

# Governing Board Meeting

*September 27, 2023*

## Agenda Item No. VII

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, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule.



# Tahoe Regional Planning Agency

## TRPA Permitting Improvement Project

### DRAFT AMENDMENT PACKAGE:

**Code of Ordinances, Rules of Procedure, Design Review Guidelines Exhibit H, and Fee Schedule**

TRPA Governing Board

September 27, 2023

**StockhamConsulting**  
Land Use Planning & Property Services



# TRPA Permitting Improvements

## Purpose for Project:

- Improve the TRPA Permitting System.
- Support Environmental Redevelopment.
- Part of the TRPA Innovation Initiative:
  - Coordinate permitting system improvements with technology investments

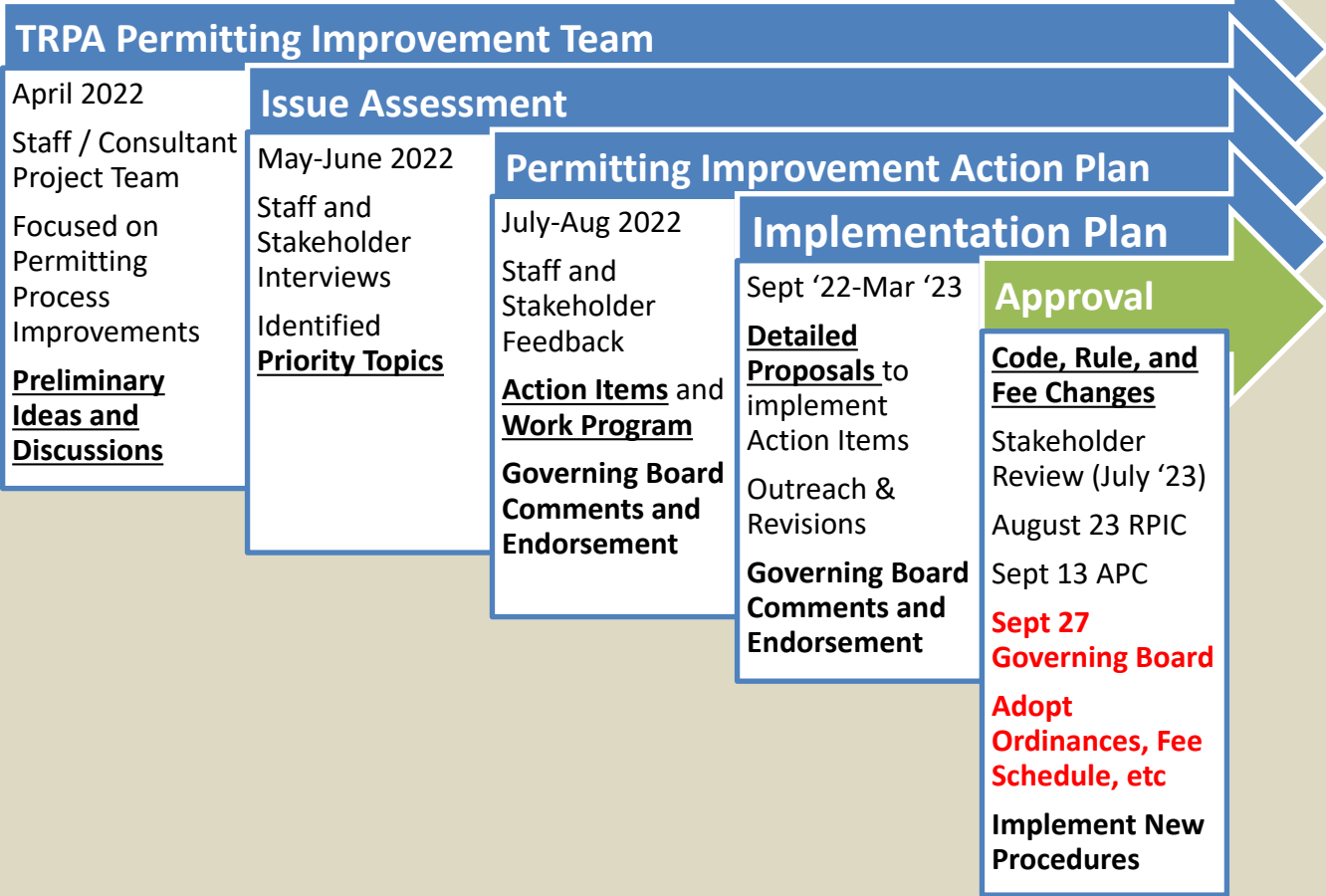
## Project Approach:

- Integrated Staff Team:
  - Project Management: Jennifer Self, Alyson Borawski
  - Permitting Improvement Team: John Hester, John Marshall, Wendy Jepson, Tiffany Good, Jacob Stock, Alyssa Bettinger.
  - Support: Chris Keillor, Ken Kasman, Linda Allen, Brandy McMahon, Many Others – thanks!
- Ongoing Stakeholder Participation:
  - Planning consultants, engineers, and builders
  - Local agency staff
  - League to Save Lake Tahoe



# TRPA Permitting Improvements

## Process to Identify and Approve Changes



Oct '23 - Mar '24: Additional Improvements Planned



# ***Action Plan for TRPA Permitting Improvements***

*Governing Board Endorsed in August 2022*

## **Priority Topics to Address:**

1. Efficient, consistent, and predictable processes.
2. Simplify procedures minor applications and sequential approvals.
3. Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.
4. Prioritize public communication and customer services.
5. Enhance staff development and training.
6. Adequate and dependable funding and staffing.



# ***Permitting Improvement Implementation Report***

*Governing Board Endorsed in March 2023*

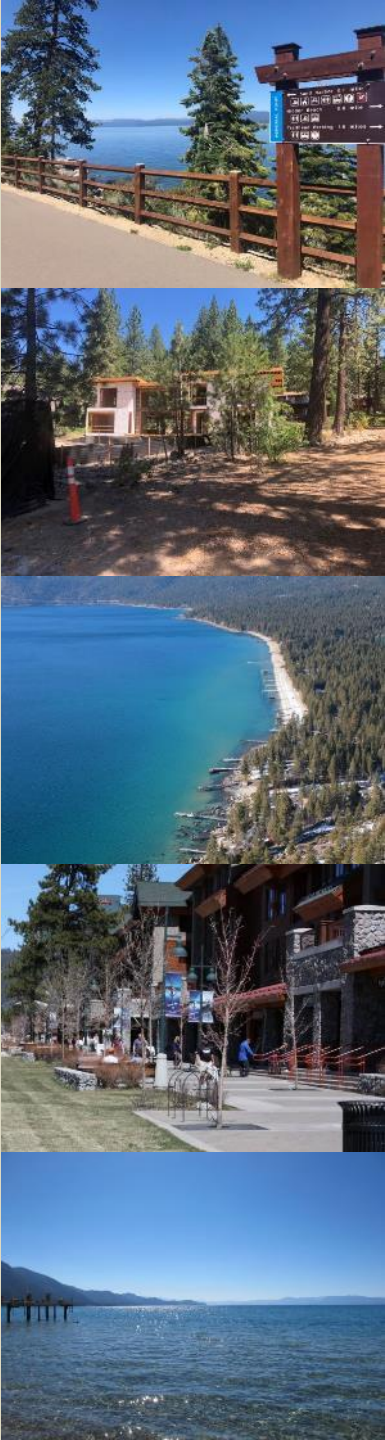
## **Work Plan for 12 Coordinated Permitting System Improvements:**

### **Current Actions**

1. Temporary resources to complete projects
2. Customer service improvements
3. Initial fee adjustments
4. Shared forms and templates
5. Staff teams
6. Codify admin interpretations & organize review docs
7. Prepare a comprehensive procedure manual
8. Implement minor application and bundling processes
9. Simplify certain application review procedures

### **Future Actions (Complete by Mar 2024)**

10. Improve application content, forms and templates
11. Expand delegation and training
12. Refine performance management systems



# Implementation:

## Administrative Improvement Priorities

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

Priority #4: Prioritize public communication and customer services.

Priority #5: Expand tools for staff development and training



# Administrative Improvements

## Current Actions

- ✓ **\*\**Procedure Manual for TRPA Permitting*\*\***
  - ✓ Standard procedures for Application Reviews, etc
- ✓ Shared templates and forms
- ✓ Expanded staff teams and roles for team leaders
- ✓ Customer service team (dedicated staff)
- ✓ Added customer service tools at TRPA.gov:
  - Dedicated phone, appointments, standard pre-application meetings, convenient staff contacts, etc.

## Current/Future Actions

- Improve application content, forms and templates
- Refine performance systems for staff
- Enhance staff training and delegation of work

**\*\*Use technology to improve permitting (ongoing)**





# Implementation *Current Actions*

Priority #2: Simplify procedures for minor applications and sequential approvals.

- ✓ Minor Applications for qualifying projects
  - *Rules of Procedure (“Rules”) section 5.4*
- ✓ Application bundling with concurrent processing
  - *Rules section 5.5*
- ✓ Improve procedures for qualified exempt activities
  - *Code of Ordinance (“Code”) section 2.3*
- ✓ Improve procedures for historic resource protection
  - *Code of Ordinance (“Code”) sections 2.2, 67.4 and 67.7*
- ✓ Additional decisions delegated to staff
  - *Code section 2.2*



## Minor Applications *(Rules section 5.4)*

- ✓ Expedited Review Times: 15 + 40 Days (vs 30 + 120)
- ✓ Routed to a Dedicated Review Team
- ✓ Simplified Applications and Reviews

### Eligibility:

#### “Minor Applications” for Site & Building Improvements:

- Single parcel application
- Parcel has existing BMP certificates, except permit revisions may be minor if the approved permit includes BMPs.
- Residential, Mixed-Use, or Tourist Land Use
- Located entirely outside of the shorezone/shoreland
- No new or relocated coverage on sensitive land
- No new “additional building height” (above 26 feet)
- The project does not involve a non-conforming use or structure



## Eligibility:

### Additional “Minor Applications”:

- Development Right Banking, Transfers and Conversions
- Coverage Banking and Transfers from Non-Sensitive Land
- ADUs (up to 2)
- Historic Resource determinations
- Simple Lot Line Adjustments (criteria)
- Some Grading Projects (criteria)
- Some sign permits (criteria)
- Linear Public Facility repair / rebuild (criteria)
- Public Health and Safety Facilities (criteria)
- Fire mitigation projects (criteria)



## **Bundled Applications** *(Rules section 5.5)*

- ✓ Applications may request coordinated processing for:
  - Development right transfers and/or conversions with projects
  - Coverage transfers with projects
  - Lot Line Adjustments with projects
  - Historic Resource determinations with projects



# Procedures for Qualified Exempt Activities:

*(Code section 2.3)*

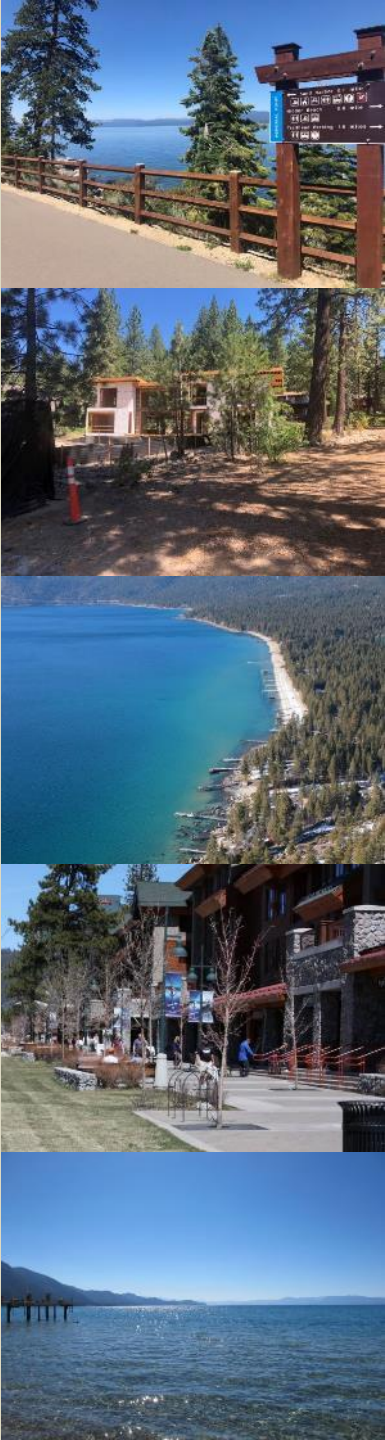
- ✓ Administrative process improvements:
  - QE declarations will be accepted (not reviewed/approved) per code language.
  - Some QE declarations (shorezone, etc) will be screened for code enforcement purposes.
- ✓ Move Some QE Activities to Exempt
  - Structural Repair (increase to \$50k),
  - Seasonal Outdoor Retail Sales (with additional language),
  - Subdivision Identification Signs,
  - Replacement of Approved Sign Faces.
  - \*Retained QE status for activities requiring BMP Plans or Mitigation Fees
- ✓ Increase Grading Review thresholds (exempt & minor apps)
  - No change to 3 yard grading exemption on sensitive land.



## Procedures for Historic Resource Protection:

- ✓ Maintains historic and cultural resource protections.
- ✓ Maintains criteria for eligibility of a historic resource and mitigation.
- ✓ Simplify procedures for potential resources:
  - ✓ Historic determinations are minor applications. (ROP Sec. 5.5)
  - ✓ Historic determinations may be bundled with project reviews. (ROP Sec 5.4)
  - ✓ Delegates additions, reconstruction, or demolition of eligible (not designated) historic resources to staff (vs Hearing Officer). (Code Sec 2.2)
  - ✓ Discontinue State consultations for eligibility determinations and mitigation approval at the request of the States. (Code Sec 67.4)

Consider future work to update the historic resource list and develop preservation incentives (See Regional Plan Policies C-1.1 & 1.2)



# Additional Delegation of Decisions to Staff:

*(Code section 2.2)*

## General Applications

- ✓ Additions, reconstruction, or demolition of eligible (not designated) historic resources.
- ✓ Underground utility replacement
- ✓ Additional coverage with Environmental Improvement Projects
- ✓ \*\*Bonus Units to be awarded with project approvals

## Shorezone Applications (with noticing/appeals)

- ✓ Recognition of Multiple Parcel/Use Piers
- ✓ New Piers
- ✓ Pier Additions
- ✓ Buoy Field Expansions
- ✓ Other structures that are identified in section 84.8 and are not special uses.

---Note reduced application fees for staff-delegated decisions---



# Action Items

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

- ✓ Code interpretations and clarifications: Clarify code standards to reflect prior interpretations.
  - Land Coverage
  - Building Height
  - Scenic Quality
  - Shorezone
  - Rules of Rounding
  - Definitions
- ✓ Simplify or eliminate procedures that are time intensive and do not add value
- ✓ Maintain Code reference list with direct links





# Code interpretations and clarifications:

## Chapter 30: Land Coverage

- Sec 30.4.2 – Coverage transfers for public safety and access of the disabled
- Sec 30.4.3 – Relative sensitivity for coverage transfers
- Sec 30.4.6.A – Coverage exemptions for non-permanent structures clarified
- \*\*Sec 30.4.6.A also updated to exempt up to 30 sf of coverage for small utility installations
  - Applies to generators, HVAC, EV chargers, solar, utility boxes
  - Coverage in lieu of non-permanent structure coverage
  - Limitations: BMP cert, non-sensitive land; 10% exemption cap
- Sec 30.6.D.1 – Pervious coverage exemptions
- Sec 30.6.D.2 – Pervious deck coverage exemptions
- Sec 30.4.6.E – Small utility installations in exemption limit
- Sec 30.4.6.G – Coverage exemption for fire defensible space



# Code interpretations and clarifications (cont.)

## Chapter 30: Land Coverage (Continued)

- Sec 30.4.6.H – Coverage exemption for coverage transferred for public safety or access of the disabled
- Sec 30.4.6.I – Relocating or banking exempted coverage
- Sec 30.4.7 – Off-site land coverage

## Chapter 37: Height

- Sec 37.3.4 – Roof Pitch
- Sec 37.4.2 – Building height on slopes – building segments

## Chapter 66: Scenic Quality

- Sec 66.1.6 – Reflectivity and glare

## Chapters 80-85: Shorezone

- Sec 82.5.8 – Qualified Exempt shorezone boulder relocation
- Sec 84.3.3 – Buoy field graphic (fig 84.3.3-2)



# Code interpretations and clarifications (cont.)

## Chapter 90: Definitions

- Sec 90.1.14 – Rounding
  - Standard rules of rounding and special rules
  - Rounding Rules for Shoreland Scenic Reviews in Design Review Manual Exhibit H
- Sec 90.2 – Land Coverage definition:
  - Adds measurable criteria for small site improvements – fenceposts, walls, utility lids, boulders, etc)
- Sec 90.2 - Other Terms Defined:
  - Active Solar Energy System
  - Deck
  - Electric Vehicle Charger
  - Electric Vehicle Charging Station
  - Expansion (pier modification vs expansion)
  - Walkway



**Simplify or eliminate procedures that are time intensive and do not add value.**

- ✓ Sec 50.5.2.A – “Below the IPES Line Drawing” not required when incentive allocations are available
- ✓ Sec 50.5.2.E.3 – Audit five percent of single family permits (reduced from 10 percent)

**Prepare a list of code reference documents with direct links**

- ✓ Reference list with links is prepared
- ✓ Also updated obsolete references



# Action Items

Priority #6: Maintain adequate and dependable funding and staffing.

**\*\*Application fees do not cover project review costs\*\***

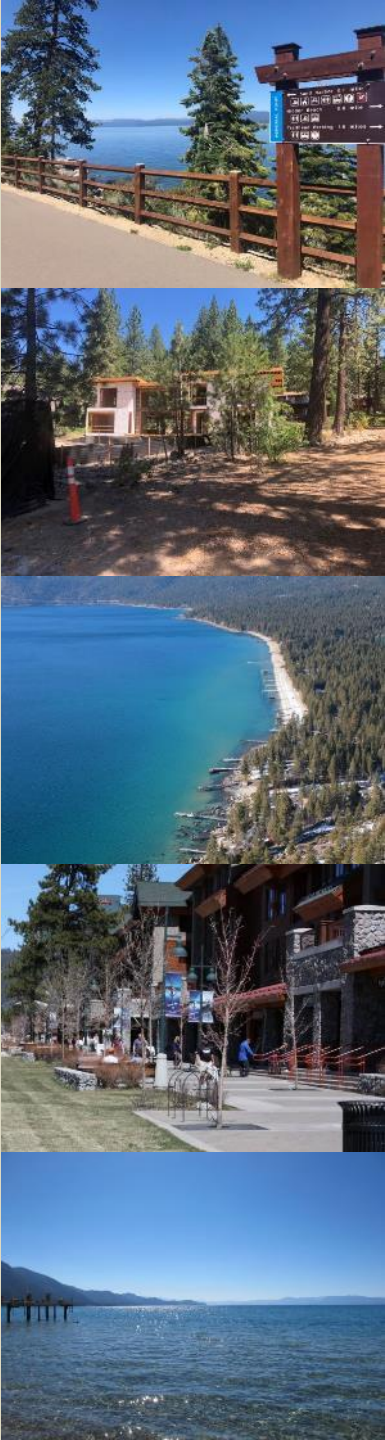
## *(Current Actions)*

- ✓ Process Improvements = Reduced Agency Costs
- ✓ Targeted fee/staff adjustments for known issues
- ✓ Revenue and Expense Monitoring Reports
  - Reports should inform future adjustments (increase or decrease)



## Application Fee Changes - General:

- ✓ New 1.25 fee multiplier for staff level reviews with noticing
  - Alternative to 1.4 or 1.8 multipliers for Hearings Officer or Governing Board
- ✓ Remove 1.25 fee multiplier for projects in special plan areas
- ✓ Increase tourist accommodation fees to match fees for multi-family (from \$2,644 + \$47/unit to \$3,195 + \$59/unit)
- ✓ Reduce fees for Day Care (\$2,782 to \$800)
- ✓ Qualified Exempt – Apply current fee (\$213) to all submittals
- ✓ New \$200 fee for parcel consolidation deed restrictions
- ✓ New \$200 fee for repeat permit acknowledgement requests



## Application Fee Changes – shoreland and shorezone:

- ✓ Increase shoreland scenic review fee (\$629 to \$1k-\$2k)
- ✓ Increase fee for mooring lottery eligibility review (\$71 to \$350)
- ✓ Increase fee for new buoys (from \$629 or \$315 to \$1,500)
- ✓ Increase base fee for pier expansions (from \$3,025 to \$6,050)
- ✓ Note fee reductions associated with staff approvals + noticing

### Application Fees for Typical Shoreland/Shorezone Projects

<u>Application Type</u>	<u>Total Fee (Existing)</u>	<u>Total Fee (Proposed)</u>
Single Family Remodel/Addition (Lakefront, 5,000 sf)	\$9,519	\$10,890
New Pier – multiple use (High Scenic)	\$11,809	\$9,852 (no GB review)
New Pier – single use (High Scenic)	\$9,389	\$9,852 (no HO review)
Pier Expansion (High Scenic)	\$3,944	\$9,852
Pier Modification (No Scenic)	\$3,315	\$3,315
One New Buoy (No Scenic)	\$787	\$1,500



## Approval Process:

- ✓ August 23: Regional Plan Implementation Committee  
--Unanimous recommendation to approve (with minor adjustments)
  
- ✓ September 13: Advisory Planning Commission  
--Unanimous recommendation to approve (with minor adjustments)
  
- September 27: Governing Board Approval

## Next Steps:

- Publication and Training Period (60 days)
- Effective date (60-days) ±November 26
- October 2023 - March 2024:
  - Additional “Phase 3” permitting process improvements.



# Governing Board Meeting

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## Board Members

## Comment

# Governing Board Meeting

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## Public Comment



# Governing Board Meeting

*September 27, 2023*

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, 6, 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, 6, 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.