

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION
COMMITTEE

Zoom

April 27, 2022

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 10:15 a.m.

Members present: Ms. Aldean, Mr. Bruce, Mr. Friedrich, Mr. Hoenigman, Mr. Lawrence, Mr. Yeates

Members absent: Ms. Gustafson

II. APPROVAL OF AGENDA

Mr. Hester stated no changes to the agenda.

Mr. Yeates deemed the agenda approved as posted

III. APPROVAL OF MINUTES

Ms. Aldean moved approval of the February 23, 2022 minutes as presented.

Motion carried.

IV. Item No. 3: Discussion and possible action/recommendation of Shoreline code language regarding sections 84.3.3.E.3 and 2.2.2.F.2, the authorization of existing buoy fields and administrative approval for new mooring buoys on eligible private, single-family littoral parcels

Mr. Hester said new TRPA staff member, Mr. Stock will pick up the role in continuing to bring forward code and plan amendments to keep documents current.

TRPA staff Mr. Stock provided the presentation.

Mr. Stock said the amendments are related to the authorization and approval of mooring buoys. The Governing Board adopted the Shoreline Plan in 2018 and that plan supports boating, paddling, swimming, and other recreation while ensuring resource management for continued attainment of TRPA's thresholds.

Also, in 2018, regulations were added to the Code of Ordinances to implement the Shoreline Plan. After being in affect for a few years TRPA staff identified the need for minor adjustments to the implementing regulations in the Code to implement the Shoreline Plan. There's a history of these minor amendments to improve implementation, for example, an amendment came to the Board in December 2019 to authorize public

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buoy fields. Staff identified the need for these amendments and recommended them to the Shoreline Steering Committee who recommended approval of the proposed amendments on January 21, 2022.

These amendments are technical in nature and won't change the Agency's approach to regulating the impact of mooring buoys. The Initial Environmental Checklist is provided in the staff report as Attachment C and shows that the proposed amendments will not have a significant environmental impact.

The proposed amendment to Chapter 84 recognizes the need to legally establish existing buoy fields. The amendment in December 2019 created a path for public buoy fields and littoral homeowners' association buoy fields. This amendment creates a path for buoy fields that are not associated with lake-fronting parcels, known as non-littoral parcels.

The proposed amendment to Chapter 2 allows for staff level permitting of new single use mooring buoys. These buoys currently require Hearing Officer review and approval to be permitted. Staff believe that this is unnecessary and creates a significant burden on the Hearings Officer.

Chapter 84 Amendments: In 2018, the Shoreline Plan prohibited new buoy fields on Lake Tahoe. However, the Code of Ordinances provides a path for authorizing existing buoy fields associated with lake-fronting or littoral parcels. This path was not provided for buoy fields which were not associated with properties fronting (non-littoral) the lake. Staff found over the years of implementing the Shoreline Plan that there are several buoy fields on the lake owned by homeowners associations without lake frontage. It's necessary to create a path for HOA's to prove up and authorize their buoy fields. This path will be the same for littoral HOA buoy fields as it is for a non-littoral buoy fields. The HOA would be asked to provide a valid permit from a Federal or State agency issued prior to the adoption of the Shoreline Plan in 2018.

(Slides 5 & 6) show examples that illustrate the difference between littoral and non-littoral buoy fields. This first image shows a buoy field owned by the Dollar Point HOA. (Slide 5) The two highlighted parcels to the north extending into the lakeshore are the Dollar Point tennis and beach club parcels which are lake-fronting properties owned by the Dollar Point HOA. This buoy field is associated with a littoral HOA and the Code of Ordinances currently provides a path for these HOA buoy fields to prove up and be authorized.

(Slide 6) This image shows the Lake Forest Pierowners Association buoy field. In this case there are no highlighted parcels. The association does not have a lake-fronting parcel, but it does have a buoy field. Non-littoral buoy fields like this currently have no path to authorization in the Code of Ordinances, even when they have valid state permits allowing them to exist on the lake. This amendment seeks to remedy that.

Amendment to Chapter 2: The Code of Ordinances currently requires Hearings Officer approval for all mooring buoys on single-family parcels with lake frontage. When this requirement was put into the Code of Ordinances staff hadn't considered how the huge volume of permit applications could be beyond the Hearings Officer's capacity. This was an unintended consequence of the implementing regulations that has ultimately become unworkable for staff.

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These buoy permits are relatively straightforward to issue, they're low impact, and staff believes that they're appropriate for staff level review and approval.

The proposed amendment to Section 2.2.2.F.2.b will allow for staff level review and approval of these single use buoys. The amendment does not change the conformance requirements for mooring buoys and it still reserves the option for an applicant to permit any decision to the Governing Board.

Presentation can be found at: [Agenda Item No. 3 Shoreline Amendments](#)

Committee Comments & Questions

Ms. Aldean referred to page 302 where the language is highlighted with respect to the authorization of existing non-littoral mooring buoys. She suggested that they add that TRPA may authorize existing non-littoral mooring buoys associated with the homeowner's association to distinguish it from Subparagraph 3.a which is specifically for buoy fields that are off of the lake-fronting parcels.

Mr. Yeates confirmed that the proposal would be to add the word "non-littoral" before mooring and after "existing" in that first line.

Ms. Aldean referred to page 294. In Section 2, it states that decisions on buoy permits for private single-family littoral parcels may be appealed to the Governing Board and on the following page it states that these permits have the option of appealing to the Hearings Officer. Is it correct that it goes to the Hearings Officer and then an adverse decision can be appealed to the Board?

Mr. Marshall said that was a mistake, it's not to the Hearings Officer but to the full Governing Board just like all other staff level permits or permitting actions.

Mr. Marshall believes Ms. Aldean's suggested edit is to distinguish and may be better to put non-littoral in front of homeowners instead of the existing mooring buoys, associated with a non-littoral homeowners' association. It's not necessarily qualifying buoys but may be the HOA. When staff brings this back, they'll either have it where she suggested or have another suggestion to accomplish the same objective.

Mr. Hoenigman said he's excited about the changes to this because anything that opens up more access to the Lake for those who can't afford a \$40 million dollar home on the lake is welcome.

Public Comments & Questions

None.

Committee Comments & Questions

Mr. Yeates asked Ms. Aldean if she was satisfied with Mr. Marshall's suggestion of moving non-littoral either before or after in some fashion to make it clear that this is applying to the non-littoral mooring buoys situation for primarily the non-littoral homeowners' association.

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Ms. Aldean said yes.

Ms. Aldean made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinances amendments as described in the staff report and as amended on the record at this meeting.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Friedrich, Mr. Hoenigman, Mr. Lawrence, Mr. Yeates

Absent: Ms. Gustafson

Motion carried.

Ms. Aldean made a motion to recommend adoption of Ordinance 2022-___, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

Mr. Marshall asked that the motion have the amended language as suggested by Ms. Aldean. It's the change to the second motion to Attachment A as opposed to Attachment B.

Motion amended as follows:

Ms. Aldean made a motion to recommend adoption of Ordinance 2022-___, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A and as amended on the record at this meeting.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Friedrich, Mr. Hoenigman, Mr. Lawrence, Mr. Yeates

Absent: Ms. Gustafson

Motion carried.

V. COMMITTEE MEMBER COMMENTS

None.

VI. PUBLIC INTEREST COMMENTS

None.

VII. ADJOURNMENT

Mr. Friedrich moved to adjourn.

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Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler
Clerk to the Board

The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or virtualmeetinghelp@trpa.gov.