

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

September 13, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry called the meeting to order at 9:31 a.m.

Members present: Mr. Kuchnicki (for Ms. Carr), Ms. Chandler, Mr. Drew, Mr. Drake (arr. 9:35 a.m.), Mr. Ferry, Ms. Jacobsen, Mr. Letton, Mr. Hitchcock (for Ms. Roverud), Ms. Ferris, Ms. Simon, Ms. Stahler, Mr. Young (arr. 9:34 a.m.), Mr. Stephen (arr. 9:33 a.m.)

Members absent: Mr. Hill, Ms. Moroles-O'Neil, Mr. Teshara, Mr. Smokey

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Young moved approval of the June 14, 2023.
Ms. Chandler seconded the motion

Motion passed.

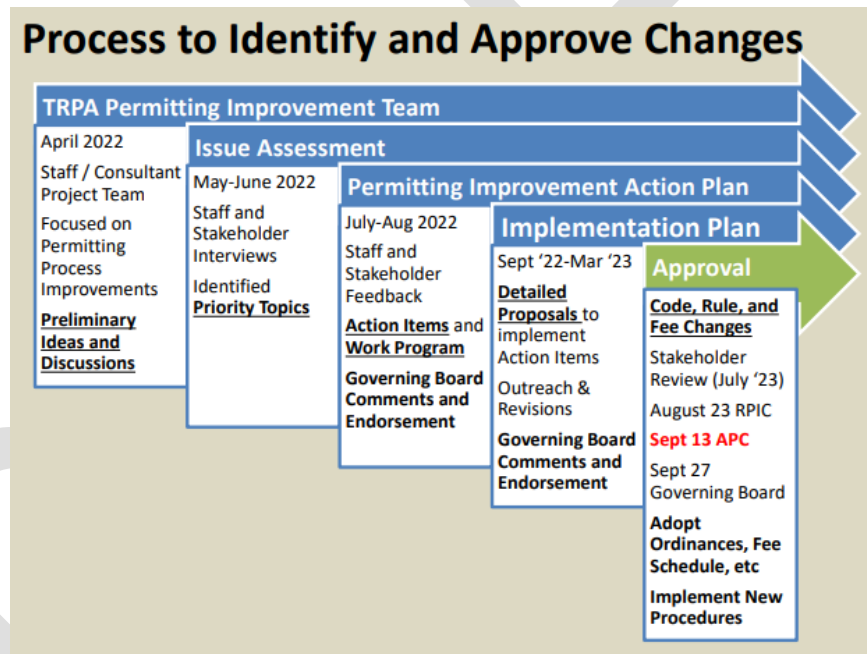
V. PUBLIC HEARINGS

[Agenda Item No V.A. Permitting Process Improvements](#)

TRPA Deputy Director, Mr. John Hester introduced the item. He said that he has personally been trying to work on process improvements over the past 10-12 years, but caseloads continue to increase, and they have never been able to free up staff to do the necessary work. So they finally put out an RFP, and one of the respondents was Arlo Stockham, who was the TRPA Planning Manager at the time of the Regional Plan Update. Since then he has worked as a

Community Development Director in larger organizations, and currently does contract permit reviews for TRPA. Frankly, they could not find anyone more qualified, with an understanding of both TRPA organizational practices, and the intent of the Regional Plan. Since been awarded the contract, he has been doing a stellar job alongside staff members, Wendy Jepsen, Jen Self, and Aly Borawski. Principal Planner, Ms. Jen Self added that they are very appreciative to have Mr. Stockham on board – he has really been the project lead for the recommendations being brought forward today.

Mr. Arlo Stockham began by explaining the purpose of the project, which is focused on process – specifically, making improvements to the permitting process. They are trying to stay away from the regulatory focus, and see how they can make the system work better. That will help accelerate environmental redevelopment and threshold attainment. There are a lot of good environmental things coming out of redevelopment, but the process remains lengthy, challenging, and at times, more difficult than we think it needs to be. So we have identified a whole suite of things to make the process work a little better. Mr. Stockham recognized and thanked the integrated staff team and stakeholders who have all helped to identify, craft, and refine the proposed improvements over the past 18 months.



The package being presented today was unanimously endorsed for approval by the Regional Plan Implementation Committee at their August 23, 2023 meeting, and following the presentation to the Advisory Planning Commission today, the item will be heard by the TRPA Governing Board at their October meeting.

Mr. Stockham outlined the priority topics they were working to address. Front and center was a desire to be more efficient, consistent, and predictable. There was quite a bit of variation reported in how different staff members handled similar situations, and we're trying to focus on efficiency, consistency, and quality application and review processes.

The next big item involved minor applications. Mr. Stockham said he was a little surprised it went in this direction initially, but it makes sense. A lot of the initial interviews basically said, big projects are always going to be hard in Tahoe (with the Compact, the Regional Plan etc.), but people wondered if all the little routine things could move more quickly and easily. So there is a lot of focus on the minor applications, things that rarely elevate themselves to the APC or the Governing Board, but day in and day out, staff spend a lot of time dealing with them.

The third priority involves code standards, and clarifying what the rules really are. There's a long history at TRPA where the Ordinances are not always easily measurable. There are a lot of environmental performance standards built into the Ordinances, which require staff to make interpretations. So they have tried to clarify what those rules are, consistent with prior practice. Mr. Stockham suspects they will have additional amendments in the future. He added that the code clarifications, especially in the coverage chapters, are central here.

A fourth priority is continuing and improving public communication and customer service. The fifth priority is staff development and training. Mr. Stockham said they think they can enhance staff training so that some of the projects that are currently going to senior principal planners, can be managed by assistant and associate level planners, with some of the recommended administrative improvements.

The final priority is funding. Mr. Stockham said that the application fees do not cover the cost of reviews, and they haven't for quite some time. That's a challenge they're trying to take on primarily through efficiencies, but there are also some fee adjustments recommended.

Moving into the detail, Mr. Stockham said that three of the priorities mentioned are being primarily addressed through TRPA administrative improvements. Similarly public communication and staff development are really internal matters, so they don't have documents for APC or Governing Board to approve. That said, Mr. Stockham said he would like to go over what they're working on. Front and center on those administrative improvements is a comprehensive procedure manual for TRPA permitting. It's grown to about 80 pages, and after some refinement, will be used for training. What they're really trying to do is put in writing what the planners do when it comes to project review and use that as a training tool for a new planners, and as a tool for management to ensure consistency. It's also a place to go when process variations or interpretations, or thorny issues are addressed - they will be recorded in this document so they will be consistently implemented moving forward. There are also a bunch of additional documents and management tools that go along with the procedure manual, and a move to the use of shared forms and templates for less individual variation between the reviewing planners. Mr. Stockham said they will also be expanding staff teams and utilizing a 'middle management' within the department. There are over 20 planners doing project review and that's just too many to report directly to Ms. Jepson. They will also continue the introduction of additional customer service tools, both online and at the TRPA office.

Moving to priority number two, simplifying procedures for minor applications, Mr. Stockham said there are five pretty substantive procedural changes (slide 9). He emphasized that some of these internal procedures were written to be used as TRPA procedures for minor applications. He understands that there are some MOUs, and it could be interpreted to de facto apply to the local governments, but that was not the intent at all. The errata sheet makes that clear that local agencies are not obligated to follow those same procedures or timelines.

Referring to slide 10, Mr. Stockham said minor applications might be one of the more notable process changes for the public. Right now, every type of application basically goes into the same process in the same timeline – a 30-day completeness review and 120 days to issue a permits. Mr. Stockham said they really tried to carve out those applications that are easy and shouldn't need to take that amount of time, the kind of approvals that don't require special findings or detailed analysis. So minor applications will go to a 15-day completeness review instead of 30, and a 40 day review timeline instead of a 120. There are some back-house improvements that need to happen within Accela to ensure that these minor applications go to a separate review team. Mr. Stockham added that they are also trying to simplify the application forms and the analysis as much as they can. For example, applicants won't have to do a findings analysis with a minor application. Mr. Stockham said this will apply to a lot of home improvements, transfers, loft line adjustments, but will not extend all the way to new development or major projects.

Referring to bundled applications, Mr. Stockham said there are a lot of sequential approvals necessary at TRPA. Starting with a site assessment or other determination, you may need to do a lot line adjustment, or transfer some development rights. This change allows applicants to request the bundle of those applications. You will still need to do site assessments and projects in sequence, but you would be able to bundle a minor lot line adjustment, for example, that goes along with the project.

Mr. Stockham said that procedures for qualified exempt activities has been a challenge. These are supposed to be exempt with a property owner declaration and a kind of a de facto review process evolved over the years, but there was no fee structure to support that. So over time, a lot of staff time was spent reviewing things that are supposed to be exempt, and no fees were collected. Mr. Stockham said that when they looked into this they were really minor things - probably the biggest thing is a modification that doesn't add coverage. They're trying to go back to a qualified exempt process with what the code says to do. This is going to be a property owner declaration and staff will not provide a stamp of approval. The alternative was to have it be a project review, but that would require fees and they really want staff to be focusing on environmentally significant things, not minor property improvements that really have no significant impact on the environment. Mr. Stockham said they changed some of the items. Some submittals are moving from qualified exempt to exempt, but kept qualified exempt for items that require BMP certificates or coverage mitigation, but it should be a quicker, easier process.

Moving on to slide 14, Mr. Stockham said they had taken the same approach for historic resource protection. There was widespread consensus that the process for historic resources was spending a lot of time on non-significant things, and should be redirected to historically significant matters. There was also some interest in waving TRPA reviews for certain projects, and maybe extending the timeline beyond 50 years. But where they landed was to keep the same basic protections, so for example, if a home is over 50 years and proposed to modify, it will still get a historic resource screening but under a much more efficient process.

The simplified procedures propose that:

- 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)

These are all for eligible resources, not any designated resources. Mr. Stockham said the States really wanted to get out of the routine screening of non-designated structures, so at their request SHPO (State Historic Preservation Office) has been shifted so they will focus on historically significant things, and staff will handle the routine screenings.

Mr. Stockham added that there is interest in doing additional work that may involve revisiting TRPA's historic resource list, and looking at historic resources from a policy perspective, focusing on significant areas or significant resources. But in terms of the routine day-to-day historic resource determinations, they will still happen, but should be a lot quicker and easier.

Referring to delegation of additional decisions to staff, Mr. Stockham said the bulk of these are the proposals are for the shorezone applications, although there are a few that are more generally applicable, such as historic resources, public projects, and additional allowable coverage for EIP projects. They are also proposing deleting the separate approval thresholds for awarding bonus units, so bonus units would just be awarded as a routine matter with qualifying projects on approval. That should streamline some affordable housing and other types of project approvals.

The more significant changes are in the shorezone. The shorezone ordinances have been in place now for about 5 years, they're working pretty well, and there's pretty clear standards for what qualifies and what doesn't. Given that, a whole suite of routine shorezone approvals, including piers and boats are proposed to be handled at a staff level, but with noticing retained. So neighbors would still get notice, and if there's any dispute over a particular pier for example, it could be appealed up to the Governing Board. The proposal doesn't extend to all shorezone improvements, some of the more potentially significant improvements will still need to go to the Governing Board. Mr. Stockham said that the shorezone applications are a huge piece of the financial mismatch mentioned earlier. Those fees are much lower than the cost of reviews, so this delegation to staff is an alternative to what they think would need to be a significant fee increase, if Governing Board review was retained.

Moving to the next area of code clarifications (slide 16), Mr. Stockham said the goal was to make the code clearer. Slide 17 and 18 list the clarifications, most of which are focused on coverage. Mr. Stockham said coverage is tough one. It's a definition that can't be measured. It's a fundamental development limitation, but it doesn't say what qualifies or not. So, beginning with the definition, they tried to define in measurable terms - what is coverage and what isn't coverage - with a whole series, mostly in section 30.4, clarifying existing practices in relation to coverage, and mainly dealing with small things or nuanced improvements. Mr. Stockham added that there is a little bit of an expansion of what they've been doing in the past, regarding small utility installations. He said that most people view the coverage exemptions as pretty successful. They bring in a lot of water quality improvements and BMPs, but there was kind of a gap. There were improvements such as decks and non-permanent structures that could qualify for an exemption, but things like HVAC, EV chargers, solar panels, or utility boxes didn't qualify. They carved out an additional exemption, subject to the same aggregate caps. So if people are maxed

out on coverage, there would be a path, at least on high capability lands, to put in some of these small utility improvements.

Referring to slide 19, Mr. Stockham said they had included a section on rounding, where there has been a lot of variation. Slide 20 details a couple of procedural ordinances that they think will save a lot of time for TRPA and local agency staff. One is that the 'below the IPES line drawing' is redundant with the incentive allocation pool. The idea here is that there will be no 'below the IPES line drawing' unless the supply of allocations is gone. That change alone will save a few weeks a year of staff time.

Mr. Stockham continued that one of the bigger proposals is to reduce the single-family audit requirement from 10% to 5%. This would be a big state time saving for TRPA staff, and should also save a lot of staff time for local government staff. He said that 10% is an incredibly high audit rate, and everyone feels that 5% is quite sufficient.

Moving to funding, Mr. Stockham said the TRPA permitting department has been running at a fiscal deficit for quite a few years, and that's not sustainable. He said they really focused on getting rid of wasted time and being more efficient as the primary strategy, instead of just saying we need a 30% fee increase. That being said, there are some targeted increases and decreases in the recommendations. They are also establishing a more detailed physical monitoring system, to monitor the permitting program revenues and expenses, and use that information to inform future changes.

Slide 22 and 23 list the specific fee changes. Mr. Stockham said that in general, outside the shorezone, with the new staff level + noticing review process, they have a 1.25 fee multiplier, which will actually be a decrease compared to the multipliers for public hearings. They are recommending removing the fee multiplier in special planning areas, which penalizes projects in town centers and other area plan areas where they have to charge more. The proposal also includes a modest bump to tourist fees to match multi-family, a reduction for daycare, keeping qualified exempt at the same low nominal fee but applied to all submittals, and a couple of nominal fees for routine things that don't currently have an associated fee.

Moving to shorezone (slide 23) Mr. Stockham said this is the area that would generate some revenue changes. He said that when the shorezone ordinances were approved the fees were not revisited. So the fees in place today are very old, and don't cover the cost of review in many cases. For example, shoreline scenic reviews have become very complex, especially with large, lake front homes, and the fee just doesn't cover it. Mr. Stockham advised they are recommending a two-tier fee - \$1,000 for simple review, and \$2,000 for complex review. Other fee changes include increasing mooring lottery eligibility and new buoy applications to the estimate of cost recovery.

Mr. Stockham said that pier expansions as probably the biggest mismatch. They were being treated the same as a minor pier modification, but the review process is basically the same as a new pier. As a result, pier expansion applications are seeing the biggest fee increase.

<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

As far as the next steps, assuming the Governing Board adopts these recommendations at the October meeting, there will be a 60-day period before that goes into a fact. During that time, staff will work on training, education, and finishing up some of the back of house work necessary for implementation in November. Following that, Mr. Stockham and staff will continue working on some additional process improvements through March 2024.

APC Comments/Questions

Mr. Ferry thanked Mr. Stockham, and commended TRPA for their desire to take this process improvement project on. He said that this is good government, and we should all be looking at things like this. He has shared this information with his own agency to get the ball rolling on any potential process improvement they can make at El Dorado County.

Mr. Hitchcock agreed with Mr. Ferry and said the City of South Lake Tahoe applauds TRPA’s willingness to take on this daunting task, and for incorporating some of the suggestions from the City of South Lake Tahoe. He said he had a clarifying question on coverage for facilities for public safety and access. He said he is assuming the transfer coverage is going to be pursuant to the transfer provisions of the code. So, if you're doing an ADA facility for commercial, it has to be hard coverage and cannot use potential coverage. Mr. Stockham affirmed there is no adjustment in what has to be transferred. He added that this was one of the most difficult sections to work on, and they had tried to write up how it has been implemented over the years.

Mr. Alling said that Mr. Stockham had touched briefly on historic resources, and said that the two states do not wish to be involved in some of that review. He asked if there will be an agreement with SHPO to allow TRPA to make some of those determinations. Mr. Stockham responded that SHPO will stay involved, but they want to get out of the TRPA screening of every old structure. SHPO stated that they have more important historical matters. The later phase of this project is to revisit the TRPA historic resource list, which has not been updated since 1989. Mr. Stockham said they think time would be much better spent by looking programmatically at areas or significant historical resources, and spending less time on every old cabin. Mr. Alling

asked if SHPO was basically granting TRPA the ability to make those determinations on these smaller projects. Ms. Jen Self clarified that when the code was written, going back to the 1987 Regional Plan, TRPA stated that SHPO have authority to provide guidance and advice. TRPA were effectively placing that authority on them, which is very uncommon for a local municipality or agency. She said that TRPA have worked with SHPO in both states, and through the streamlining work, SHPO essentially said they don't have the legal authority that TRPA has placed on them. They said they'd like to give that back, that's really TRPA's responsibility to work with the local jurisdictions to make those determinations, and to determine appropriate mitigation requirements. SHPO are available for consultation in an advisory capacity.

Referring to the changes to the qualified exempt applications, he asked what percentage of submittals would be in the new category. Mr. Stockham said qualified exempt is a category of exempt, meaning it's below the threshold for a project requiring TRPA review. Mr. Stockham estimated that maybe a third would fall under the new category. They expect this to equal at least one full-time planner, and probably more. He added that there are a lot of routine applications that often times move through the process quickly, but sometimes they get stuck and there's no real flag.

Mr. Drew asked how these improvements will be assessed, and what is the process for continuing to improve on the processes. He said that Mr. Hester has emphasized the importance of continual improvement. Mr. Stockham said they are planning to assess and refine. He is on board for the next six months to help with the initial cut, and they expect that in six months' time they may have some more code clarifications and adjustments. The procedure manual will be a living document, updated on a routine matter. They see the manual as a key tool in documenting ongoing improvements, and turn them into standard operating procedures.

Mr. Hester added that they are building performance measures around the new procedures that will be included in work plans. Ms. Self said there are a couple of different performance measures in place. There are a number of existing performance measures in the department operations work plans. Those are very specific to what's being permitted, how fast, calls received, customer service etc. They are developing performance measures and asking what are other metrics they can capture to help better manage workloads and customer service.

Mr. Drew asked if the errata sheet issued in the morning affected their ability to take action on this item. Ms. Self said it did not. She added that the bulk of the amendment package is geared towards operations at TRPA, the errata sheet clarifies that those procedures are intended for TRPA, and are not an obligation to be placed on the local MOU partners.

Mr. Ferry asked if there were any other partner changes to the delegations of authority, and will they be providing partner training when this is adopted? Mr. Stockham said they are planning a two-month training period to begin after October's Governing Board meeting. He said he does not believe there are any new or additional obligations for the local agencies. So it's mainly the code clarifications that will require effective training to make sure everyone is clear on the rules and what interpretations have been made.

Regarding shorezone and the new piers, Ms. Simon said that when you look at the lake, it appears there has been a proliferation of new piers. She asked how that is being monitored. She also asked about coverage and what is considered minor. She said she thinks it a very confusing

concept for things like bear boxes, deck exemptions, dumpsters, and that sort of thing. She asked if you don't have coverage, and you want to put a cement pad with a bear box or something like that, how would you accomplish that. Referring to that specific example, Mr. Stockham he's not sure you would be able to place a concrete pad if you're out of coverage. He said you'd probably have to do the bear box elevated. He said that more generally what they tried to do in that whole section, was to make those clarifications and document the interpretations. They tried to address some of the confusion, not by deleting requirements, but by explaining what the requirements are. Ms. Simon asked if there were any alternatives when an applicant is out of coverage. Mr. Stockham responded that if you're maxed out on coverage and there's an improvement that's a public safety issue, for example an ADA walkway, you would have to acquire coverage and transfer it in. But if just for a bigger family room for example, that is where the hard development caps come into play. So sometimes adding improvements would require removing other improvements.

In response to Ms. Simon's question about piers, Principal Planner Ms. Tiffany Good said that one her big responsibilities is implementing the Shoreline Plan. She said the Shoreline Plan, adopted in 2018, approved 128 new piers. Ms. Good said that they are allocating and review applications on a slow as you go approach. So every two years, they conduct a pier lottery as the method for making 12 new pier allocations. Those property owners will then make application to TRPA. Ms. Good advised that they just completed the third round of the peer allocation process, and so far have allocated 36 new piers, and permitted about two thirds of those throughout the lake. She said that they are being reviewed, approved, and built kind on a slow as you go approach, but there are new piers being built. The same process is in place for buoys with an annual mooring lottery.

Ms. Jacobsen commended TPRA for bringing this initiative forward. She said that Placer County have done a lot of similar things in terms of looking for areas where they can increase efficiency and improve customer service. She added that the code clarification will also help their permitting staff. She said one of the things they are focusing on at Placer is the continuing monitoring and adaptive change piece, and it sounds like that is included here as well. She said she is very supportive of what is being brought forward.

Mr. Drake said this is good government and he loves seeing it. He specifically commended the effort to find ways to delegate more decision-making responsibility to staff level, and minimize the number of things coming to the Governing Board. He asked if there was any intention to do outreach, in particular to the small business community about some of these changes. He thinks they are really positive changes. Being a small business owner himself, he's aware that if wasn't an APC member, he wouldn't have a whole lot of time to keep up with TRPA code changes. Sometimes by doing some outreach to the business community, you can help them find wins that can really move the needle. He added that perhaps in freeing up some planner time through the efficiency improvements, they can get out in the community bit more to business associations and chambers etc. Mr. Stockham said he fully agreed that would be time well spent. He said they have tried to get out and get input from the business community, and they do plan on conducting some outreach. They have an extensive email list that they will use to send invites for educational opportunities. Mr. Stockham requested that interested parties send an email to be added to that list.

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Ms. Self added that they already conduct very well attended realtor events which have been very helpful and effective. She said Mr. Drake brings up a great point to maybe go a step further and identify other ways they can include the local businesses and property owners. Mr. Drake said the real estate community is a great place to start, especially when it comes to residential homes, but he's thinking of businesses like retail stores, restaurants, bars etc. that maybe don't understand what they are and aren't allowed to do. Going beyond just communicating these code changes, he said it might be nice for business owners to have a planner from whom they can just ask questions in general, without having to submit an application. Mr. Hester said he knows that Mr. Drake has business associations that he works with on the north shore, and said that if Mr. Drake had any specific groups he would like TRPA to come meet with, they would be happy to do that.

Mr. Stahler said she was glad to hear that consultant engagement was part of the process. She said she was curious to know TRPA had received any feedback on the shorezone fee changes. Mr. Stockham said no one every jumps up and says, "hey, please raise my fee", but at the same time, the priority from the applicants has been quality, efficient processing. If an application costs 10-15% more, but they move through quickly, smoothly, that was the top priority. People like staff and the League to Save Lake Tahoe have shown support for the idea that there really needs to be an adequate budget to do a good job.

Ms. Chandler offered compliments to Mr. Stockham and staff for putting this together. She thinks residents will appreciate any and all efforts to streamline procedures for permitting. She also appreciates the fact that they're making special arrangements for EV and perhaps the installation of generators, etc. This is a good step in the right direction.

Public Comments & Questions

None.

Motion

Ms. Jacobsen made a second 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, including the Errata issued today.

Mr. Hitchcock seconded the motion.

Ayes: Mr. Kuchnicki (for Ms. Carr), Ms. Chandler, Mr. Drake, Mr. Drew, Ms. Ferris, Mr. Ferry, Mr. Hitchcock (for Ms. Roverud), Mr. Stephen, Ms. Jacobsen, Mr. Letton, Ms. Simon, Ms. Stahler, Mr. Young

Absent: Mr. Hill, Ms. Moroles O'Neil, Mr. Smokey, Mr. Teshara

Ms. Jacobsen made 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,

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10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule to implement recommendations of the Permitting Improvement Project, as well as the Errata issued today.

Mr. Hitchcock seconded the motion.

Ayes: Mr. Kuchnicki (for Ms. Carr), Ms. Chandler, Mr. Drake, Mr. Drew, Ms. Ferris, Mr. Ferry, Mr. Hitchcock (for Ms. Roverud), Mr. Stephen, Ms. Jacobsen, Mr. Letton, Ms. Simon, Ms. Stahler, Mr. Young

Absent: Mr. Drew, Mr. Hill, Ms. Moroles O'Neil, Mr. Smokey, Mr. Teshara

Ms. Jacobsen made the third motion to recommend approval and adoption of Resolution 2023-__ (Attachment E), amending the Fee Schedule to the TRPA Governing Board.

Mr. Hitchcock seconded the motion.

Ayes: Mr. Kuchnicki (for Ms. Carr), Ms. Chandler, Mr. Drake, Mr. Drew, Ms. Ferris, Mr. Ferry, Mr. Hitchcock (for Ms. Roverud), Mr. Stephen, Ms. Jacobsen, Mr. Letton, Ms. Simon, Ms. Stahler, Mr. Young

Absent: Mr. Drew, Mr. Hill, Ms. Moroles O'Neil, Mr. Smokey, Mr. Teshara

VI. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester advised the APC of an upcoming item on significant code changes related to deed restricted, affordable, workforce and achievable housing. They will be talking about density, height, coverage, and parking. The item will be heard by the Regional Plan Implementation Committee next month, before coming to the APC for recommendations. The Governing Board is hoping to have these amendments passed this calendar year.

Mr. Hester reminded members that the Planning 102 training session will take place after the next APC meeting on October 11, 2023.

APC Comments/Questions

None.

B. General Counsel

Due to time constraints Agenda Item No. V.I.B.1 Compact Open Meeting Law and Conflict of Interest Review was continued to the next APC meeting on October 11, 2023.

Mr. Marshall provided a brief update on the Harrosh v. TRPA litigation which concerns the delegation of approval of piers to the TRPA Hearings Officer. TRPA have received an order from the district court asking us to brief all parties on the question of whether or not, when the compact is subject to interpretation and a piece of litigation, are the two states mandatory parties. And if they cannot be joined because of sovereign immunity or other jurisdictional reasons, are they necessary and indispensable parties such that the action should be dismissed.

Mr. Marshall said that without going into excruciating detail on the concepts of federal jurisdiction and state sovereignty the key question here is, is a compact more like a contract between the two states - so whenever you have litigation over a contract, the contract signatories need to be present, and parties in the litigation. Or is it more like federal law, like when congress approves the compact. If it's just more statutory in nature, then the individual states who initiated the process would not necessarily be required as parties in cases that litigate the how the Bi-state Compact would be implemented.

C. APC Member Reports

Mr. Alling said that upon his reappointment as the Douglas County APC Lay Representative, the County asked him to provide a report on APC activity over the past year. One of their main current concerns is the NDOT U.S. Highway 50 lane reduction project. Mr. Alling requested staff assistance to provide a report to the Douglas County Board of Commissioners.

Mr. Hitchcock advised that the City of South Lake Tahoe will soon be adopting a city-wide inclusionary housing ordinance. He added that the Sugar Pine Village project is now underway, and the 274-unit modular construction process is very fast. The first and second phases are expected to be completed by summer 2024, with the third phase to begin later in the year.

On behalf of the basin fire chiefs Mr. Stephen said that evacuation and wildfire preparedness is a hot topic and the regional fire chiefs are working very hard to improve communication and messaging around fuel reduction projects and evacuation planning/routes. Mr. Alling added that there is a great fuel reduction project on Lower Kingsbury that the Tahoe Douglas Protection District and NV Energy worked on together. He said it's amazing and might be worth a field visit for the APC members – It shows how the firefighters would be able to make a real stand against an advancing wildfire and protecting our community. Mr. Hester added that TRPA have applied for a 'Protect' grant for, part of which is for a Resiliency Infrastructure Plan (for thinning along evacuation routes).

Ms. Chandler said that year two of the Tahoe Keys Control Methods Test also appears to be a success. The projects team are currently in the process of compiling data , and the Tahoe Keys property owners are in the voting process for year three funding.

Mr. Drake offered a public thank you to everyone who attended the walking tour of Kings Beach at last week's Governing Board. He also offered thanks to John Hester and Ryan Murray from TRPA and Crystal Jacobsen from Placer County, for co-leading and coordination. He said it was really nice to get 'boots on the ground' and to see and talk about how policies and projects interface. He added that there were some really good discussions and ideas, and he would welcome the opportunity to do similar tours in other parts of the basin – perhaps commercial core areas, housing, fuels treatment projects. He said there's nothing like getting out on the ground and actually seeing real work getting done and being able to brainstorm, especially when we can stir APC and Governing Board together.

Ms. Simon said she also participated in the Kings Beach walking tour and thanked Ms. Jacobsen and Mr. Drake. She attended a recent community meeting for the Cal Neva project in Crystal Bay and said there appears to be a lot of activity on the project. Ms. Simon said that she has also seen activity at a vacant office building adjacent to the Cal Neva property. The people said they were looking to do workforce housing.

Ms. Stahler advised of some great career opportunities at the Nevada Division of State Lands. They currently have three openings specific to Lake Tahoe. The first is a Nevada Tahoe Resource Team Program Manager, a position that oversees a multi-disciplinary, inter-department team. Reporting to the Program Manager are two additional positions, a Water Quality Program Manager, and a Lake Tahoe Land Agent. All three positions are posted on the Nevada State jobs website

Ms. Jacobsen said she really enjoyed and appreciated the opportunity to have the TRPA Governing Board join them for the Kings Beach walking tour. Regarding Chief Stephen's comments about communication for emergency preparedness and evacuation, Ms. Jacobsen informed that Placer County District 5 Board Supervisor and TRPA Governing Board Chair, Ms. Cindy Gustafson, recently hosted a town hall on that topic. The event, which was very well attended and received by the community, included emergency responders and forestry personnel, who all answered questions on what to do in the event of a wildfire.

Ms. Jacobsen added that Placer County have two items going before their Board of Supervisors, who are meeting in Tahoe on October 17, 2023. The first item is the Tahoe Basin Area Plan amendment package, and the second is a technical clean up item for the Short-Term Rental ordinance.

Mr. Letton said that the Lahontan Regional Water Quality Control Board will hold their next board meeting in Tahoe on October 31, 2023. They will hear an update on their Climate Change Mitigation and Adaptation Strategy, and an update from staff on the Leviathan mine site. They will also hear a proposal for a Vision Plan for the West Fork, Carson. Mr. Letton explained that it's like an alternative to a TMDL (Total Maximum Daily Load), so although not located in the basin, it might be of interest to people.

Mr. Letton added that Lahontan are recruiting members, and are looking particularly for more representation from the northern portion of their region, which would include the Tahoe basin.

Mr. Ferry said that the El Dorado County Board of Supervisors also plan to hold a meeting in Tahoe, the date is still to be determined. Items will likely include short term rentals, and possibly an item on scaling up the Meyers Area Plan to a jurisdiction wide area plan.

VII. PUBLIC COMMENT

None.

ADVISORY PLANNING COMMISSION

September 13, 2023

VIII. ADJOURNMENT

Mr. Teshara moved to adjourn.

Chair Ferry adjourned the meeting at 11:11 p.m.

Respectfully Submitted,



Tracy Campbell
Clerk to the Advisory Planning Commission

The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above-mentioned meeting 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.