TRPA review of a "complete" application is more than 50% finished</td> <td data-bbox="1761 938 1967 1011">10%</td> </tr> <tr> <td data-bbox="1066 1011 1761 1084">If final action is taken on a "complete" application by TRPA (other than withdrawal)</td> <td data-bbox="1761 1011 1967 1084">No refund</td> </tr> </tbody> </table> <p>5.10.2. An application fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is withdrawn.</p> | APPLICATION REFUND SCHEDULE | | Task Completed | Refund Amount | If there are no actions other than the application is stamped "Received - TRPA," dated, and signed by the TRPA employee authorized to receive it pursuant to Section 5.3 | 90% | 30-day review complete per Section 5.3 | 75% | If an "incomplete" application is made "complete," or more than one incomplete letter or time extension is issued | 65% (less 10% additional income or time extension) | If TRPA review of a "complete" application is less than 50% finished | 45%, (but no more than 10% refund) | If TRPA review of a "complete" application is more than 50% finished | 10% | If final action is taken on a "complete" application by TRPA (other than withdrawal) | No refund |
| APPLICATION REFUND SCHEDULE | | | | | | | | | | | | | | | | | | | |
| Task Completed | Refund Amount | | | | | | | | | | | | | | | | | | |
| If there are no actions other than the application is stamped "Received - TRPA," dated, and signed by the TRPA employee authorized to receive it pursuant to Section 5.3 | 90% | | | | | | | | | | | | | | | | | | |
| 30-day review complete per Section 5.3 | 75% | | | | | | | | | | | | | | | | | | |
| If an "incomplete" application is made "complete," or more than one incomplete letter or time extension is issued | 65% (less 10% additional income or time extension) | | | | | | | | | | | | | | | | | | |
| If TRPA review of a "complete" application is less than 50% finished | 45%, (but no more than 10% refund) | | | | | | | | | | | | | | | | | | |
| If TRPA review of a "complete" application is more than 50% finished | 10% | | | | | | | | | | | | | | | | | | |
| If final action is taken on a "complete" application by TRPA (other than withdrawal) | No refund | | | | | | | | | | | | | | | | | | |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Rules 5.13 | Notice | **Adds language requiring notice for projects reviewed by the Governing Board, consistent with language for Hearings Officer reviews and ongoing practice. | <p><u>5.13. NOTICE</u></p> <p><u>All projects or matters reviewed by the Governing Board shall require notice to affected property owners. The proponent of the project or matter shall submit a list to TRPA of the names and addresses of the persons who own property, or a portion thereof, within 300 feet of the project area boundaries. The list shall be compiled from the current county assessor's rolls and shall be verified by the applicant. The proponent also shall provide addressed envelopes and postage prepaid to the persons listed. Notice shall be given to such persons by TRPA. The notice shall be given no later than 14 calendar days before the hearing, shall state the date, time, and place of the hearing and the opportunity to be heard.</u></p> |

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| Rules 5.22 | Refund of Mitigation Fees | **Reorganize to new Article 16 (Fees) | <p>5.22.5.23. REFUNDS OF MITIGATION FEES</p> <p>Mitigation fees may be refunded as provided by the applicable Code provision and subject to the following limitations:</p> <ol style="list-style-type: none"> 1. Mitigation fees paid on or before July 1, 1987, shall not be refundable. A written request for a refund for mitigation fees paid after July 1, 1987, shall be received by TRPA no later than seven years minus one day from the date of final action by the Agency. In accordance with Article VI(p) of the Compact, in computing the above time periods, any time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of the project shall not be counted. If the request for refund is made by a person other than the owner of the parcel, the request shall include authorization from the owner to refund the fee. 2. TRPA verifies that no site disturbance or construction has occurred, beyond what would normally be allowed as an exempt or qualified exempt activity in the Code, or that no use has commenced, as applicable, under the subject permit. The permittee shall also pass a final inspection and be eligible for a security return in accordance with Chapter 4: Compliance of the TRPA Code, and shall submit evidence that notice to all other affected jurisdictions has been given in accordance with subsection 5.22.3, below. Site disturbance includes, but is not limited to, tree cutting, vegetation removal, grading, or excavation. Partial refunds shall not be permitted. 3. The permittee consents, in writing, to the cancellation of the subject permit and to all rights there under. Notice of cancellation of a TRPA permit shall be given to all other local, state, or federal jurisdictions also having jurisdiction over the matter such notice is the responsibility of the permittee. Cancelled TRPA permits shall not be renewable. 4. Refunds shall be made only to the extent funds are available in the applicable city or county mitigation fund. In the event there are insufficient funds in a particular account, TRPA shall pay the balance of the refund as funds become available in that account. Priority for refunds shall be determined based on the date the refund request was received. Refund of the mitigation fee shall not include any interest earned on the fee. The amount of a refund shall be in accordance with the following schedule |
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| | | | <p>(calculated from the date of project approval and not the date a mitigation fee was paid to TRPA):</p> <table border="1" data-bbox="1291 341 1711 560"> <thead> <tr> <th data-bbox="1291 341 1558 394">Year</th> <th data-bbox="1558 341 1711 394">Percent</th> </tr> </thead> <tbody> <tr> <td data-bbox="1291 394 1558 438">Years 1 through 4</td> <td data-bbox="1558 394 1711 438">100%</td> </tr> <tr> <td data-bbox="1291 438 1558 482">Year 5</td> <td data-bbox="1558 438 1711 482">75%</td> </tr> <tr> <td data-bbox="1291 482 1558 526">Year 6</td> <td data-bbox="1558 482 1711 526">50%</td> </tr> <tr> <td data-bbox="1291 526 1558 560">Year 7 and afterward</td> <td data-bbox="1558 526 1711 560">No Refund</td> </tr> </tbody> </table> <p>5. The Executive Director shall maintain the necessary accounts and fund balances to implement the above policies.</p> | Year | Percent | Years 1 through 4 | 100% | Year 5 | 75% | Year 6 | 50% | Year 7 and afterward | No Refund |
| Year | Percent | | | | | | | | | | | | |
| Years 1 through 4 | 100% | | | | | | | | | | | | |
| Year 5 | 75% | | | | | | | | | | | | |
| Year 6 | 50% | | | | | | | | | | | | |
| Year 7 and afterward | No Refund | | | | | | | | | | | | |
| Rules 10.7 | Fees for Service | **Reorganize to new Article 16 (Fees) | <p>10.7. FEES FOR SERVICES</p> <p>1. Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.</p> <p>2. The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.</p> | | | | | | | | | | |

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| Rules 10.8 | Fees for Reviews | **Reorganize to new Article 16 (Fees) | <p>10.8. FEES FOR REVIEWS</p> <p>1. Basic Fees</p> <p>Fee schedules for project review and preparation of environmental documents shall be set by resolution of the Body.</p> <p>2. Consultant Fees</p> <p>Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section 6.6.</p> <p>3. Exception</p> <p>Whenever, in the opinion of the chairman or executive officer, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the chairman or executive officer may increase the basic fee or the consultant fee by an amount not exceeding 50 percent of the amount indicated.</p> <p>4. Calculation of Fees</p> <p>Project review fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used.</p> <p>5. Mitigation Fees</p> <p>A. Mobility Mitigation Fee</p> <p>1. TRPA shall assess a mobility mitigation fee according to the following schedule:</p> <p>a. For new residential units—\$196.20/average daily Vehicle Mile Travelled.</p> <p>b. For new tourist accommodation units—\$196.20/average daily Vehicle Mile Travelled.</p> <p>c. For new campground site or recreational vehicle site—\$196.20/average daily Vehicle Mile Travelled.</p> |
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- d. For new commercial floor area — \$21.80/average daily Vehicle Mile Travelled.
- e. For all other development — \$21.80/average daily Vehicle Mile Travelled.

- 2. TRPA shall review the fee schedules in this subsection in light of the costs of needed improvements and the funds available to support those improvements and recommend adjustments to the fee schedules as appropriate.
- 3. Refund: Mobility mitigation fees may be refunded, under certain conditions, in accordance with these Rules.

B. Rental Car Mitigation Fee

Beginning January 1, 2002, the rental car mitigation fee shall be \$4.75 for EACH DAY of the rental transaction. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental car outside the Tahoe region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region, rounded to the nearest quarter-dollar. Any adjustment to the fee shall be reviewed and approved by the Tahoe Transportation District.

C. Excess Land Coverage Mitigation Fee

The excess land coverage fee shall be calculated according to the schedule below:

| EXCESS LAND COVERAGE MITIGATION-FEE | |
|--------------------------------------------|-----------------|
| Hydrologic Transfer Area | Fee Per Sq. Ft. |
| Area 1 — Incline | \$20.00 |
| Area 2 — Marlette | \$12.00 |
| Area 3 — Cave Rock | \$25.00 |
| Area 4 — South Stateline (Nevada side) | \$15.00 |
| Area 4 — South Stateline (California side) | \$8.50 |

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| | | | <table border="1"> <tr> <td>Area 5—Upper Truckee</td> <td>\$8.50</td> </tr> <tr> <td>Area 6—Emerald Bay</td> <td>\$8.50</td> </tr> <tr> <td>Area 7—McKinney Bay</td> <td>\$8.50</td> </tr> <tr> <td>Area 8—Tahoe City</td> <td>\$8.50</td> </tr> <tr> <td>Area 9—Agate Bay (California side)</td> <td>\$8.50</td> </tr> <tr> <td>Area 9—Agate Bay (Nevada side)</td> <td>\$18.00</td> </tr> </table> <p>D.——Water Quality Mitigation Fee</p> <p>The current fee of \$1.54 per square foot shall be increased to \$1.86 per square foot.</p> <p>1.——Mitigation Fee Credit</p> <p>If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:</p> <p>a.——The prior project approval was granted within the same project area as the project approval for which a credit is sought;</p> <p>b.——The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and</p> <p>c.——A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.</p> <p>2.——Mitigation Fee Refunds</p> <p>Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.</p> <p>A.——Shorezone Fees</p> <p>1.——Mooring Fee</p> <p>The owner of every mooring on, or with access to, Lake Tahoe shall pay a fee to TRPA of \$43 per year.</p> <p>2.——Buoy Scenic Mitigation Fee</p> | Area 5—Upper Truckee | \$8.50 | Area 6—Emerald Bay | \$8.50 | Area 7—McKinney Bay | \$8.50 | Area 8—Tahoe City | \$8.50 | Area 9—Agate Bay (California side) | \$8.50 | Area 9—Agate Bay (Nevada side) | \$18.00 |
| Area 5—Upper Truckee | \$8.50 | | | | | | | | | | | | | | |
| Area 6—Emerald Bay | \$8.50 | | | | | | | | | | | | | | |
| Area 7—McKinney Bay | \$8.50 | | | | | | | | | | | | | | |
| Area 8—Tahoe City | \$8.50 | | | | | | | | | | | | | | |
| Area 9—Agate Bay (California side) | \$8.50 | | | | | | | | | | | | | | |
| Area 9—Agate Bay (Nevada side) | \$18.00 | | | | | | | | | | | | | | |

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| | | | <p>All buoys shall be assessed a scenic mitigation fee of \$47 per year.</p> <p>3. Motorized Boat Rental Concession Fee</p> <p>Concessionaires shall pay the following fees to TRPA annually for every motorized boat subject to rental:</p> <ul style="list-style-type: none"> a. For every boat with an EPA 3-Star or better rating: \$75 per year; b. For every boat with an EPA 2-Star or worse rating: \$150 per year. <p>4. New Construction and Expansions.</p> <ul style="list-style-type: none"> a. Piers. New pier construction and the expansion of the existing piers shall be assessed mitigation fees as follows: <ul style="list-style-type: none"> i. New pier—\$60 per linear foot ii. Additional length to an existing pier—\$60 per lineal foot iii. Other additions—\$600 per application b. Boat Ramps. Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees as follows: <ul style="list-style-type: none"> i. New boat ramp—\$60 per lineal foot ii. Additional length to an existing ramp—\$60 per lineal foot iii. Additional width to an existing ramp—\$200 per lineal foot c. Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees as follows: <ul style="list-style-type: none"> i. New boat slip—\$200 per slip ii. New mooring buoy—\$200 per buoy Other additions—\$500 per application <p>2. Monitoring Fees</p> <p>A. Allocation Monitoring Fees</p> <ul style="list-style-type: none"> 1. The allocation monitoring fee shall be \$100 per allocation issued by a local jurisdiction. |
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| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Rules 12.14.7 | Notice to Affected Property Owners | <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions in the Shorezone:</i></p> <p><i>Allow staff-level decisions with noticing / appeal process.</i></p> <ul style="list-style-type: none"> • <i>New multiple parcel/multiple use piers, which are currently considered by the Governing Board.</i> • <i>New single parcel piers, which are currently considered by the Hearings Officer.</i> • <i>Existing buoy field expansions, which are currently considered by the Hearings Officer.</i> <p>**Related to Code sec 2.2.2.F. Retains noticing for projects no longer requiring governing board or hearings officer review.</p> | <p>12.14. PROJECT OR MATTER REQUIRING NOTICE TO AFFECTED PROPERTY OWNERS</p> <p>7. Shorezone* (new and expansions)</p> <p>A. Marinas</p> <p><u>B. Recognition of multiple parcel/use piers (Section 84.4)</u></p> <p><u>C. Single parcel piers</u></p> <p><u>D. Buoy fields</u></p> <p>B-E. Structures (except for two buoys per littoral parcel [52.6.A(1)] and navigational and safety devises on existing structures)</p> |
| Rules Article 16 | Fees | <p><i>Simplify organizational documents related to fees.</i></p> <p>**Content is mostly reorganized existing language. Changes are noted.</p> | <p><u>ARTICLE 16: FEES</u></p> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
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| Rules 16.1 | Purpose and Scope | **New purpose statement. | <p><u>16.1. PURPOSE & SCOPE</u></p> <p><u>This article sets forth the procedures for recording, collecting, updating fees. Fees are applied to recover costs associated with permit reviews and other services and to mitigate impacts associated with permitted development. This article addresses fees for services, project review fees, mitigation fees, monitoring fees, administrative fees, and shorezone fees.</u></p> |
| Rules 16.2 | Fee Schedule | **Content reorganized from section 5.6. New language added to use the Western States CPI index for all indexed fees. This is a change for the indexing of Mobility Mitigation fees, (indexing removed from code section 65.2.4.D.) and rental car mitigation fees (indexing removed from ROP fee language). | <p><u>16.2. FEE SCHEDULE</u></p> <p><u>Unless otherwise stated in this article, all fees shall be recorded in a fee schedule. Unless otherwise stated in these rules of procedure or in the Code of Ordinances, the fee schedule shall be updated annually based on the Western States Consumer Price Index. The Agency shall keep a current version of the fee schedule posted to the TRPA website.</u></p> |
| Rules 16.3 | Service Fees | **From Section 10.7. No substantive change. | <p><u>16.3. SERVICE FEES</u></p> <p><u>1. Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.</u></p> <p><u>2. The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.</u></p> |

| <p>Rules 16.4</p> | <p>Project Review Fees</p> | <p>**1-4 are from section 10.8. 5 is from section 5.10. No substantive change.</p> | <p><u>16.4 PROJECT REVIEW FEES</u></p> <p><u>1. Basic Fees</u></p> <p><u>Fees for project review and preparation of environmental documents shall be identified in the fee schedule.</u></p> <p><u>2. Consultant Fee</u></p> <p><u>Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section 6.10.</u></p> <p><u>3. Exception</u></p> <p><u>Whenever, in the opinion of the Executive Director, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the Executive Director may increase the basic fee or the consultant fee by an amount not exceeding 50 percent of the amount indicated.</u></p> <p><u>4. Calculation of Fees</u></p> <p><u>Project review fees shall be in accordance with the adopted fee schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used. Bundled applications shall be subject to all applicable fees for all activities being proposed or required as part of the project.</u></p> <p><u>5. Refund of Fees</u></p> <p><u>A. If the application is withdrawn by written request by the applicant or by TRPA in accordance with Section 5.7, the Executive Director shall refund the application fee according to the schedule below.</u></p> <table border="1" data-bbox="1066 1284 1965 1406"> <thead> <tr> <th colspan="2" data-bbox="1066 1284 1965 1354"><u>APPLICATION REFUND SCHEDULE</u></th> </tr> <tr> <th data-bbox="1066 1354 1562 1406"><u>Task Completed</u></th> <th data-bbox="1562 1354 1965 1406"><u>Refund Amount Due</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 1406 1562 1417"> </td> <td data-bbox="1562 1406 1965 1417"> </td> </tr> </tbody> </table> | <u>APPLICATION REFUND SCHEDULE</u> | | <u>Task Completed</u> | <u>Refund Amount Due</u> | | |
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| <u>APPLICATION REFUND SCHEDULE</u> | | | | | | | | | |
| <u>Task Completed</u> | <u>Refund Amount Due</u> | | | | | | | | |
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| | | | <u>If there are no actions other than the application is stamped “Received – TRPA,” dated, and signed by the TRPA employee authorized to receive it pursuant to Section Error! Reference source not found.</u> | <u>90%</u> |
| | | | <u>30-day review complete per Section Error! Reference source not found.</u> | <u>75%</u> |
| | | | <u>If an “incomplete” application is made “complete,” or more than one incomplete letter or time extension is issued</u> | <u>65% (less 10% for each additional incomplete letter or time extension issued)</u> |
| | | | <u>If TRPA review of a “complete” application is less than 50% finished</u> | <u>45%, (but no more than the amount calculated above)</u> |
| | | | <u>If TRPA review of a “complete” application is more than 50% finished</u> | <u>10%</u> |
| | | | <u>If final action is taken on a “complete” application by TRPA (other than withdrawal)</u> | <u>No refund</u> |
| | | | <u>B. An application fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is withdrawn.</u> | |

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| <p>Rules 16.5</p> | <p>Mitigation Fees</p> | <p>**1, 2, 3 and 5 are from 10.8.5.</p> <p>6 is from section 5.22.</p> <p>4 is new and recognizes off-site mitigation practices and code amendments.</p> <p>Indexing language (San Francisco CPI) is removed from 1 and 2. Standard indexing per Western States CPI will apply. TTD review and approval of fees is also removed from 2.</p> <p>New language in 3-5 clarifying that these mitigation fees are not indexed annually.</p> <p>Fee amounts replaced with references to the Fee Schedule.</p> | <p><u>16.5. MITIGATION FEES</u></p> <p><u>1. Air Quality, Greenhouse Gas Reduction, and Mobility Mitigation Fee</u></p> <p><u>A. TRPA shall assess an air quality, greenhouse gas reduction, and mobility mitigation fee consistent with Code section 65.2.</u></p> <p><u>B. Refund: Mobility mitigation fees may be refunded, under certain conditions, in accordance with these Rules.</u></p> <p><u>2. Rental Vehicle Mitigation Fee</u></p> <p><u>TRPA shall assess a rental vehicle mitigation fee consistent with Code section 65.4. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental vehicle outside the Tahoe region shall not be cause for exemption from payment of the fee.</u></p> <p><u>3. Excess Land Coverage Mitigation Fee</u></p> <p><u>TRPA shall assess an excess land coverage mitigation fee consistent with Code section 30.6. Excess coverage mitigation fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>4. Off-Site Land Coverage Mitigation Fee</u></p> <p><u>TRPA shall assess an off-site land coverage mitigation fee consistent with Code section 30.7. Excess coverage mitigation fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>5. Water Quality Mitigation Fee</u></p> <p><u>TRPA shall assess a water quality mitigation fee consistent with Code section 60.2. Water quality mitigation fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>A. Mitigation Fee Credit</u></p> <p><u>If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to</u></p> |
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| | | | <p><u>require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:</u></p> <ol style="list-style-type: none"><u>1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;</u><u>2. The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and</u><u>3. A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.</u> <p><u>6. Refund of Mitigation Fees</u></p> <p><u>Mitigation fees may be refunded as provided by the applicable Code provision and subject to the following limitations:</u></p> <ol style="list-style-type: none"><u>A. Mitigation fees paid on or before July 1, 1987, shall not be refundable. A written request for a refund for mitigation fees paid after July 1, 1987, shall be received by TRPA no later than seven years minus one day from the date of final action by the Agency. In accordance with Article VI(p) of the Compact, in computing the above time periods, any time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of the project shall not be counted. If the request for refund is made by a person other than the owner of the parcel, the request shall include authorization from the owner to refund the fee.</u><u>B. TRPA verifies that no site disturbance or construction has occurred, beyond what would normally be allowed as an exempt or qualified exempt activity in the Code, or that no use has commenced, as applicable, under the subject permit. The permittee shall also pass a final inspection and be eligible for a security return in accordance with Chapter 4: Compliance of the TRPA Code, and shall submit evidence that notice to all other affected jurisdictions has been given in accordance with subsection C, below. Site disturbance includes, but is not limited</u> |
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| | | | <p><u>to, tree cutting, vegetation removal, grading, or excavation. Partial refunds shall not be permitted.</u></p> <p><u>C. The permittee consents, in writing, to the cancellation of the subject permit and to all rights there under. Notice of cancellation of a TRPA permit shall be given to all other local, state, or federal jurisdictions also having jurisdiction over the matter such notice is the responsibility of the permittee. Cancelled TRPA permits shall not be renewable.</u></p> <p><u>D. Refunds shall be made only to the extent funds are available in the applicable city or county mitigation fund. In the event there are insufficient funds in a particular account, TRPA shall pay the balance of the refund as funds become available in that account. Priority for refunds shall be determined based on the date the refund request was received. Refund of the mitigation fee shall not include any interest earned on the fee. The amount of a refund shall be in accordance with the following schedule (calculated from the date of project approval and not the date a mitigation fee was paid to TRPA):</u></p> <table border="1" data-bbox="1289 951 1713 1166"> <thead> <tr> <th data-bbox="1289 951 1560 1003">Year</th> <th data-bbox="1560 951 1713 1003">Percent</th> </tr> </thead> <tbody> <tr> <td data-bbox="1289 1003 1560 1044"><u>Years 1 through 4</u></td> <td data-bbox="1560 1003 1713 1044"><u>100%</u></td> </tr> <tr> <td data-bbox="1289 1044 1560 1084"><u>Year 5</u></td> <td data-bbox="1560 1044 1713 1084"><u>75%</u></td> </tr> <tr> <td data-bbox="1289 1084 1560 1125"><u>Year 6</u></td> <td data-bbox="1560 1084 1713 1125"><u>50%</u></td> </tr> <tr> <td data-bbox="1289 1125 1560 1166"><u>Year 7 and afterward</u></td> <td data-bbox="1560 1125 1713 1166"><u>No Refund</u></td> </tr> </tbody> </table> <p><u>E. The Executive Director shall maintain the necessary accounts and fund balances to implement the above policies.</u></p> | Year | Percent | <u>Years 1 through 4</u> | <u>100%</u> | <u>Year 5</u> | <u>75%</u> | <u>Year 6</u> | <u>50%</u> | <u>Year 7 and afterward</u> | <u>No Refund</u> |
| Year | Percent | | | | | | | | | | | | |
| <u>Years 1 through 4</u> | <u>100%</u> | | | | | | | | | | | | |
| <u>Year 5</u> | <u>75%</u> | | | | | | | | | | | | |
| <u>Year 6</u> | <u>50%</u> | | | | | | | | | | | | |
| <u>Year 7 and afterward</u> | <u>No Refund</u> | | | | | | | | | | | | |

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| Rules 16.6 | Monitoring Fees | <p>**From 10.8.6.</p> <p>Fee amounts replaced with references to the Fee Schedule.</p> | <p><u>16.6. MONITORING FEES</u></p> <p><u>1. Allocation Monitoring Fee</u></p> <p><u>An allocation monitoring fee for each allocation issued by a local jurisdiction shall be identified in the monitoring fee schedule.</u></p> |
| Rules 16.7 | Administrative Fees | <p>**New language recognizing administrative fee practices.</p> | <p><u>16.7. ADMINISTRATIVE FEES</u></p> <p><u>TRPA shall assess administrative fees for the implementation of project securities. Administrative fees shall be identified in the fee schedule.</u></p> |

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| Rules 16.8 | Shorezone Fees | <p>**From 10.8.5.E.</p> <p>New language in the introduction clarifying fees that shorezone fees are not indexed annually.</p> <p>Fee amounts replaced with references to the Fee Schedule.</p> | <p><u>16.8. SHOREZONE FEES</u></p> <p><u>TRPA shall assess the following shorezone fees. Shorezone fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>1. Mooring Fees</u></p> <p><u>The owner of every mooring on, or with access to, Lake Tahoe shall pay a mooring fee to TRPA.</u></p> <p><u>2. Buoy Scenic Mitigation Fee</u></p> <p><u>All buoys shall be assessed a scenic mitigation fee consistent with Code section 84.11.</u></p> <p><u>3. Motorized Boat Rental Concession Fee</u></p> <p><u>Concessionaires shall pay a mitigation fee to TRPA annually for every motorized boat subject to rental. The mitigation fee schedule shall assess a separate fee:</u></p> <ul style="list-style-type: none"> <u>A. For every boat with an EPA 3-Star or better rating; and</u> <u>B. For every boat with an EPA 2-Star or worse rating.</u> <p><u>4. Fees for New Construction and Expansion</u></p> <ul style="list-style-type: none"> <u>A. Piers. New pier construction and the expansion of existing piers shall be assessed mitigation fees consistent with Code section 84.11 as follows:</u> <ul style="list-style-type: none"> <u>1. Fee for new pier</u> <u>2. Fee for additional length to an existing pier</u> <u>3. Fee for other additions to an existing pier</u> <u>B. Boat Ramps. Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees consistent with Code section 84.11 as follows:</u> <ul style="list-style-type: none"> <u>1. Fee for new boat ramp</u> <u>2. Fee for additional length to an existing ramp</u> |
|------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|---------|-------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | <p data-bbox="1142 253 1759 282">3. <u>Fee for additional width to an existing ramp</u></p> <p data-bbox="1121 310 1913 410">C. <u>Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees consistent with Code section 84.11 as follows:</u></p> <p data-bbox="1142 440 1488 469">1. <u>Fee for new boat slip</u></p> <p data-bbox="1142 475 1556 505">2. <u>Fee for new mooring buoy</u></p> <p data-bbox="1142 511 1514 540">3. <u>Fee for other additions</u></p> |

Table 4: Amendments to Design Review Guidelines Appendix H (Visual Assessment for Scenic Review)

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|---------|----------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Step 1 | Rounding | <i>Clarify standards for rounding</i> | <p>Step 1: Determine the square footage of differing surfaces (i.e., roof, windows, shingle, stone) by direct measurement of the buildings/structures on the project area from elevation views. <u>Measure square footage to the nearest square foot or with greater precision.</u></p> |
| Step 2 | Rounding | <i>Clarify standards for rounding</i> | <p>Step 2: Determine the percentage of each differing surface in relation to the overall square footage of the façade facing the lake. <u>Round the percentage to the nearest 0.1 percent.</u></p> |
| Step 3 | Rounding | <i>Clarify standards for rounding</i> | <p>Step 3: Utilize the Color Matrix below to determine the rating for each differing surface except glass (which is rated in step 4). Use the percentage of each differing surface and multiply by the appropriate rating. <u>Round the result for each surface to the nearest 0.1.</u> The sum of these results is your <u>Color Score</u>. For unique site conditions where the dominant color in the background is gray or green, the Brown to Black category may be used for scoring.</p> |
| Step 4 | Rounding | <i>Clarify standards for rounding</i> | <p>Step 4: Utilize the Glass Matrix below to determine the rating for all glass surfaces facing the lake. Determine the Visible Light Reflectance/Reflection Value provided by the glass manufacturer and determine the appropriate rating. Multiply the rating and the percentage of glass facing the lake derived in Step 2 above. <u>Round the result to the nearest 0.1.</u> This is your <u>Reflectance Score</u>. Steps 3 and 4 combined are your color and reflectance score.</p> <p><i>[also see table below]</i></p> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment | | | |
|---------------------------|---------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---|----------------|
| | | | Percent of | | | |
| Surface Materials | Munsell Color | Total | Rating | Weighted Average | | |
| Ex. Cedar Siding | 5YR 6/6 | 69 | X | 10 | = | 6.9 |
| Ex. Windows | >15% | <u>2530</u> | X | 1 | = | <u>0.250.3</u> |
| | | | X | | = | |
| | | | X | | = | |
| | | | X | | = | |
| | | | X | | = | |
| | | | X | | = | |
| | | | X | | = | |
| | | | X | | = | |
| | | | X | | = | |
| Color & Reflectance Score | | | | Total | = | |
| Step 6 | Rounding | <i>Clarify standards for rounding</i> | Step 6: Determine the appropriate surface pattern for each differing surface determined in Step 1. Using the Surface Plan & Texture Matrix below and the appropriate visible plane column from Step 5, assign an appropriate rating and multiply it to the percentage of each differing surface derived from Step 2. <u>Round the result to the nearest 0.1.</u> Sum the results to get your <u>Surface Plan/Texture Score.</u> | | | |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|---------|----------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Step 8 | Rounding | <i>Clarify standards for rounding</i> | Step 8: Add the three scores (Color & Reflectance Score, Perimeter Score, and Surface/Texture Score) and round <u>up to the next to the nearest</u> whole number. This is the <u>CONTRAST RATING</u> . |
| Step 9 | Rounding | <i>Clarify standards for rounding</i> | Step 9: Repeat Steps 1-8 for each visible building/structure in the project area. Each will have a separate contrast rating score. Multiply each buildings/structure's contrast rating by its percentage of the overall lakefront façade and sum the results. <u>Round up the next whole number.</u> This is the <u>Composite Contrast Rating</u> for the project area. |
| Step 11 | Rounding | <i>Clarify standards for rounding</i> | Step 11: Determine the existing visible area of the structures in the project area. <u>Round to the nearest square foot.</u> |

Table 4: Fee Schedule Amendments

| Section | Topic | Implementation Item / Explanation | Proposed Amendment | |
|-----------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Fees: Fee Multipliers | Enhanced Staff Review | <i>Apply a 25 percent fee multiplier for enhanced staff-level reviews.</i> | Enhanced Staff Level Review Projects with noticing requirements per the TRPA Rules of Procedure that do not require Hearings Officer or Governing Board Review. | 1.25 |
| Fees: Fee Multipliers | Special Planning Areas | <i>Eliminate the 25 percent fee multiplier for special planning areas.</i> | SPECIAL PLANNING AREAS For projects located in an adopted community plan area, or subject to an adopted redevelopment, specific, or master plan. | - |
| Fees: Throughout | Shoreland scenic review | <i>Increase shoreland scenic review fees from \$629 to recover project review costs. Apply higher scenic review fees for more complex reviews, with a modest increase for minor improvements: \$1,000 for "Level 3" reviews and "Level 6" reviews. \$2,000 for all other reviews.</i> | Shoreland Scenic Review Fee ¹ \$629 <u>\$1,000 or \$2,000</u> ¹ <u>Shoreland Scenic Review fee only applies to littoral parcels. Level 3 and 6 \$1,000, all other reviews \$2,000. See TRPA Code of Ordinances Chapter 66: Scenic Quality.</u> | |
| Fees: Line 11 | Tourist Accommodations (new) | <i>Increase the base fee for new lodging projects and the per-unit fee for all lodging projects to match fees for multi-family units.</i> | \$2,644-\$3,195 + \$47 per unit <u>\$59 per unit</u> | |
| Fees: Line 12 | Tourist Accommodation Additions | <i>Increase the base fee for new lodging projects and the per-unit fee for all lodging projects to match fees for multi-family units.</i> | \$2,644 + \$47 per unit <u>\$59 per unit</u> | |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|-----------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Fees: Line 25 | Day Care new | <i>Establish an intentional fee subsidy. Reduce application fees to \$800.</i> | \$2,782 min. fee, deposit account <u>\$800</u> |
| Fees: Line 25 | Day Care additions | <i>Establish an intentional fee subsidy. Reduce application fees to \$800.</i> | \$2,782 min. fee, deposit account <u>\$800</u> |
| Fees: Line 62.A | Buoys, Floating Platforms, and Low-Water Blocks (new) | <i>The fee should be increased to about \$1,500 per buoy. This is a cost recovery estimate.</i> | \$787 per buoy, floating platform, or low water block (for first 3) plus \$393 per additional item <u>\$1,500 each</u> |
| Fees: Line 62.B | Recognition of Existing Buoys, Mooring Lottery Eligibility Review | <i>The fee should be increased to about \$350. This is a cost recovery estimate.</i> | \$71 <u>\$350</u> |
| Fees: Line 66 | Buoys, Floating Platforms, and Low-Water Blocks (additions) | <i>The fee should be increased to about \$1,500 per buoy. This is a cost recovery estimate.</i> | \$629 per buoy, floating platform, or low water block (for first 3) plus \$315 per additional item <u>\$1,500 each</u> |

| Section | Topic | Implementation Item / Explanation | Proposed Amendment |
|-----------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------|
| Fees: Line 67 | Piers <u>Modifications (no expansion)</u> , Water Intake Lines ⁴ | <i>Fee should remain for pier modifications</i> | \$3,025 min. fee, deposit account |
| <u>Fees: Line 132</u> | <u>Pier Expansions⁴</u> | <i>Pier expansions should have the same base fee as for new piers.</i> | <u>\$6,050 min. fee, deposit account</u> |
| Fees: Line 108.A | Qualified Exempt (structural additiona/modification <u>not in the shorezone</u>) | <i>The current fee for some QE Declarations should apply to all QE Declarations</i> | \$213 |
| Fees: Line 131 | <u>Parcel Consolidation Deed Restrictions</u> | <i>Apply a \$200 fee to recover review costs.</i> | <u>\$200</u> |
| Fees: Line 132 | <u>Repeat Permit Acknowledgm ent</u> | <i>Apply a \$200 fee to recover review costs.</i> | <u>\$200</u> |

| | | | |
|----------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Fees: Mitigation Fee Table | Mitigation Fees (all) | **Mitigation fees are listed here. Fee amounts are removed from the <i>Code</i> and the <i>Rules</i> . No substantive changes except recognition of off-site mitigation fees. | See fee table below: |
|----------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|

| MITIGATION FEES | |
|-----------------------------------------------------------|-------------------------------------------------|
| Fee Category | Fee |
| Water Quality Mitigation | \$1.86 per square foot |
| Mobility Mitigation Fee | Per Average Daily Vehicle Miles Travelled (VMT) |
| Residential | \$196.20 per VMT |
| Commercial | \$21.80 per VMT |
| Tourist Accommodation Unit | \$196.20 per VMT |
| Campsites & RV sites | \$196.20 per VMT |
| Other | \$21.80 per VMT |
| Off-Site Coverage Mitigation | See Excess Coverage Mitigation |
| Excess Coverage Mitigation Fees by Hydrologic Area | See Map |
| Incline | \$20 per square foot |
| Marlette | \$12 per square foot |
| Cave Rock | \$25 per square foot |
| South Stateline (Nevada side) | \$15 per square foot |
| South Stateline (California side) | \$8.50 per square foot |
| Upper Truckee | \$8.50 per square foot |
| Emeral Bay | \$8.50 per square foot |
| McKinney Bay | \$8.50 per square foot |
| Tahoe City | \$8.50 per square foot |
| Agate Bay (California side) | \$8.50 per square foot |
| Agate Bay (Nevada side) | \$18 per square foot |
| Rental Vehicle Mitigation | \$4.75 for EACH DAY of the rental transaction |

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|------------------------------------------|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------|
| Fees: Shorezone Mitigation Fees | Shorezone Mitigation Fees (all) | **Shorezone mitigation fees are listed here. Fee amounts are removed from Code and the Rules. No substantive changes. | See fee table below |
|------------------------------------------|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------|

| SHOREZONE MITIGATION FEES | |
|------------------------------------------------|----------------------------------------------------------------------|
| Fee Category | Fee |
| Mooring | \$43.00 per year |
| Buoy Scenic Mitigation | \$47.00 per year |
| Motorized Boat Rental Concession | \$75.00 per year for every boat with an EPA 3-star or better rating |
| | \$150.00 per year for every boat with an EPA 2-star or better rating |
| Mitigation Fees | \$60.00 per linear foot, new pier |
| | \$60.00 per linear foot, additional length to an existing pier |
| | \$600.00 per application, other additions |
| New Boat Ramp Construction or Expansion | \$60.00 per linear foot, new boat ramp |
| | \$60.00 per linear foot, additional length to an existing boat ramp |
| | \$200.00 per linear foot, additional width to an existing boat ramp |
| New Marina Construction or Expansion | \$200.00 per slip, new boat slip |
| | \$200.00 per buoy, new mooring buoy |
| | \$500.00 per application, other additions |

[end]

Attachment C

IEC

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name: Permitting Improvement Project

Project Description:

This Initial Environmental Checklist (IEC) considers and analyzes the potential environmental impact of draft amendments to the Tahoe Regional Planning Agency's (TRPA) Code of Ordinances (the "Code"), Rules of Procedure (the "Rules"), Design Review Guidelines ("DRG"), and Fee Schedule (the "Fees") as part of TRPA's Permitting Improvement Project. The proposed amendments are necessary to implement the [TRPA Permitting Improvement Action Plan](#) (the "Action Plan") and the [Permitting Improvement Implementation Report](#) (the "Implementation Report").

The Action Plan is a strategy and 18-month work program to improve TRPA permitting operations. It was developed through a participatory process and was endorsed by the TRPA Governing Board in August 2022. The Action Plan directed staff to pursue process improvements and code amendments focused on the following priority topics:

- Establish more efficient, consistent, and predictable application review processes.
- Simplify and shorten review processes for minor applications and sequential approvals.
- Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.
- Prioritize public communication and customer services.
- Expand tools for staff development and training.
- Maintain adequate and dependable funding to support quality application reviews.

The Implementation Report is a technical memo detailing specific recommendations to implement the Action Plan. It was also developed with stakeholder participation and was endorsed by the TRPA Governing Board in March 2023.

The proposed amendments to the Code, Rules, DRG, and Fees are summarized within the packet staff summary and Table of Amendments (Attachment B). The amendments were reviewed, discussed, and refined in coordination with TRPA staff, including legal counsel, and a variety of stakeholders as summarized in the staff summary and consultant memo (Attachment A).

Implementation of the permitting improvement and operations recommendations would require amending the following:

- **TRPA Code of Ordinances Chapters:**
 - Chapter 2: Applicability of the Code of Ordinances
 - Chapter 30: Land Coverage

- Chapter 37: Height
- Chapter 50: Allocation of Development
- Chapter 60: Water Quality
- Chapter 65: Air Quality/Transportation
- Chapter 66: Scenic Quality
- Chapter 67: Historic Resource Protection
- Chapter 82: Existing Structures and Exempt Activities [Shorezone]
- Chapter 84: Development Standards Lakeward of High Water in the Shorezone and Lakezone
- Chapter 90: Definitions
- **TRPA Rules of Procedure Articles:**
 - Article 5: Project Review
 - Article 10: Miscellaneous
 - Article 12: Notice
 - Article 16: Fees (*NEW, a consolidation of fee related items*)
- **TRPA Design Review Guidelines, Appendix H.**
- **TRPA Fee Schedule Sections:**
 - Introduction
 - Fee Multipliers
 - Schedules A-J
 - Mitigation Fees
 - Shorezone Mitigation Fees

The Permitting Improvement Project also includes administrative improvements such as a Procedural Manual with standard operating procedures, permitting staff guidance, and standardized templates to aid in streamlined and consistent project review; staff reorganization and dedicated project review teams; revised project applications; improved customer service navigation at TRPA.gov; and a permitting cost recovery monitoring strategy that are under development.

Environmental Review:

Pursuant to TRPA Code of Ordinances Section 3.3, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter, with the exception of planning matters and ordinary administrative and operational functions of TRPA which do not require a determination of need to prepare an environmental impact statement.

This Initial Environmental Checklist (IEC) is a program-level environmental document. No specific land use or development projects are proposed at this time or analyzed herein. All future projects will be subject to project-level environmental review and permitting by TRPA and/or a local jurisdiction pursuant to an adopted MOU, with the permitting agency determined based on the scope and location of the project. Project-level environmental analysis would require identification of, and mitigation for, any site-specific potentially significant environmental impacts.

This IEC is tiered from the TRPA 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS) in accordance to section 6.12 of the TRPA Rules of Procedure.¹ The RPU and Regional Transportation Plan (RTP) are comprehensive land use and transportation plans that guide physical development within the Lake Tahoe Region through 2035. The RPU EIS and RTP EIR/EIS are program-level environmental documents that include a regional scale analysis and a framework of mitigation measures and provide a foundation for subsequent environmental review. These documents serve as first-tier documents for the TRPA review of the proposed recommendations. Meaning, the RPU EIS and RTP EIR/EIS analyzed total development potential of the two plans.

The Permitting Improvement Project, as discussed in Attachment A, developed recommendations that generally fall into three categories: (1) codification of existing policies (e.g. code interpretations), (2) clarification of existing regulations (e.g. land coverage, height, etc.), and (3) streamlining of procedures to increase the effectiveness and efficiency of permitting operations. The proposed amendments included in the provided packet are necessary to implement these recommendations. These amendments are primarily intended to provide further clarification of existing environmentally beneficial regulations as opposed to the creation or removal of regulations. Where criteria have been expanded (e.g. new exempt activities or expanding permissible coverage exemptions), the amendments are consistent in scale and scope of similar activities found within the applicable sections of the code and maintain specific project requirements to further threshold attainment (such as installation of stormwater systems and compliance with design and development guidelines).

To the extent that the project's recommendations are consistent with the RPU and the RTP, for which the program EISs were prepared, the amendments were found to be within the scope of the program EISs, or in the context of tiering. By tiering from the RPU EIS and RTP EIR/EIS, this Initial Environmental Checklist relies on those analyses for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-management regulations; and
- assessment of the land coverage system, projects and matters requiring TRPA review and approval, height standards, and scenic and historic protective regulations.

Under the proposed amendments, the background, overall development caps, growth control programs, and environmental thresholds (e.g. air and water quality, wildlife conservation, etc.) as analyzed in the RPU and RTP remain in place with no changes. The Permitting Improvement Project amendments are intended to streamline the permitting operations of the RPU.

Amendments to the Code of Ordinances, Rules of Procedure, DRG, and Fee Schedule which require adoption by ordinance and resolution by the TRPA Governing Board are included within this IEC and analysis. Other administrative and operational improvements (e.g. providing procedural guidance) of the Permitting Improvement Project as described above are not included within this IEC. See Attachment B for a detailed list of amendments to the Code, Rules, and Fee Schedule.

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

The table below provides an overview of the environmental impact considerations of each task and deliverables being implemented as part of the project:

TABLE 1: Overview of Environmental Impact Considerations per Project Task ²

| TASKS & DELIVERABLES | ENVIRONMENTAL IMPACT CONSIDERATION & DISCUSSION |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Priority #1: Establish more efficient, consistent, and predictable application review processes</i> | |
| Procedural Manual Standardized Forms, Templates, and Conditions of Approval Dedicated Project Review Teams | These improvements are administrative and operational in nature (e.g. provides procedural guidance). Environmental protections, regulations, and requirements would not be altered by these tasks and deliverables. |
| <i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i> | |
| Minor Applications Bundled Applications | These improvements are administrative and operational in nature (e.g. provides procedural guidance). Environmental protections and regulations would not be altered by these tasks and deliverables. <i>Procedures are detailed in new section 5.4 and 5.5 in the TRPA Rules of Procedure, including a list of qualifying projects.</i> |
| QE Declaration Process Simplification | The existing Qualified Exempt (QE) declaration procedures are being clarified consistent with <u>existing</u> code language. These improvements are administrative and operational in nature. (e.g. provides procedural guidance) Clarifications regarding the QE procedure will be included in the Procedural Manual and TRPA applications. Environmental protections and regulations would not be altered by these tasks and deliverables. |
| Expand Exempt Activities List | The proposed amendments include moving select minor activities from the QE list to the fully Exempt list in TRPA Code 2.3. These are consistent in scale and scope of existing exempt activities. Qualified Exempt activities as described within TRPA Code section 2.3 are a subset of Exempt Activities. Exempt activities, including QEs, are not TRPA actions or approvals and are not required to be reviewed by staff per the existing TRPA code. |

² The Permitting Improvement Project tasks and recommendations are described in more detail within Attachment A: Consultant Memo of the packet.

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| | <p>The difference between a fully exempt activity and a QE is largely procedural. A QE requires notice of the property owner or project proponent prior to activity commencement. A QE declaration is filed by a project proponent on a TRPA provided form.</p> <p>The proposed changes will remove the requirement for notice to TRPA for certain activities that are similar in scale and scope to existing fully exempt activities.</p> <p>Exempt activities, like all activities and projects, are still subject to compliance enforcement and action should the activity be inconsistent with the TRPA Code or cause harmful environmental impacts.</p> <p>Activities proposed to be included on the Exempt list include:</p> <ol style="list-style-type: none"> 1. Structural repair less than \$50,000 (<i>Sec 2.3.2.A</i>) <i>-moved from QE section and amount increased</i> 2. Excavation, filling, or backfilling less than 10 cubic yards (<i>Sec 2.3.2.D</i>) <i>-moved from QE section and amount increased</i> 3. Seasonal Outdoor Retail Sales Use (<i>Sec 2.3.2.H</i>) <i>-moved from QE section</i> 4. Subdivision Identification Signs (<i>Sec 2.3.3.P</i>) <i>-moved from QE section</i> 5. Replacement of Approved Sign Faces (<i>Sec 2.3.3.Q</i>) <i>-moved from QE section</i> <p><i>See amendments in Code section 2.3.2 and 2.3.3.</i></p> <p>These amendments are discussed in more detail within the IEC.</p> |
| <p>Historic Resource Process Simplification</p> | <p>These improvements are administrative and operational in nature. (e.g. provides procedural guidance) There are no environmental threshold standards for historic resources; however, the Bi-State Compact does list “historical facilities” as a conservation plan component.</p> <p>Amendments include streamlined historic resource determination procedures and staff-level approval of projects involving potential historic resources. Routine project-level consultation with the State Historic Preservation Offices is being discontinued, consistent with a request from the California office and</p> |

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| | <p>concurrence with the Nevada office. Regulations for the identification, designation, and protection of historic and cultural resources are retained within the TRPA Code.</p> <p><i>See amendments in Code section 2.2.2.A.2.c and Chapter 67.</i></p> |
| <p>Additional Staff Level Delegation</p> | <p>These changes are administrative and operational in nature. The requirements for findings and Environmental protections and regulations would not be altered.</p> <p>Several amendments related to recommendations for certain project types that currently require review and approval by a Hearings Officer or Governing Board to be delegation for review and approval at staff level. These are projects that generally routine in nature and have clearly defined requirements within the Code and in some cases have disproportionally higher level of scrutiny than similar projects (e.g. Projects that use residential bonus units require a more intensive review process than would be required for market rate housing or timeshares.)</p> <p>Noticing requirements and appeal provisions are retained for shorezone applications and Article 11: <i>Appeals</i> of the TRPA Rules of Procedure.</p> <p><i>See amendments in Code section 2.2.2.F.</i></p> |
| <p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> | |
| <p>Code Interpretations and Clarifications</p> | <p>A suite of amendments is proposed codifying past code interpretations and existing practices. The amendments are not intended to significantly change or lessen land use regulations or environmental protections. Added code language within the amendments <i>clarify</i> the approval criteria for common regulations, such as land coverage and height. The amendments help project applicants and stakeholders better understand development limitations and considerations, while providing a framework for more consistent and improved reviews.</p> <p>Topics addressed with the suite of amendments include:</p> <ol style="list-style-type: none"> 1. Land coverage for public safety and access of the disabled (<i>Code sec 30.4.2</i>) |

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| | <ol style="list-style-type: none"> 2. Land coverage transfers between Bailey and IPES lots (<i>Code sec 30.4.3</i>) 3. Land coverage exemptions – non-permanent coverage, pervious coverage, pervious decks. Changes also include new provisions for small utility installations including utility boxes, generators, HVAC pads, EV chargers, solar, etc (<i>Code sec 30.4.6</i>) 4. Off-site coverage (<i>Code sec 30.4.7</i>) 5. Heights for buildings with multiple roof pitches (<i>Code sec 37.3.4</i>) 6. Height standards for segmented buildings on slopes (<i>Code sec 37.4.2</i>) 7. Standards for reflectivity and glare outside the shorezone/shoreland (<i>Code sec 66.1.6</i>) 8. Shorezone boulder relocation (qualified exempt) vs dredging (<i>Code sec 82.5.8</i>) 9. Rules for Rounding (<i>Code sec 90.1.14</i>) 10. Definitions (<i>Code sec 90.2</i>) <ul style="list-style-type: none"> ▪ Active Solar Energy System ▪ Deck ▪ Electric Vehicle Charger ▪ Electric Vehicle Charging Station ▪ Expansion (addresses expansion vs modification for shorezone structures) ▪ Land Coverage (addresses minor site improvements) ▪ Walkway <p>These amendments are discussed in more detail within the IEC.</p> |
| <p>Reduce Audit Volumes</p> <p>Reduce “Below the IPES Line” Drawings</p> | <p>Procedural ordinances are updated to reduce audit frequency for single family permits and to only conduct the “below the IPES line” drawing if there is insufficient supply in the Residential Allocation Incentive Pool. In recent years, TRPA and the local agencies have focused more on education and coordination. Auditing has show high levels of compliance, with jurisdictions regularly receiving a score of 90 or better with a few exceptions. TRPA staff and local agencies believe that audits of five percent would be adequate for program purposes and would continue to flag permitting issues.</p> <p>These improvements are administrative and operational in nature. (e.g. provides procedural guidance) Environmental protections and safeguards</p> |

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| | <p>would not be altered by these tasks and deliverables. Procedural changes to the “below the IPES line” drawing would only change the process for how allocations could be acquired for undevelopable parcels. It would not change access to allocations or development potential within the region.</p> <p>Changes will significantly reduce staff work without impacting outcomes.</p> <p><i>See Code sec 50.5.2.A and E.</i></p> |
| Organize and Publicize Code Reference Documents | This improvement is administrative and operational in nature. (e.g. provides procedural guidance and references important documents) Environmental protections, regulations, and requirements would not be altered by these tasks and deliverables. |
| Priority #4: Prioritize public communication and customer service. | |
| <i>See tasks and deliverable for Priority #1.</i> | |
| Priority #5: Expand tools for staff development and training. | |
| <i>See tasks and deliverable for Priority #1.</i> | |
| Priority #6: Maintain adequate and dependable funding to support quality application reviews. | |
| Updates Select Fees and TRPA Fee Schedule | These improvements are administrative and operational in nature. Environmental protections and regulations would not be altered by these tasks and deliverables. |
| Cost Recovery Monitoring Program | |

Determination:

The purpose of this IEC is to disclose to the public and decision makers the environmental considerations of implementing the proposed Code, Rules, DRG and Fee amendments as part of the Permitting Improvement Implementation Plan.

Based on findings discussed within this IEC, it is anticipated that TRPA will be able to make the findings pursuant to Section 3.3.2.A of the TRPA Code that the proposed amendments would not have a significant effect on the environment and that a finding of no significant effect (FONSE) will be prepared in accordance with Section 6.6 of the TRPA’s Rules of Procedure.



Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
 www.trpa.gov

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information and reference the question number and letter. If more space is required for additional information, please attached separate sheets and reference the question number and letter.

For information on the status of TRPA environmental thresholds click on the links to the Threshold Dashboard.

I. Environmental Impacts

1. Land

Current and historic status of soil conservation standards can be found at the links below:

- [Impervious Cover](#)
- [Stream Environment Zone](#)

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Unstable soil conditions during or after completion of the proposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The continuation of or increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

1. Land (Continuation Page)

Discussion:

Amendments to Section 30.4.2 and 30.4.6.H “Facilities for Public Safety and Access of the Disabled” clarifies that coverage transferred to a parcel for public safety and access facilities may be exempted from land coverage calculations. This provision is consistent with Section 30.4.6.C for the exemption of coverage for Americans with Disabilities Act (ADA) related facilities. The 2012 Regional Plan EIS concluded that an ADA coverage exemption would result in a less-than-significant impacts related to stormwater runoff and pollutant loads based on the required implementation of stormwater systems (i.e. BMPs), design guidelines, and coverage limits of the Bailey land capability system.

Permissible coverage exemptions under the subject code sections does not create “new coverage”. The amendments provide limited applicability for health and safety facilities and access where coverage is unavailable or limited. To take advantage of such exemptions, a project proponent would be required to transfer in coverage from an equally sensitive or more sensitive parcel, and thus limiting the development potential on the sending site. This transfer of coverage is a requirement and serves as a coverage relocation (i.e. no net increase in coverage on sensitive lands).

The proposed amendments maintain the same implementation mitigation measures as Section 30.4.6.C related to ADA facilities. Parcels eligible for the coverage exemptions must have a BMP certificate and comply with applicable design guidelines (e.g. home landscaping guide, fire defensible space, and Design Guidelines for any new structure or facilities), as well as the transfer of coverage as discussed above. The amendments retain and do not alter Sections 30.4.6.E and 30.5 that limit the aggregate of coverage exemptions permissible on a parcel or project area and that prohibit additional land coverage on sensitive lands with some exceptions.

Additional amendments to Section 30.4.6 “Exemptions and Partial Exemptions from Calculation of Land Coverage” clarify the type of object or structure that may be eligible and clarify by way of measurable criteria the material or structures eligible under this section.

The 2012 Regional Plan EIS concluded that partial or full coverage exemptions could result in additional coverage in the Region; however, coverage exemptions would result in less-than-significant impacts related to stormwater runoff and pollutant loads based on the implementation of requirements such as project compliance with design and development guidelines, installation of stormwater systems (i.e. BMPs), and coverage limits of the Bailey land capability system. In order to be eligible for coverage exemptions, the parcel or project area is required to have a BMP certificate and install BMPs.

To take advantage of coverage exemptions, project proponents must install BMPs and fully mitigate all excess coverage at the time of project approval which is typically through a mitigation fee.

These mitigation fees are held by TRPA and disbursed to the local land banks to help fund important restoration projects and legacy development acquisitions to further threshold attainment.

The proposed amendments do not increase development potential beyond what the Code currently allows as analyzed in the 2012 Regional Plan EIS. The amendments retain and do not alter Sections 30.4.6.E and 30.5 that limit the aggregate of coverage exemption permissible on a parcel or project area and that prohibit additional land coverage on sensitive lands with some exceptions.

Amendment to Section 30.4.7 “Off-Site Land Coverage” codifies a code interpretation from 2001. Specifically, the amendment defines off-site coverage and prescribes general standards consistent with existing practices. This amendment is limited in applicability because it relates to coverage, such as parking or walkways, only within the right-of-way. The proposed language may result in additional coverage within the Region; however, all off-site coverage is required to be fully mitigated by paying an excess coverage mitigation fee and therefore would result in a less-than-significant impact to water quality and pollutant run-off. Excess coverage mitigation fees, as discussed above, are paid by project proponents and held by TRPA to be disbursed to the local land banks for environmentally beneficial restorations and site acquisitions.



2. Air Quality

Current and historic status of air quality standards can be found at the links below:

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|-----------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Substantial air pollutant emissions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Deterioration of ambient (existing) air quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The creation of objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Increased use of diesel fuel? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion



3. Water Quality

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

| Will the proposal result in: | Yes | No | No, with mitigation | Data insufficient |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Changes in currents, or the course or direction of water movements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Alterations to the course or flow of 100-year flood waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Change in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Alteration of the direction or rate of flow of ground water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| k. Is the project located within 600 feet of a drinking water source? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

3. Water Quality (Continuation Page)

Discussion:

Amendments to Section 2.3 “Exempt Activities” include moving select minor activities from the Qualified Exempt activity list to a fully Exempt activity. These are activities that are consistent in scale and scope of existing exempt activities.

The difference between an Exempt activity and a QE is largely procedural. A QE is a declaration filed by a project proponent on a TRPA provided form. QEs are not TRPA actions or approvals and are not required to be reviewed by staff per the existing TRPA code. Fully exempt activities do not require review, approval or any documentation submittal to TRPA. Exempt activities, like all activities and projects, are still subject to compliance enforcement and action should the activity be inconsistent with the TRPA Code or cause harmful environmental impacts.

The activities that would result in land coverage or permanent land disturbance, disturbance to natural grade or drainage patterns or absorption rates, require stormwater systems (i.e. BMPs), or require mitigation fees are not included in the amendment package.

Amendment to Sec 82.5.8 serves to codify Code Interpretation 2023-01 “Shorezone Boulder Relocation”. In 2018, TRPA added to the Code a qualified exempt (QE) activity for boulder relocation in the shorezone to enhance navigational safety. A QE activity is an activity that does not have the potential to have a substantial effect on the land, air, water, space, or any other natural resource in the region. The boulder relocation QE, however, provides no limitation on the number of boulders that can be relocated. Moreover, in order to protect lake clarity, TRPA strictly limits new dredging (which includes boulder relocation) to marinas and public facilities and only when certain findings can be made. Recently, TRPA has received boulder relocation QEs for substantial numbers of boulders that both individually and cumulatively present risk of negative environmental impacts beyond those anticipated for this QE category. Boulder relocation can adversely impact water quality depending on lake bottom substrate, the degree of sedimental disturbance, whether and to what extent a boulder is buried, the technique used to relocate the boulder, and implementation of best construction management practices. This amendment mitigates those impacts to less than significant by limiting such activity and placing measurable requirements on such activities.

Amendments to Section 30.4.2 “Facilities for Public Safety and Access of the Disabled” and 30.4.6 “Exemptions and Partial Exemptions from Calculation of Land Coverage” clarify the type of object or structure that may be eligible and clarify by way of measurable criteria the material or structures eligible under this section.

The 2012 Regional Plan EIS concluded that an ADA coverage exemption would result in a less-than-significant impacts related to stormwater runoff and pollutant loads based on the required implementation of stormwater systems (i.e. BMPs), design guidelines, and coverage limits of the Bailey land capability system. The proposed amendments maintain the same implementation mitigation

measures as Section 30.4.6.C related to ADA facilities. Parcels eligible for the coverage exemptions must have a BMP certificate and comply with applicable design guidelines (e.g. home landscaping guide, fire defensible space, and Design Guidelines for any new structure or facilities).

In order to be eligible for coverage exemptions, the parcel or project area is required to have a BMP certificate and installation of BMPs. Coverage exemptions can and do serve as an incentive for property owners to maximize their development potential. In doing so, this expedites and furthers compliance with the installation and maintenance of stormwater systems on the subject property.



Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
 www.trpa.gov

4. Vegetation

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

| Will the proposal result in: | Yes | No | No, with mitigation | Data insufficient |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Reduction of the numbers of any unique, rare, or endangered species of plants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. A change in the natural functioning of an old growth ecosystem? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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5. Wildlife

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Reduction of the number of any unique, rare or endangered species of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Deterioration of existing fish or wildlife habitat quantity or quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

6. Noise

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Exposure of existing structures to levels of ground vibration that could result in structural damage? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
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Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
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7. Light and Glare

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|-------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Include new or modified sources of exterior lighting? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Cause light from exterior sources to be cast off -site or onto public lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Create new sources of glare through the siting of the improvements or through the use of reflective materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

8. Land Use

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Expand or intensify an existing non-conforming use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 PO Box 5310
 Stateline, NV 89449-5310

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 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
 www.trpa.gov

9. Natural Resources

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. A substantial increase in the rate of use of any natural resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Substantial depletion of any non-renewable natural resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

10. Risk of Upset

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Involve possible interference with an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 128 Market Street
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 Phone: 775-588-4547
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11. Population

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|--------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Alter the location, distribution, density, or growth rate of the human population planned for the Region? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Include or result in the temporary or permanent displacement of residents? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

12. Housing

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Affect existing housing, or create a demand for additional housing? <i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i> | | | | |
| 1. Will the proposal decrease the amount of housing in the Tahoe Region? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 PO Box 5310
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 128 Market Street
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13. Transportation / Circulation

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Generation of 650 or more new average daily Vehicle Miles Travelled? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Changes to existing parking facilities, or demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Alterations to waterborne, rail or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:

| | Yes | No | No, with mitigation | Data insufficient |
|-------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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15. Energy

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

| | Yes | No | No, with mitigation | Data insufficient |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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17. Human Health

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|----------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

18. Scenic Resources / Community Design

Current and historic status of the scenic resources standards can be found at the links below:

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Be visible from any public recreation area or TRPA designated bicycle trail? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 Stateline, NV 89449-5310

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Contact
 Phone: 775-588-4547
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19. Recreation

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

Will the proposal:

| | Yes | No | No, with mitigation | Data insufficient |
|-------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Create additional demand for recreation facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Create additional recreation capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have the potential to create conflicts between recreation uses, either existing or proposed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Result in a decrease or loss of public access to any lake, waterway, or public lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion



Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
 Fax: 775-588-4527
 www.trpa.gov

20. Archaeological / Historical

Will the proposal result in:

| | Yes | No | No, with mitigation | Data insufficient |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is the property associated with any historically significant events and/or sites or persons? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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21. Findings of Significance

| | Yes | No | No, with mitigation | Data insufficient |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:

_____ at _____
Person preparing application County Date

Applicant Written Comments: (Attach additional sheets if necessary)



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Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure YES NO
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures. YES NO
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures. YES NO

Signature of Evaluator

Date _____

Title of Evaluator

Attachment D

Required Findings & Finding of No Significant Effect

Required Findings & Finding of No Significant Effect for Permitting Improvement Project Amendments

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule as part of the Permitting Improvement Project.

TRPA Code of Ordinances Section 3.3: Determination of need to prepare Environmental Impact Statement

Finding: TRPA finds that the Regional Plan and code amendments will not have a significant effect on the environment.

Rationale: TRPA staff prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed amendments for the permitting system, as seen in Attachment B. The IEC tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.¹

Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance to TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

Finding: The project (ordinance) 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 proposed amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies (as

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

discussed below), plan area statements and local planning areas, the Code and other TRPA plans and programs.

The Permitting Improvement Project amendments are primarily intended to provide further clarification of existing environmentally beneficial regulations as opposed to the creation or removal of regulations within the TRPA Code of Ordinances and Rules of Procedure. Where criterion has been expanded (e.g. new exempt activities or expanding permissible coverage exemptions), the amendments are consistent in scale and scope of similar activities found within the applicable sections of the code and maintain the same requirements (such as installation of stormwater systems and compliance with design and development guidelines). Clarification of existing land use regulations such as reflectivity, land coverage, coverage exemptions, height, etc may serve to increase the rate of threshold attainment by way of improved and consistent application. The proposed amendments are consistent with Regional Plan goals and policies, including but not limited to the allowance of coverage transfers with limited applicability (LU-2.11) and encouraging the rehabilitation and redevelopment of existing properties as a high priority (LU-2.12). The amendment packet also serves to implement agency goals of regularly reviewing policies, regulations, and procedures to identify and remove barriers hindering environmentally beneficial redevelopment.

Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded. The Regional Plan EIS analyzed full development build out potential within the Tahoe region. The findings for adoption of the Regional Plan in 2012 demonstrated that implementation of the Regional Plan would not cause Environmental Threshold Carrying Capacities to be exceeded.

The proposed amendments were evaluated against all adopted threshold compliance measures. (See Attachment C.) The proposed amendments to the Code, Rules, Design Review Guidelines, and Fees will not negatively impact any compliance measures such as the Water Quality/SEZ, Air Quality/ Transportation, Noise, and Scenic compliance measures. It is anticipated that the amendments over time will help to accelerate threshold attainment in areas such as water quality with

project requirements in place to further ensure that properties install and maintain stormwater infiltration systems (BMPs).

Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments will not affect any state, federal, or local standards. The amendments are intended to attain and maintain adopted standards, as described above.

TRPA Code of Ordinances Section 4.5: Findings Necessary to Amend the Regional Plan, Including Goals and Policies and Plan Area Statements and Maps

Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here. The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.

TRPA Code of Ordinances Section 4.6: Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs

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 thresholds.

Rationale: As discussed within Section 4.4 and 4.5 above, the Regional Plan and all of its elements (i.e. Code of Ordinances, Rules of Procedures, etc.), as amended, achieves and maintains thresholds. The proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.



Mail
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STATEMENT OF NO SIGNIFICANT EFFECT

Project Description: Permitting Improvement Project Proposed Amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

TRPA Executive Director/Designee

Date

Attachment E

Adopting Ordinance for Amendments to the TRPA Code of Ordinances, Rules of Procedure, and Design
Review Guidelines

Adopting Resolution to the TRPA Fee Schedule

TAHOE REGIONAL PLANNING AGENCY
TRPA ORDINANCE NO. 2023 –

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO TRPA CODE OF ORDINANCES CHAPTERS 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, AND 90; RULES OF PROCEDURE ARTICLES 5, 10, 12, AND 16; AND DESIGN REVIEW GUIDELINES APPENDIX H TO IMPLEMENT PROPOSED RECOMMENDATIONS TO THE TRPA PERMITTING SYSTEM AND OTHER MATTERS RELATED THERETO.

The Tahoe Regional Planning Agency’s Governing Board does ordain as follows:

| Section | Findings |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.00 | |
| 1.05 | The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region. |
| 1.10 | The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds. |
| 1.15 | The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable. |
| 1.20 | Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan. |
| 1.30 | It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of TRPA by amending the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards. |
| 1.35 | TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein. |
| 1.45 | The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted a public hearing on the amendments and issued a recommendation regarding the adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At the hearings, oral testimony and documentary evidence were received and considered. |

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that will achieve and maintain the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section Findings
2.00 – Amendment of TRPA Regional Plan and Code of Ordinances

2.10 The TRPA Regional Plan and TRPA Code of Ordinances is hereby amended to include the amendments to TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; and Design Review Guidelines Appendix H to implement proposed recommendations to the TRPA permitting system as shown in Exhibit 1.

Section Findings
3.00 – Interpretation and Severability

3.10 The provisions of this ordinance adopted hereby shall be liberally constructed to affect their purpose. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section Findings
4.00 – Effective Date

4.10 The provisions of this ordinance shall be effective on XXXX XX, 2023.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2023, by the following vote:

Ayes:
Nays:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2023 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
TO AMEND THE TRPA FEE SCHEDULE

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is required under the TRPA Compact and the Regional Plan and Code of Ordinances to review projects, and reasonable fees must be charged to reimburse the Agency for such review costs; and

WHEREAS, the filing fees adjusted or created pursuant to this resolution are compensatory, cover the actual cost of providing services in reviewing and processing project applications, bear a direct relationship to the cost of administering the Agency's ordinances, and do not raise revenue in excess of the cost of such services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, pursuant to the authority contained in Article VII(e) of the Tahoe Regional Planning Compact and Section 10.7 of the Rules of Procedure of said Agency, that the fees to be charged and collected for the filing of applications for all projects, activities and environmental documents to be reviewed or approved, or both, by the Agency shall be in accordance with the schedule thereof set forth in Attachment B as provided and incorporated herein by this reference and shall become effective _____, 2023.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this _____ day of _____, 2023, by the following vote:

Ayes:
Nays:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment F

[Code of Ordinance \(Full Document with Redline Changes Available Online\)](#)

Attachment G

[Rules of Procedure \(Full Document with Redline Changes Available Online\)](#)

Attachment H

[Design Review Guidelines, Appendix H \(Full Document with Redline Changes Available Online\)](#)

Attachment I

[Fee Schedule \(\(Full Document with Redline Changes Available Online\)\)](#)