

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

September 27, 2023

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 10:45 a.m.

Members present: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hays, Ms. Hill (2:00 p.m.) Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Settelmeyer

Members absent: Mr. Rice, Ms. Williamson

II. PLEDGE OF ALLEGIANCE

Mr. Hoenigman led the Pledge of Allegiance

III. APPROVAL OF AGENDA

Mr. Marshall said Agenda Item No. VIII.A Appeal for a Single-Use Pier Expansion will be continued.

Ms. Gustafson deemed the agenda approved as amended.

IV. APPROVAL OF MINUTES

Ms. Aldean said she'll provide Ms. Ambler with her edits and moved approval of the August 23, 2023, minutes as amended.

**Motion carried-voice vote.**

V. TRPA CONSENT CALENDAR

1. August Financials
2. Release of FY 2024 Nevada Funding to the Tahoe Transportation District
3. APC Membership reappointment for the Douglas County Lay Member, Garth Alling

Ms. Aldean made a motion to approve the Consent Calendar.

Ayes: Ms. Aldean, Ms. Bowman, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Settelmeyer

Absent: Ms. Hill, Mr. Rice, Ms. Williamson  
**Motion carried.**

VI. PLANNING MATTERS

A. State of the Lake Report by Dr. Geoff Schladow, UC Davis/Tahoe

Ms. Regan said Dr. Schladow is a Professor of Civil and Environmental Engineering and Director of the UC Davis Tahoe Environmental Research Center at Lake Tahoe. He serves on numerous federal, state and local committees and provides technical advice on lake issues, stream, and estuaries systems throughout the state. He was one of the first co-chairs of the Science Advisory Council. Geoff also led the development of the Lake Tahoe Clarity model which is the backbone and fundamental science for the Lake Tahoe, Tahoe Maximum Daily Load (TMDL). The TMDL is the lakes clarity restoration plan that we've all rallied around to support to reduce pollutants to come into the lake. His research and expertise guided that process.

Dr. Schladow provided the presentation.

Generally, the State of the Lake Report covers the previous year. But at the beginning of 2023, the lake did a complete turnover mixing from top to bottom. This doesn't happen all that often in Lake Tahoe. Typically, it happens every four to five years. It happens because of the temperature. Slide 3: The blue lines that go to the bottom are the years that it mixed all the way to the bottom. This is a typical thermal stratification in Lake Tahoe in Summer.

About one month ago, it was around 73 degrees at the top and 42 degrees at the bottom. In about two to three weeks the top starts to cool and the top layer starts to deepen and mix. As we go into winter, it mixes deeper and cools further. In early 2023 because of a few cold weeks, it mixed all the way to the bottom. November was the coldest month in over 100 years. December was almost as cold and that is what drove this complete mixing. It's good for the lake.

Slide 8: The panel on the top shows January through March the colors indicate the temperatures in the lake. The top left hand corner is the surface of the lake in January, it's red, it's warm. Moving to the right the colors are going more towards the blue and the colors are becoming more homogeneous. About the beginning of March, it's almost a uniform blue top to bottom. At that point, the lake has flipped and stays flipped. On the graph on the bottom, the black line referring to the left hand axis shows that as soon as that happens the temperature drops. If the flipping didn't happen every three to five years, oxygen wouldn't be rejuvenated at the bottom. To date, there hasn't been any climate change impact on the frequency of this mixing. It doesn't mean in the next 20 to 40 years that won't happen.

Slide 9 shows the algae on the beach in September of 2022 on the South Shore. Algae comes in two types: Periphyton that attaches to rocks and the metaphyton that floats around in the nearshore.

Slide 11 is a location in Tahoe City showing the brownish area on the left is Periphyton. The

image on the right shows small rectangles that are the individual helicopter images that are automatically stitched together and georectified allowing them to quantify the aerial spread of the Periphytons. The metaphyton were more focused on the South Shore and parts of the East Shore.

They are finding a connection between metaphyton and Asian Clams. They've now just learned about a new invasive by a different species. Sometimes invasive species take many years, sometimes decades to fully express themselves.

In 2023, they launched a year round 5-pronged monitoring strategy for the nearshore. In order to track periphyton and metaphyton they used drones at eight sites around the lake. Every month they went out and quantified them aerially. At the same time, they used helicopter flights to do the entire lake. They have divers that go to those eight sites to do ground truthing of what the drone is seeing to quantify what's happening. They use citizen science to engage the community and can help confirm what they are seeing. They also have a nearshore network of ten real time stations around the lake measuring water quality. This project is funded by TRPA. It's in its first year and is unique globally. Nobody is doing this and with advances in machine learning, helicopter flights and drones will quickly give us a much better handle on how conditions are changing.

With funding from the Nevada Division of Environmental Protection they've conducted one year of monitoring surface plastics and plastics at depth. Concentrations of microplastics in Lake Tahoe is higher than San Francisco bay. Microplastics consists of Polyethylene, Polypropylene, and Polyester. Polyethylene is in plastic wrap, bags, car tires, etc. These are things that we have some control over.

Biologically, 2022 was the most different year in Lake Tahoe since science has been observing it since 1968 on a regular basis. Mysis Shrimp was introduced in 1960s as a way of improving fish size jointly by the California and Nevada Fish and Wildlife Agencies. It didn't work. The top graph on slide 12 shows from 2012 to present, shows the population from the two stations in Lake Tahoe. At the end of the graph, the population of the Mysis Shrimp disappeared. Slides 20: The Mysis Shrimp goes below the dash line and is a value of 27 Mysis Shrimp per square meter. That was determined back in the 1980s to be the level at which or below that where other things can coexist with the Mysis. If it's above that, the Mysis would decimate what was in the lake and change the food web and be detrimental to the lake. They disappeared at that point, not completely but in very low numbers.

Slide 22: Zooplankton are the microscopic animals in the lake. The orange line is the Rotifers, the blue is the Copepods, and the green is the Cladocerans. This is the response to clarity. The green arrows show about the time the Mysis went below the dash line. After that there were increases, initially in the Rotifers, then the Copepods and Cladocerans. During this period when they had the re-ascendants of the native Zooplankton in the absence of Mysis there was an improvement in the clarity. At the same time there were other things happening in the lake, this is phytoplankton and plants. It shows the data back to the 1980s to the present. In the past couple of years, you can see a lot of those green dots on slide 23 that are very high. Just as there were green dots very high early on. This is algal biovolume and it says that 50 years ago and today there is very high algal biovolume. It's good because we get high algal biovolume when we have big algae. It's the small ones that impact clarity and even though there's a lot of them and you add up the volume, there isn't very much.

The point of this slide is something in the last couple of years is very similar to what it was 50 years ago.

From August to December 2022 the clarity in Lake Tahoe was at a level it hadn't been at since the 1980s. Is that to say mission accomplished, no. Because this is being driven based on this data by the absence of the Mysis and resurgence of other things. The Mysis will come back. It's difficult to totally eliminate an invasive species. When they come back what we see will be reversed. The lesson is maybe something is happening here that we as managers can use in addition to everything else that's being done. What's startling is how quickly it occurred. In 2022, it went from having possibly the worst clarity on record to the best clarity in 40 years.

Slide 26: The gray dots are the individual Secchi depth taken over the last 20 years. The blue dots are 2022. Through about May, it looked like it could be one of the worst years ever.

Slide 28: Shows the average Secchi depth every year from August to December. They haven't seen that level of clarity for most of our lives.

The current improvement in clarity is temporary, the Mysis will return, and clarity will return to what it had been. What 2022 taught us is that a system can change quickly and in a very large way. Takeaways are that we have measure more often. When you measure once per month, it doesn't tell you what's driving it, if it gets better or worse. If that's what we want to know and you need to know if you are managing it, you need to measure more often and measure more things in more places. We have to measure smarter, right now, we go out to the same place. Limnologists typically go to the deepest point in the lake but if you are interested in the nearshore, the middle of the lake is not the right place. We need to use models to guide the monitoring strategies and experiments. Lastly, it's not just pick or choose, we have to do them all. We have the infrastructure in place today. Over the past 20 years we've been putting that infrastructure in place.

Slide 32: The red dots indicate metrological stations around the lake reporting in real time. The metrology drives many of the physical processes needed for the model. There's a network of ten stations around the lake shown with blue dots on slide 33. In real time they tell us the oxygen, chlorophyl, turbidity, and temperature in many places around the lake. We have autonomous vehicles that we can program that will go out in the lake north to south, east to west, and top to bottom for a month taking these water quality measurements. Right now, they have them running for about a month, every second month. They also have buoys and mooring stations in the lake. The mooring is an anchor at the bottom of the lake with a rope coming up to just below the surface is a buoy that keeps the line vertical. On that line they can attach instruments. There are two stations in the lake, one of them providing real time data. Next March, they'll be putting in a wire walker instrument that once per month they'll lower it to the bottom of the lake and will provide information from top to bottom. What this does is driven by waves, a large fraction of which comes from boats on the lake. This instrument walks down a wire to the bottom of the lake and when it rises it takes measurement. It does it over and over again every half hour. This came through their partnership in the private sector to have the funding to put this in by next March.

The helicopter and drone flights in combination with the nearshore science is giving us data on what's happening in the nearshore. It's not real time but is really fast with machine

learning. By the time the helicopter lands those images are half processed. The 3-D model that they've been working on for a number of years was originally developed at Lake Tahoe and now refined in the past few years working with the Tahoe Science Advisory Council to add in things like the Zooplankton. It's being used in collaboration with all those measurements.

Lake Tahoe has the infrastructure to create information and knowledge. It's one thing having the infrastructure but how do you turn that into knowledge and that's the humans.

At the end of next month, Dr. Schladow will be going emeritus at UC Davis. As part of that he'll be stepping down as the Director of the Tahoe Environmental Research Center.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIA-State-of-the-Lake-Report.pdf>

#### Board Comments & Questions

Mr. Settelmeyer asked what depth the wire walker can go to and how deep are they taking those temperature measurements.

Dr. Schladow said it can go to about 1,000 feet. They haven't decided where it's going to be located. They are thinking about moving it every few months depending on how they want to use it. The current measurements do go to the deepest point of 1,600 feet. That's one of the questions is when the lake flips and mixes, what happens at the bottom and also what happens when it doesn't. They could probably get it to 1,500 feet. The problem with that is that the further it goes down, the longer it is between readings.

Ms. Aldean said one thing she's always enjoyed about Dr. Schladow's presentations is that even when he had gloomy news to report, he's always upbeat and optimistic. Is it correct that during the deep lake mixing, it also transports nutrients into the upper levels of the lake and can also lead to nutrifying the lake and promoting the growth of phytoplankton?

Dr. Schladow said yes.

Ms. Aldean said that is a double edge sword.

Dr. Schladow said it does happen. There's an accumulation of nutrients at the bottom of the lake. The big fear with oxygen is that when the oxygen goes very low at the bottom, it sets into motion a whole different set of chemistry when you get a hundred times the nutrient release. that's why they stress these models. Once there is a model that they trust and has been validated with the data, you can start to run out the projections. If nutrient reduction landscape projects are successful or more of them, how much would that reduce the nutrients at the bottom of the lake? With modeling you can quantify and try to evaluate what to do going forward.

Ms. Aldean asked if there is anything they can do to support the increase in the native Zooplankton because these species are aggressively competing with the Mysis Shrimp and keeping the populations under control. Do we know anything about the life cycle of the beneficial Zooplankton to help support their propagation?

Dr. Schladow said these are species that aren't endemic to Tahoe, they are all over the world like one of the Cladocerans, Daphnia is probably the most studied species and is always associated with high water quality. We also know a lot about the Mysis. It's hard to do anything to promote these other ones. The Mysis Shrimp outsmarted science in the 1960s. It's about the size of a fingernail, and its brain is a very small part of its body size and it doesn't like light. During the day, it migrates down to the bottom of the lake. It was introduced to feed fish, primarily trout that are side feeders. At night, it comes up to the surface, the Trout can't see it and Mysis eats the Zooplankton that the Trout would have otherwise eaten. The net result of their introduction was fish size went down. If we introduce more Daphnia and everything, you are giving more food to the Mysis. Are there ways to control the Mysis? When they come up at night is that they come up as a discrete band maybe 20 to 30 feet thick and they are down about 60 to 70 feet. They are experimenting with not to remove them all but can enough of them be removed to keep them below that dash line.

Ms. Aldean said these Mysis Shrimp are not anaerobic and they descend to the lowest depths and if there was less oxygen at the bottom of the lake because of no mixing, wouldn't that theoretically affect their population?

Dr. Schladow said they would probably stop at the point where they sense there wasn't enough oxygen. Plus, he's not sure that we're going to get to that point where the oxygen is so low that it would make them think not to go down.

Ms. Aldean said but maybe they'd be a little more accessible to the anglers.

Dr. Schladow said they just learned over the past couple of weeks that there is a new species. The lake is changing, the watershed is changing, and we need better models to look at the range of what the future may be, the trends and the range of trends. What are realistic problems and what's too farfetched?

Mr. Friedrich said Dr. Schladow mentioned the poor readings at the beginning of 2022 and the Mysis plummeted, but they will come back. Do we expect to return to those early 2022 clarity levels?

Dr. Schladow said yes.

Mr. Friedrich asked if there is a sense of timing of that.

Dr. Schladow said Mysis in Lake Tahoe has a four year cycle. When they disappear, they disappear across all year classes. They don't know what causes that. Now, they are starting to see the young ones appearing and will eventually reproduce. It makes take a couple of years to get back to the numbers we had before 2022.

Mr. Friedrich asked what the primary drivers were for the low 2022 levels. Why did we see those low readings before the Mysis came in to save the day?

Dr. Schladow said after a very wet year around 2017, clarity went down that year and surprisingly it stayed low for several years after that. They would have thought particles would have settled and other things would have happened. It's a mystery why it didn't. In a

way, that was the tail end of that and some small algae that tended to be in the lake. It was gradually getting better but nothing like the rate it did after June.

Mr. Friedrich said on the mixing, you had the models that with warming water the trend is warmer. What is their current view given this recent mixing but if the warming water trend continues under climate change, how concerned are they 10 or 15 years out that we will not have mixing with the current calibration of the model.

Dr. Schladow said one of his PhD students is just finishing up looking at mixing at three very different lakes in Tahoe and Chile. There's little to suggest about what he's found so far. That even with continued warming that we are going to have a reduction in mixing. The reason is along with continued warming with climate change we are also getting an increased frequency of extreme events. It doesn't take that much of too many more really cold days; this is the hottest year in the world on record. We are going to have cold years in the future, that seems to be enough to keep the current frequency of deep mixing. He's less pessimistic today than he was five years ago.

Ms. Gustafson thanked Dr. Schladow for his dedication and passion on this issue. Not only do you bring humor to it, but he also brings a commitment and passion that is surpassed by anyone here.

## VII. PUBLIC HEARINGS

- A. 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, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule in support of permitting process improvements

Ms. Gustafson said they have received a number of written public comments and calls on this item.

Mr. Hester said they've been working for many years to try to make process improvements. As recently as your previous strategic plan they had an item called Innovation Initiative where they talked about getting a new version of permit tracking and doing these process improvements. At the same time, the permit load has continued to go up. We've never been able to carve enough time out for the existing staff to do this. When the Innovation Initiative came out, they put out a Request for Proposal and from that RFP they hired Stockham Consulting. Mr. Stockham was the Planning Manager at TRPA that led the Regional Plan Update. He's been a Community Development Director, an applicant's representative on the private side, and has been doing some outsource projects for TRPA. Mr. Stockham brought an action plan last August that laid out the plan in multiple phases. The first part was specific amendments which were approved by the Governing Board in March. The proposed amendments today were unanimously recommended for approval by the Regional Plan Implementation Committee and the Advisory Planning Commission. If approved, the next steps will be to do a process manual and also changing how we review applications.

The staff team working with Mr. Stockham are Ms. Borawski, Ms. Self, Ms. Good, and Ms. Jepson.

Mr. Stockham, Stockham Consulting provided the presentation.

Mr. Stockham said this is focused on process improvements and they are trying to stay away from major policy matters and try to improve procedures. Since 2012, the Agency has shifted towards a system that promotes redevelopment as a key component of environmental improvement. Remaking the built environment. A lot of regulatory changes were made then but the process wasn't updated. The planning and permit review process hasn't changed a lot since 1989 and was set up to stop things from happening. That process itself has become an impediment to environmental redevelopment which is necessary for the improvement of Lake Tahoe. They're trying to find a way to do things more efficiently, effectively, consistently, and minimize the amount of time that gets wasted on things that don't add value for the environmental improvements at Lake Tahoe and stay away from major policy changes. They've taken an incremental approach to this. There has been a ton of staff support and effort going on behind the scenes to build the systems necessary to implement some of these changes. It's easy to say let's do minor applications on a faster time frame but there's a suite of changes to the Accela Software system, to the intake, and completeness of the review procedures.

Ms. Borawski and Ms. Self have put in incredible work over a long period of time to make this happen. The entire Permitting Improvement Team have been vetting recommendations through a lot of the permitting staff, long range planners, Mr. Hester, and Mr. Marshall incrementally building on what started as ideas to become actual proposals. There was also support from Finance, Implementation, and others. The stakeholder input process has been central to this effort. They spoke with a lot of people early on throughout the process including applicants and local agency staff. A shout out to the League to Save Lake Tahoe who reviewed this information at each step of the process. They steered us away from topics that may cause environmental concern to make sure that this is environmentally beneficial effort in addition to being procedurally beneficial.

They've been at this for about 19 months. They started with discussions to determine where the pinch points were to address. He then went out and did a stakeholder interview process with different sectors of the community. Then they did a couple of iterations of priority topic lists and issue assessment documents. He then presented the Action Plan to the Governing Board 13 months ago. It laid out each of the initiatives that are proposed here in final ordinance form. They received feedback and moved forward with more details. Last winter they took the broad guidelines and the topics in the Action Plan and put details to them. That went out for public review then made some refinements and then brought that back to the Board. The Implementation Report spelled out in detail what's in front of the Board today. They went on repeat again with sending out draft ordinances to community stakeholders and made refinements before bringing that package to the Regional Plan Implementation Committee last month which unanimously recommended approval with a couple of refinements. Two weeks ago, the Advisory Planning Commission also unanimously recommended approval.

There are six priority topics: 1) Efficient, consistent, and predictable processes are very important. 2) Simplify procedures minor applications and sequential approvals by creating separate timelines and separate procedures for the very simple approvals compared to the complex ones. 3) There is a whole suite of code amendments, and these are not changes, rather they are putting in writing what has been done over the last 30 years. There's been a long history of guideline decisions that have been made that don't necessarily get documented in writing or they are in an old code interpretation. They are trying to get all of



that integrated into the Code of Ordinances, so the rules are clear and there's less time spent trying to work out the confusion. 4) Public communication and customer services is a huge piece, and a lot of that work is still to come. 5) Enhance staff development and funding. 6) Adequate funding and staffing.

Three of the six priorities are internal with standard operating procedures more than external things like code amendments. They've done a lot of work, that is creating a framework for internal process improvements, but it doesn't necessarily deliver on all of what they want to deliver. They are going to be focusing on building upon those initial steps over the next six months. This amendment package gives staff the tools to be more efficient, consistent, and provide enhanced customer service.

Some of those administrative improvements are done and some are still in development. The procedure manual is a critical component to put in writing what are those procedures that TRPA uses to try to achieve consistency and efficiency. It has grown to over 100 pages. It's going through an internal review now and depending on what gets approved today, they will get ready to distribute that and build upon it over the next six months. Staff have shifted to the use of shared templates and forms to have more consistency in the language of permits and conditions of approval. They've made some organizational changes with staff teams with a middle management layer as the department has grown. Some customer service tools have been implemented and some additional customer service tools are planned over the next six months. The focus over the next six months is using these new tools to try to move the needle on staff procedures and step up efficiencies and do all the necessary environmental reviews with a minimum of waste.

In front of the Governing Board for approval today are the other three priority topics. The first one is simplifying procedures for minor applications. The timeline and process for a very simple application is the same as for a large project going to a public hearing. The applications are on a 120 day timeline which staff generally work through but what this does is carves out a separate category of application for simple applications. They are well within the guidelines of the plan and code. It's things like a deck addition on non-sensitive land or a small home addition. They wrote the criteria for minor applications to exclude things that require special findings or more in a gray area of approvable.

They are also advancing changes to allow bundling of applications. Often, TRPA requires several sequential approvals before being able to build something. This allows more of those approvals to be processed concurrently. Someone will still need to have a site assessment or determination in advance of an application. But for a project that transfers some units of use to support a housing project, that will speed up that process quite a bit. They've improved procedures for qualified exempt and historic. These are process changes, not regulatory changes and there are some additional decisions delegated to staff.

Minor applications: Instead of a review process that is 30 days for completeness review then 120 days for permit issuance, that will still apply to big projects. But for easy minor applications that gets shortened significantly. It would be a 15 plus 40 day process. Much quicker and less expensive for applicants and staff to move forward with some of these minor home improvements that include BMPs and other environmental improvements. These applications will be routed to dedicated review teams. There will be somewhat simplified applications and review procedures. For example, there would be standard

findings that the planner would verify instead of custom written findings for every project. The eligibility is there, essentially this won't go so far as to apply to new development because there will need to be an existing BMP certificate to be able to be a minor application. A lot of the transfers, the minor improvements are going to be able to move through on this process.

Additional types of minor applications are Accessory Dwelling Units, simple lot line adjustments, easier grading projects, etc. Bundling are the applications that could be processed in a concurrent and coordinated manner instead of having to wait until a lot line adjustment gets a final action before you can apply for a permit for example. Coverage transfers and development rights transfers will be especially important for infill projects and more affordable housing for example. Those are the types of projects; the town center projects that typically require transfers. That is a slowdown and a cost in the process that they can eliminate without any negative impact.

They've already implemented a change for the Qualified Exempt activities because the Code of Ordinances calls for doing it the way they started doing it as of last month. QE are minor improvements that are exempt from TRPA project requirements, but they do require a declaration from the property owner promising to stay within the guidelines. Sometimes they require BMP certificates or a mitigation fee, but they are not supposed to have a review process. There is no fee that supports a review process but it kind of evolved to include a review process. They are bringing this back to what it was intended to be, which is a property owner moving forward with something that is exempt, properly declaring it and paying the fees. This was significant time for the planners to review things that shouldn't be reviewed. They are moving back to how QE's are written in the Regional Plan and Code. They are proposing to move a few of the QE activities to be fully exempt but it's limited but they didn't want to reduce mitigation fee collections or BMP installations. None of the items that require a mitigation fee or BMP certification would go to exempt. It would stay a QE through the simpler process.

Historic Resource Protection got some discussion at the Regional Plan Implementation Committee. There's a lot of time spent reviewing historic matters for non-historic things. Every cabin over 50 years old has to go through a historic resource determination and have become very time intensive and not adding much value. There's an additional level if through that process TRPA determines that it's a potential historic resource it might be eligible for listing then some additional requirements kick in along with at a public hearing requirement. The third level is the actual designated historic resources. Nothing is changing for designated historic resources. They would like to see more attention focused on the notable historic matters. The procedures are proposed to be streamlined for those routine determinations. The first one is the determination process being able to bundle that with a project review instead of again a sequential thing where someone has to wait to apply. That would be an option for an applicant that would speed along routine projects. This is catching a lot of old homes that were built around the 1960 Olympics. For those improvements that are determined to be potentially eligible not listed, the recommendation is to not require Hearings Officer review and allow those to move forward with a staff level review. The third change was one that was requested by the states. The current TRPA Code of Ordinances gives the states authority that they don't believe they have and call on them to do certain functions of these preliminary reviews. They really wanted to focus their efforts on things that were within their legal framework and more historically consequential. Those tasks are

not being eliminated but essentially TRPA staff will be doing the screenings as opposed to sending everything off to SHPO and waiting 30 days for a decision.

The hope is that a lot of this time that is spent on the minutia of every cabin, maybe gets refocused to revisiting the historic resource list and implementing what's called out in the Regional Plan policies and code. A lot of people wanted to take it further like the 50 year change and there may be some merit in doing that but that was starting to get into policy changes and outside of this scope of work. All three of those changes are independent so for example, if there is discomfort about public hearing, the rest of the improvements could still go forward.

Delegation of additional decisions to staff: The Permitting Department is operating at an even bigger loss this year. It's getting significant and concerning. A lot of that is the time going into certain categories of reviews and a lot of that is public hearings and shorezone. In terms of decisions that could get delegated to staff in Code of Ordinances Section 2.2, Historic Resources, there are a couple of Environmental Improvement Projects allowing some additional coverage with underground utility replacement, allowing that at a staff level. Allowing more coverage with EIP projects. Bonus units being awarded in conjunction with project reviews rather than having a separate process that adds time and expense to affordable housing projects.

The second category is in the shorezone and are more notable. There is a whole suite of fairly routine shorezone approvals that are a big deal for everyone involved. With the new Shorezone Ordinances it's pretty clear what the rules are. The recommendation is to not automatically send everything to a public hearing but instead transition to a notification process where the notification components of the public hearing is retained if anyone is concerned about something that can be elevated up, raise it with staff if it's not adequately addressed or appealed. But every pier would no longer have to come for a public hearing approval. The Board would then see the more contested applications. They stayed away from the shoreline revetments; some of the more significant shorezone improvements and potentially impactful will still require public hearings. The change for piers is a biggie and has a financial component.

The next priority item is trying to clarify what code means and what code requires. Land coverage is difficult when you try to administer it. It sounds easy but you go to the definition and it's not measurable. It's very performance oriented and a planner is trying to figure out if it's going to impact ground water infiltration when you are putting in a bear box for example. They have a whole suite of changes in land coverage to try and document and clarify what's been going on for the past 20 years. These aren't regulatory changes; they are clarifying the rules and staff don't spend countless hours discussing what coverage might be, for example.

There's over a page of interpretations of land coverage that are proposed to be documented in Code. The transfers, the public safety and access provision. This is the relief valve of last resort if you have no available coverage and there's something public safety related you can transfer coverage in. Relative sensitivity for coverage transfers. He pulled up a 1993 administrative interpretation laying this out and put that in the Code. The coverage exemption section has been successful since the 2012 Regional Plan Update, more so than he expected. It is incentivizing so much water quality improvement, BMP installation, etc. There are some questions of what qualifies and what doesn't. They are trying to clarify what

that boundary is. These are all using the guideline decisions that have been made historically, it's not new requirements. There is one area where they went a little bit beyond clarifying what had already been decided to address what was a clear gap in those exemptions. This doesn't allow any additional coverage exemption; it allows a slight modification for what types of exemptions can qualify. This is to deal with things like electrical vehicle chargers, utility boxes when people are undergrounding their power from the street, maybe a generator or new HVAC units require a little coverage. Right now, they exempt non-permanent coverage so someone can do this stuff if they don't put it on a permanent foundation. It's okay if an EV charger isn't on a permanent foundation. This allows up to 30 square feet of that existing exemption to be used for non-temporary generators, EV chargers, and solar panels. Everything else is existing practice. Fire defensible space is not written in Code. That five foot zone around each building, you need to install gravel or DG or something like that for infiltration and defensible space. It was a gray area as to whether that was coverage or not. For a long time, everyone has interpreted no, this is fire defensible space, it's not land coverage. That has also been put in the Code.

There's an offsite land coverage mitigation program that isn't written in code, rather based on an old memo. A couple similar clarifications to height and how roof pitch is measured. These are both consistent with interpretations. Similarly, the reflectivity and glare standards. This is trying to create a more standard approach for reflectivity and properties in similar situations. He understands at the Legal Committee meeting earlier there was discussion on one of the shorezone clarifications about the distinction between a boulder relocation and dredging. From his perspective it doesn't matter as much where these decisions land but that they are documented so they are implemented consistently moving forward. There's also going to be kind of an appropriate amount of gray area but are trying to reign in how much gray area there is.

Next is definitions, rules of rounding standard in code, do you round up or down. The land coverage definition and trying to make it measurable and consistent with existing practice and a series of other terms, the expansion is the one dealing with pier modifications.

There are redundant procedures to deal with below the IPES line properties, essentially retiring development potential on sensitive land. There is an old program from 1989 that is essentially unused and a newer program for the allocation incentive pool which is working pretty well, and everyone prefers. They are proposing to merge those together and will likely save about a month of staff time each year. In about the last three to four years he believes no one has taken advantage of the below the IPES line.

The second change is how much do we audit single-family permits. The staff felt that the audits for multi-family, commercial, and the more complex projects are working well and are appropriate. Staff is currently auditing ten percent of the single-family permits issued. And with a lot of this redevelopment happening that is about one half of a full time staff equivalent each year just on auditing. Everyone involved felt that was excessive and a five percent audit rate would save half of that time and would catch problems going through that process. Very few agencies audit even five percent of approvals, often times it's a one to two percent audit rate. That ten percent audit rate was taking a lot of money and a big reason why the Permitting Department is operating at a fiscal deficit this year even bigger than prior years. Because there are so many different documents referenced in the TRPA Code that they are difficult to find and have now been put on a list with links to all of them.

The team hears a lot about why they can't move a permit through the process quicker. A big piece of that comes down to funding. The application fee collections are not recovering application review costs and are not even close. That's a mismatch that has to be addressed. The Agency could subsidize development reviews with general fund monies but those are limited. In typical situations development application fees pay for the cost of reviews and are trying to transition to a process where that occurs. They are trying to do that primarily through efficiency improvements. They don't want to just increase fees to cover costs but rather to make more efficiencies. They have a financial monitoring system where they will be able to track the expense of different categories of application reviews. They are trying to find expenses that aren't improving the environment and address those before saying we need big fee increases. But there are applications that are way below the cost of reviews and are recommending addressing those here.

Most of these are in the shoreland and shorezone. First is having a fee multiplier for the enhanced staff level review which is public noticing to reflect the additional time and expense for that. Second is getting rid of the multiplier that currently applies within area plans. That's a disincentive for the infill you are trying to achieve. There would be a standard rate for standard applications. They are recommending increases to the Tourist Accommodation fees to be in line with multi-family. Tourist is typically a more complex project review than multi-family and didn't make sense that they are a cheaper application. Reducing fees for daycare is like affordable housing, a necessary community service. Keeping the fee low for Qualified Exempt and just reflecting kind of the acceptance and entry costs. Then there is a couple of new \$200 fairly low token fees for things that are happening a lot but don't have a current fee structure associated with them. Deed restriction drafting and when they get request to do a redo for a final plan approval. For example, if a local government changes something there would be a \$200 fee.

With the budget shortfall they had to use experience and judgement from staff because the data specific to each application type is somewhat limited. But there were areas where they looked at fees and knew that they couldn't get a review done in that amount of time. This starts with the shoreland scenic reviews. Staff is dealing with very complex, expensive large sophisticated applications like lakefront homes that cost more than \$600 to review that. They are recommending a two tier system, and the easy ones are \$1,000 which is a modest increase, but the complex lakefronts would need to pay more for the complex scenic reviews. The mooring lottery eligibility review of \$71 doesn't even approach the staff time to determine eligibility. Buoys have a fairly significant increase, \$300 doesn't approach the cost for review time. Right now, a pier modification such as adding a railing or something is the same fee as taking a very short pier and building it to the full length allowed by the Code. They are shifting that so pier modifications which pay the same fee as a new pier, the review is essentially the same as a new and might be a little more complex. All pier reviews are about the same and under this new structure they would all have the same fee. The pier expansions might be the biggest fee increase of any category.

Process changes so that piers for example would not automatically require a public hearing, that also reduces the application fee. Instead of a 180 percent multiplier, it would be 125 percent multiplier. The table at the bottom of slide 23 shows the net result. The fee changes are pretty modest. Some category fees are decreasing, and some are going up.

If the Governing Board approves a package of some sort, there is an implementation program ready to move forward to make any refinements and changes. They'll move into a training and education period during the 60 days before these new changes go into effect. They have already started work on some of these phase 3 improvements which are more internal improvements using the efficiencies and the clarity gained through this package.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIIA-Permitting-Process-Improvements.pdf>

Ms. Regan thanked Mr. Stockham for his presentation along with thanks to Ms. Borawski, Ms. Self, Ms. Good and many team members for their hard work. It's extraordinarily difficult to make these kind of structural improvements at the same time you are getting work out the door. It's been very difficult over the two decades of her service at TRPA that they've been able to pull this off and to get to where we are today is a herculean effort and the Board's support for engaging and providing direction along the way. They've been working on this for almost two years and have had a lot of good dialogue with our stakeholders and there's more work to do. They encourage public comment today and value all of that. There's a lot in this package and we might want to look at areas that we can fine tune if we need to but not let the entire package be changed dramatically so staff can move forward in a positive direction.

This is very technical and don't expect you to follow all the ins and outs of the Code citations but think of this in terms of how we can improve our service to the lake, to the public, and to our staff. This is the lens that she's tried to have with this. The amount of work that our staff is taking in the minutia is diminishing their effectiveness in serving the lake as a whole. The amount of minutia that the team gets involved in because they thorough, careful, and committed, it is burning them out. She heard that when she met with every staff member. The amount of work that could be better harnessed in a way that would make a more meaningful contribution to the lake. This effects our overall productivity, the moral, mental health of the staff, the overall service to the public, and the more that they can improve the permitting processes, the more willing and passionate public that we have to adhere to the Code of Ordinances and to cooperate with the regulations and to move through the process and to serve them as we are public servants. She wants to focus on the right things for this Agency and is a commitment as a new leader here to harness the talent that we have and unleash the creativity to focus on the things that matter in the big picture of lake protection.

#### Board Comments & Questions

Ms. Laine said we make a lot of rules in this basin, and we don't always enforce them. That is troubling to her, especially as TRPA begins to move towards that final allocation of development rights. We're getting closer and closer to that and as we do it's going to create more redevelopment. The process of redevelopment from the little bit that she's seeing in basin is troubling because it's taking those historic cabins that we're muddling with in that area right now. It hasn't been well implemented. She doesn't mean to criticize because TRPA staff work very hard and are conscientious about what they do. From the perspective of hearing our residents and seeing what they are dealing with is where that criticism comes from, not specifically any person's work. When it comes to their review of historic structures, are we doing our due diligence? We talk about giving bonuses to undergrounding of utilities which is a very expensive endeavor. What we are seeing is that the money that's pouring

into the basin, people are able to buy these historic cabins in historic neighborhoods and take them out. She'd be happy to meet with staff to discuss what she's talking about. Sometimes the undergrounding of utilities is now having a ripple effect in that it's causing public utility districts to increase the size of what they're doing because they didn't anticipate a nine bedroom home being built in lieu of 1,200 square foot cabin. That's expensive for the utility districts and they tend to prefer to do those kinds of upgrades in big chunks not one offs. Some of these incentives are concerning to her because of what they then cause down the road.

Regarding scenic quality and historic review, those two elements are important to the preservation of our neighborhoods. They just appear as though 'we' as TRPA falls a little bit short when we are reviewing those. We are not considering the magnitude of what might be being proposed. If we're not considering the overall proposal but we are just looking at little pieces of the project as they are presented to us perhaps by a developer, we are shorting ourselves of being able to analyze the bigger picture and allowing little approvals along the way that make it so we can't go back. She would like to better understand this.

Mr. Stockham said this is something that they grappled with throughout this process with the distinction between a process improvement and a policy change. Those comments are in the realm of policy change where it may be appropriate for the Board to revisit the substance of certain regulations. They intentionally stayed away from those topics through this process so they could focus on the process. These regulatory issues have emerged every couple of weeks throughout this process.

Mr. Settlemeyer asked how long it has been since they've changed some of these fees.

Mr. Stockham said there are annual CPI adjustments. They looked at systemic adjustments, not just doing everything at five percent, for example, but rather more targeted. He doesn't know if anyone at the Agency has seen that done.

Mr. Hester said no, they just decided the index maybe five years ago. In setting up the new permit tracking system, they are also going to track some of the time on these. Then they may come back to the Board in a year or so to make some adjustments when they have more data.

Mr. Keillor said they've been doing inflation adjustments for about five or six years. But the last time there was a detailed review of the planning fees was done by former TRPA staff Lyn Barnett at least 20 years ago.

Mr. Settlemeyer asked what percentage of TRPA's budget is made up of fees because both states provide TRPA with some money in that respect. What percentage of the fees equate to allowing TRPA to function as it does?

Mr. Keillor said there are three different programs that they collect fees on: Shoreline, Permitting, and the Aquatic Invasive Species Programs. Together they are about 25 to 30 percent of the budget. In this particular instance because there is a shortfall in the planning fees, that shortfall is covered by the General Fund which is primarily the state contributions to subsidize that.

Mr. Settelmeyer said he appreciated the concept of looking at the process and then in the future we'll be able to know how many hours go into on average what this particular buoy or mooring fee goes towards. It will be critical to have it because then you can say that we shouldn't be having the states subsidize someone else's private expenditure. Have they given any thought to staggering these increases 50 percent increase at a time until we get that information because some of these are dramatic increases.

Mr. Keillor said there is plan to have staff do the time and motion type of analysis to see what the cost is for each type of function being done.

Mr. Settelmeyer said he doesn't have a problem raising fees to make sure people are adequately paying for the cost but does question some of the large increases on some of them.

Mr. Hester said they have talked about phasing them in.

Mr. Friedrich said for example, would the rental car mitigation fee be something for a policy discussion if they wanted to align that with supporting zero emission vehicles or giving coverage exemptions for EV chargers? He'd support that. Is it outside of this purview if they wanted to have a corresponding incentive such as a lower fee for a zero emission vehicle, higher fee for a higher emission vehicle?

Mr. Stockham said it is and heard that there's been discussion about these over recent weeks or months. TRPA staff, Mr. Stock, is presently working on a climate amendment package and that topic fits within that category. They gave him a heads up that this has been suggested and would need to be some consultation on what the impacts would cause financially. Yes, it's a policy matter that they steered away from and yes, it's in consideration through the climate amendments.

Ms. Conrad-Saydah said it's good to see the catch up to make sure we are covering the staff time in this effort on behalf of the private citizens. Fees can be used to incentivize or disincentivize activity. Looking at the way the lot coverage is inclusive now where you can add 120 square foot structure such as a shed, hot tub, solar, etc. They may want to incentivize the Accessory Dwelling Units and expand lot coverage for an actual dwelling or residence but may not want to incentivize more sheds or other structures that don't provide more housing and potentially increase fire risk. They may want to incentivize solar and wind and include those. There is probably a need to look at some of these Code amendments as a way of moving us towards the incentives and disincentives that they've been talking about a lot. This makes a great step in that direction of simplifying things but feels that we can go further. That would also save staff time if someone comes in and proposes x, y, or z and it would fall into bucket x of incentives or bucket y of disincentives for example.

They need to be clear that the goal in these fee increases is to ensure that staff time is covered by the work that they are doing on behalf of people living in Tahoe. They should be transparent that the general fund is here for environmental improvement and other things but not for approving someone's buoy.



Regarding historic structures, there needs to be more dialogue on how a determination is made that a historic structure can be demolished versus should be kept and what makes it historic. Those historic considerations probably need more conversation on those.

Mr. Hester said hopefully they'll be through this Phase 2 of the Tahoe Living Housing Amendments by the end of the year and then Phase 3 will be looking at the mitigation fees and scaling them to the size and affordability, etc. That will be a much bigger incentive and disincentive package than just an application fee.

Mr. Stockham said the 120 square foot temporary structure exemptions for items such as sheds and hot tubs have been in place for ten years and is not a new proposal.

Ms. Conrad-Saydah said that's something that we might want to disincentivize. That's a code amendment that they may want to make is to say that those being included as a coverage exemption when they do increase fire risk and don't add to the housing stock. Another question is what does it mean when he stated we'll watch these and see how they are working. What does working mean, that staff will spend less time in the minutia, does it mean we have fewer people coming in with questions? What are the metrics we are tracking to know that these code amendments are making staff's working environment more conducive to focusing on the bigger issues?

Mr. Stockham said there is a monitoring piece of data to show if it's working. They'll have financial time tracking in more detail and they'll have time spent on different functions tracked in more detail. There are mandatory time entries assigned to projects, not in great detail like a consultant does but a big part of this is starting to track that. Also, a refined performance management system where that tracking information gets integrated into that system. There are also some anecdotal pieces such as asking the planner or applicant how it's going, is important as well.

Mr. Hester said what they hope to do with these performance standards is for the program managers to be able to say if the standard is 30 days and they are at 20 days and they don't see any activity they can check in with the staff member who has that application. It's going to give them some tools to be able to report to the Board but also manage it, so they don't exceed and/or reduce the exceedance of those standards.

Ms. Conrad-Saydah said because these code amendments are changing, how will they track enforcement of the new code amendments and report on those? The auditing code amendment reduces auditing instead of increases it. Given that there are all these changes, she'd anticipate that they will need more auditing and not less. We need the information to know if they are working or not. The auditing piece seems out of sync with what he is suggesting.

Mr. Hester said staff will periodically bring the Board a report that shows how well the local governments are doing the permitting that's been delegated to them or how we are doing on it. We don't think we need to audit ten percent to get a good measure. It's not that we are going to audit less, it's just the sample size with the percentage of total.

Ms. Aldean said in addition to the comments that Ms. Laine made about historic structures there were comments from members of the public regarding what they think is a dilution of

the language requiring the involvement of the SHPO's. She understands they cannot compel the state agencies to cooperate, and that this is consistent with their request to be less involved. She assumes that every local jurisdiction has a process to evaluate the historic significance of a building when they are reviewing a project. Maybe the safety value is at the local level as opposed to TRPA in terms of making certain that resources that are not necessarily designated or identified as a historic resource but may have historical significance are somehow preserved. Sometimes it's better to have something in a place where it was originally built. Relocating older cabins, for example that have some historical significance either based on age or architectural style, is also an alternative. Maybe encouraging people who have a vacant lot to remove them and have them relocated to a location on a permanent foundation.

When they developed Glenbrook there were a lot of old cabins that they relocated from Cottage Field to an area outside of the development. There is value designated to lakeshore housing and the historic structure that is on the register. They are losing valuable properties in the Tahoe Basin because a lot of them have been demolished. She understands that some of these properties fall into disrepair and there's not much left to rehabilitate or preserve. For the purposes of Chapter 67.4, if staff are not going to be required to confer with the State Historic Preservation Office, maybe we can suggest that they consult with local historical societies and the Washoe Tribe if applicable. This might give the public some comfort that they are taking their stewardship of these historic resources seriously.

Mr. Hester said based on his local government experience, where it works best is if the local government proactively goes in and identifies districts and within those districts if there are specific structures. Even if they don't get into a detailed level, you can at least put in a zoning overlay that shows what happens in this district. He agreed that it works best at the local level.

Ms. Aldean said maybe when TRPA is processing an application, staff can confer with the local jurisdiction to make them aware of the fact that this structure has been designated as historically significant or maybe based on age or architectural design. So much of Tahoe's character relies on these historic or potentially historic structures. When they toured the Kings Beach area last month, there was a charming log cabin that was slated for removal and possible demolition. What's wonderful about Lake Tahoe is that rustic appeal. She doesn't have an answer and doesn't expect a solution from staff, but we have to take this more seriously because we are losing a lot of our heritage.

Mr. Stockham said the local government consultation is part of the process. Placer County gets into the most detail of all the local agencies. He's hearing a lot of interest in looking at historic resource policies. The amendments put forward are about saving a few months of time each year of staff time. They are not fundamentally changing what's reviewed. This is the type of thing if there is discomfort with these amendments, it's not intertwined with other amendments. It could be deferred and prioritize a historic resource protection initiative through the priority setting process. There are 30 improvements here and no one magical fix. Each is making it a little more efficient or clearer but if they 28 and not 30, that works.

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Ms. Aldean said the idea of putting together a historic resource protection policy is a good one, but she doesn't want to lose anything that may be significant in the process with the adoption of this amendment.

Ms. Leumer agreed with that concern and would like to discuss it more. She also underscored the importance of cultural resources for the Washoe Tribe. In Section 90.2, the EV charger definition states universal EV chargers, is it meant to exclude Tesla chargers which are currently proprietary.

Mr. Stockham said Mr. Stock provided this language, which he understood came through a committee process. What's important about the EV charger language is that it doesn't include the parking space in terms of the coverage exemption. If there is a desire to make sure Tesla chargers are included that could be put into the motion. His understanding that it was supposed to be for all EV chargers.

Ms. Leumer said she believes Tesla is working to make their chargers available to other vehicles but won't happen until around 2024 or 2025.

Mr. Stockham said they can adjust the language to make that clear. We don't want to be an impediment to someone installing an EV charger.

Mr. Hoenigman said they discussed the historic resource evaluation process a lot more at the Regional Plan Implementation Committee. We are not weakening the process, rather just streamlining it. The same historical review will happen for these projects. Going back 50 years, as we move forward in time, it's capturing a lot in the basin and very few of which have historic value. This is helping us take resources that would have been spent on all those other buildings and being able to dedicate it to ones that are more critical. In effect, we might be doing an even better job with actual historic buildings.

Mr. Stockham said that's correct. It's all the same review factors and a more efficient process put forward. Everyone will still need a historic resource determination once the home hits 51 years old. The same type of standards if you are determined to be potentially significant but a somewhat less cumbersome process. Ninety-five percent of them are no brainers but there's great historic stuff around the basin and that five percent can be important. This is a relatively minor shift in the scheme of the overall package. You can have some comfort level that the same things are being looked at if you want to hold it in abeyance until looking at historic resources more comprehensively that's fine too. This is what the Regional Plan says we should be doing. This is taking it back to the higher level. We don't have a historic threshold; the Regional Plan has a framework laid out for that.

Ms. Gustafson said that's how she understood the discussion at the Regional Plan Implementation Committee last month. It's important that the public understand that we are not weakening anything on historic. The states haven't been reviewing a lot of this and that our language was mis-portraying what was occurring.

Mr. Stockham said that's correct.

Ms. Gustafson said the policy discussion that she heard from Ms. Laine in regard to this was the changing of our neighborhoods from small cabins, sometimes historical and sometimes

not but they were small and now they are large. What we're seeing with the change of property values, due to supply and demand people are willing to pay much more for a home in Tahoe than any of us who live and work here can afford to pay. Those are the issues that we are struggling with and is more of a policy than this particular discussion. She agreed that we need to take a broader policy look at how our neighborhoods are changing and what that means. The housing amendment package is coming and will have more discussion on that. These are important factors but if we are making a substantive change, that's more a policy discussion at another time.

Ms. Aldean said later today we'll be talking about some changes with respect to the facilitation of affordable housing. There are not a lot of receiving sites but when you consider the cost of wood and construction, if some of these houses are in reasonably decent shape they could be relocated to a receiving site and could provide some affordable housing. Maybe that's a creative way of not only preserving a resource but also addressing our affordable housing problem rather than demolishing something and sending it off the hill into the landfill. Since SHPO is not as involved at this point, none of the changes being proposed here are going to make a significant difference. She's confident staff will continue to do their due diligence when it comes to potentially historically significant properties before demolition permits are issued.

In the Legal Committee meeting this morning that had to do with a proposed demolition of a rock crib pier and reconstruction. Some of the elements of the reconstruction are consistent with our current criteria and some are a perpetuation of things that are non-conforming. They decided in cooperation and concurrence of the project proponent the appeal was continued because of our willingness to pull Section 90.2, Other Terms Defined on page 150 of the packet. This has to do with the expansion of shorezone structures. The advice of the Legal Committee was to pull this out rather than adopt it and then come back at a later date and further amend it so, the Board can have a more in depth discussion about how the language might be modified to encourage rehabilitation projects or demolition reconstruction projects as in this case that are environmentally beneficial.

Removing a rock crib pier and replacing it with single pile open piling pier is beneficial for water circulation, it reduces scouring, it's beneficial for fish population. We don't want to discourage people from undertaking these often times expensive projects that have an environmentally beneficial component but may not be entirely compliant with our Code of Ordinances. That's a difficult thing to do to weigh and measure the offsets and pros and cons. They thought it wasn't appropriate for us to be making policy or suggesting policy changes within the context of a project like the one proposed and within the context of a committee meeting.

She recommended with the concurrence of the rest of the Board that we pull Section 90.2 and perhaps reconvene the Shoreline Steering Committee to solicit additional public input to come up with policy that makes sense not only in terms of bringing piers and other structures into compliance but also recognizing that sometimes we can't have the best of both. If the environmental gain is more than offsetting the allowance of existing structures to continue with certain things that are deemed non-conforming, that it's something worth discussing.

Ms. Faustinos concurred with all the comments that have been made regarding cultural and historical sites. She suggested at some point they try to get an assessment of what some of the local codes are on this. Are there some historic districts that have been designated or not and having a good understanding of how cultural areas are described or designated by local jurisdictions would be helpful for them in doing their work. Going back to a comment made by Ms. Conrad-Saydah about what are the metrics going to be used to ensure that this work, which is needed on many different levels but one of the prime benefactors of this will be employee satisfaction. Having something to be able to measure that is it actually accomplishing that goal would be beneficial. Probably a lot of the recommendations that were made were based on initial feedback that was provided by staff. It seems like we have a baseline to measure from and that is something we need to ensure that these changes achieve that goal of greater employee satisfaction.

In terms of the implementation plan, she applauded the staff and the consultants that thinks we can do this in the time frame. The implementation schedule seems to be a little aggressive.

Mr. Stockham said there's a couple phases of implementation. The initial two month period before the ordinances go into effect is Phase 1 to train everyone on what the new code language is. As applications come through everyone is applying the new code language before it goes into effect. The longer term work comes with the Phase 3 initiative and trying to move the needle further on process improvements at the technical administrative level. That will require more than two months and will be an ongoing shift that's almost perpetual. These monitoring programs are also on the time frame of years not months. The code changes themselves are not incredibly complex because the people who are reviewing applications whether they be at TRPA or through a Memorandum of Understandings, staff has pretty much been doing this and is the kind of guidance that has developed over the decades. There are not really dramatic changes putting aside the minor application process which is just for TRPA. This is putting on paper those interpretations that have been made in the past.

Ms. Diss said her understanding of the discussion that they had at the Regional Plan Implementation Committee month about the code amendments especially the historic properties aren't really going to change the basis for making those determinations or make any major policy changes. These are more of an administrative fix to help staff with processes as Mr. Stockham has explained.

Mr. Stockham said that's correct.

Ms. Gustafson asked if the stakeholder group included the local jurisdictions.

Mr. Stockham said yes. They did several rounds with the local jurisdictions, the League to Save Lake Tahoe, and the various stakeholders. As the recommendations got more detailed, it was brought back, and recommendations incorporated into the extent they didn't stray outside the process framework of this project.

Ms. Gustafson asked if both states besides the State Historical Preservation were involved in the stakeholder groups.

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Mr. Stockham said he didn't interview state officials, they were kept in the loop through the agencies they worked with. Some weighed in and some didn't. They worked closely with the League to Save Lake Tahoe on the nuts and bolts of this and the environmental considerations in addition to the applicants, staff, and the people directly involved with permitting.

Ms. Gustafson said in the audits, especially on single-family residences, she's more worried about the people who do things without permits. But the people that are in there to get a permit closed out, are we finding a lot of issues there?

Mr. Stockham said there are not a lot of issues. They've come in over 90 percent and generally minor adjustments.

Mr. Marshall said this is not an audit of the performance of the landowner as to how they built their permit, it's an audit of the local jurisdictions and did they correctly issue the permit. Did they apply the rules consistent with TRPA direction and meaning. It's a delegation issue.

Ms. Gustafson asked within that are they seeing violations. There's some concern that we are reducing that audit number. You wouldn't be recommending that if you thought there were ongoing issues with the jurisdictions. That's hugely valuable to people working with their homes that they can go to their local building department and get through a process, especially with people on the North Shore making the trip to the South Shore.

Mr. Hester said there are three measures they use when they look at issuing allocations. One is they do what they said they were going to do according to the Nevada Division of Environmental Protection (NDEP) or Lahontan Regional Water Quality Control Board for the lake clarity credits. About four to five years ago, they had to have three components of a short term rental program. Another one is that they audit the permits that Mr. Marshall just explained. What they found is the only time that they've had to hold back allocations because a local government didn't meet the three criteria that were related to not having all the components of a short term rental program. They haven't found any significant issues with the delegation of the Memorandums of Understanding or delegation of the permitting. At one point, staff brought some suggested improvements to the Board but never anything to hold back allocations.

Ms. Gustafson said the additional coverage for hot tubs, sheds, greenhouses, non-permanent structures without foundations, is it correct that it's been in practice and we're not changing how we look at that up to 120 square feet for those structures.

Mr. Stockham said that's correct. That's been in since 2012 and in his opinion, it's been very successful incentivizing water quality improvements. They are also keeping in place the aggregate limits. There's a ten percent aggregate cap and can only be done on non-sensitive land. There is a whole suite of aggregate limits which all stay in place too. What they are doing is clarifying what qualifies and what isn't consistent with past practice. And that one that he considers to be a very minor amendment for up to 30 square feet for small utilities because that wasn't directly covered. You can't call a utility pole box; it has to be permanent and would be allowed within the same aggregate caps of everything that's already allowed.

Ms. Gustafson agreed with a lot of the comments from the Board and feels that there are some policy issues and that there is a lot of consensus around what they want to work on.

#### Public Comments & Questions

Jan Brisco, Tahoe Lakefront Owners Association said they participated with Mr. Stockham and staff in coming up with some of these amendments. They appreciated that the staff is including some of these performance measures to come up with the cost to process an application. Making sure that staff are as efficient as possible. In dealing with staff, she knows that they do their very best. They like communication when processing an application and are hoping that improves and understands where the application is in the process especially when they go 120, 180 days. They know that a lot of these fee increases are going to the lakefront properties. While most people don't have a lot of sympathy for those projects, there are very different projects even on the lakefront. Just saying that every lakefront should pay \$10,000, some of those are small projects or people trying to do a minimal project on a small cabin. Not all of them are huge monster houses and piers. She likes the idea of a tiered approach of looking at that for some refinements after they get some more of the empirical data rather than just this anecdotal that staff says takes a lot of time. They support that and moving forward they want to see actual numbers on what it takes to do a project. She believes that they can do a lot of these code amendments, some of them are crossing over to policy. They like the idea that they can bring those back, let's have that discussion and put those in place. From their perspective, enforcement of the additional dwelling units for them is important. They don't want to see this program just another way for people to expand their residences. We need to have a good protocol on that enforcement.

On page 146 of the packet, 82.5.8 where it states that the expansion should be a "con-conforming" pier should be non-conforming.

Nicole Rinke, Deputy Attorney General with California Attorney General's Office said a lot of her comments have been touched on. She would like some clarification regarding the 120 square feet of additional coverage for hot tubs, sheds, greenhouses, and "similar improvements." That looks like new or additional code language and not existing code language. There are also some code changes that allow for more exempt coverage if you are over your limits in Section 30.4.6.I. The way it's written, it allows exceedances in existing coverage limits for certain instances and how would you sequence that so there isn't abuse. In 90.2 there are definitions for what constitutes land coverage and a definition about natural rocks that are used in landscaping and would no longer count as coverage if they were in their natural location. That seems like a vague concept that could lead to more difficult interpretations from staff. They would like to see these deferred for further discussion unless they can be resolved today. In the auditing section she agrees with some of the comments that have been made by board members about the decrease from ten percent to five percent. Mr. Hester indicated that the most common problem that he's seen with audits of local jurisdictions and not of individual permits, the most common problem is short term rental. With the code changes that are being discussed around facilitating affordable and workforce housing, the auditing of this issue is more important because we all want to make sure that those incentives are being appropriately used and not abused. She requested that this possibly be deferred for greater discussion.

Another item that is concerning is the change to the mobility mitigation fee. This fee was a part of the critical discussion that occurred around the modification of the VMT Threshold which is a fairly recent discussion. There are changes to the fee and the proposal in Chapter 65.2.4.D that it be changed from mirroring the San Francisco index to using the Western States CPI. It's not apparent in that language that it is based on the Western State CPI. The stated intention that this isn't being mirrored in the code language and is also not clear what effect that would have on the actual fee. She would like to have a discussion on that or potentially deferred. Her office was heavily involved in the discussions around the threshold amendment and this fee was an important component of that.

Likewise with the Shoreline amendments that are being proposed. There are a few things within there that were important and was a pretty recent package of amendments that was approved in 2018. The ability to be able to discuss those individual items would be appreciated. In particular, changes to the relocation of boulders with boulders being defined as greater than 10 inches in diameter. That seems like a low number. Also, the fee changes, most of those are not problematic but would be good to have some discussion around that and to understand what the impacts of those changes are. Also, the change in Chapter 2.2.2.F which is for multiple-use piers and buoy field expansions no longer going to the Governing Board for approval. That is something that was specifically negotiated during 2018.

Finally, the concerns about historic resources and how those are going to be treated. From her review, she's not clear if those are simply process changes or policy changes but does agree that having an understanding about the policy impacts around that is important. If what's being proposed today is just a process amendment. Sometimes process can lead into policy, but if it's truly process it's fine to probably move forward with those changes today with the understanding that greater discussion in the future should occur.

She acknowledged the efforts of staff and appreciated the communication very much and they do make an effort to talk with staff in advance of these meetings to express their concerns.

Ms. Regan said staff would like to address some of the concerns that they heard. Mr. Stockham will walk through some of the specifics that were raised and is prepared to make suggestions about how best to move forward after that.

Mr. Stockham said the first suite of questions and concerns involved coverage exemptions and non-permanent structures. That is in Code Section 30.4.6.A on page 125 of the packet. This answer applies to pretty much all of the changes in the coverage section that they handled similarly. There are a bunch of text in this section talking about different types of coverage. What they tried to do throughout the coverage section and throughout all of these code clarifications is put in writing the long standing practices. So, applicants and staff have a more consistent understanding of what the rules are. None of this is new, all of this has been happening for quite some time. The one EV charger change is the only section that strays outside what is already happening and has been happening for quite some time.

Temporary structures that now have very simple language that was adopted in 2012 that says non-permanent structures up to 120 square feet can be exempted from coverage calculations. There is a suite of limitations that will still apply such as it has to be non-



sensitive land. They need to have BMP certificates and fully mitigate excess coverage which in practice can end up being a bill over \$50,000 in some cases. If you are on sensitive land or have excess coverage that has not been fully mitigated, you cannot do any of this. The amendments list a bunch of examples of what has been determined to be non-permanent coverage such as generators, hot tubs, sheds, greenhouses, and similar improvements was the concern that it could be broad. The standard is that it has to be non-permanent. It can't have sanitary sewer service. For example, he just reviewed an application that proposed a non-permanent sauna. It's impossible to list every example of what a non-permanent structure is and is why they had a list of typical examples or similar improvements.

Ms. Gustafson said for these properties to have this exemption for non-permanent structures, they must have BMPs with a compliance certificate.

Mr. Stockham said there are two others; non-sensitive land only (high capability land), and probably the most significant for most properties is to mitigate their excess coverage. Many developed properties in the Tahoe Region have more legally existing coverage than what otherwise be allowed. That difference is excess coverage and in order to take advantage of these exemptions you have to pay a significant fee to fully mitigate all of that excess coverage and bring the effective coverage back to what is allowed after mitigation. This has been one of the most powerful incentives TRPA has to get BMPs installed, get mitigation fees paid, and get water quality improvements out of sheds. The reason they got included is back in 2012, unpermitted sheds were the norm. The idea was that this is already happening, they are not BMP'd, let's leverage this for environmental improvement. There is similar language in the pervious decks and pervious coverage. In addition to clarifying what qualifies and what doesn't, they have some standard designs like pervious coverage, if you have a certain design you don't have to do studies and calculations to show its pervious, it qualifies.

#### Board Comments & Questions

Ms. Laine said this is recommending that the words "are located on non-sensitive lands" are stuck.

Mr. Stockham said that was redundant language to the overall qualifications.

Ms. Laine said yes, it was moved to a different location.

Mr. Stockham said throughout this code there is a lot of repetition and redundancy and in a few cases, inconsistent provisions and tried to stick to one regulation for each topic.

Ms. Regan said there was a story map at the April Governing Board Retreat that walked through some progress since the Regional Plan Update. Since those coverage exemptions were included in the 2012 Plan, they calculated that there were about 1,000 new BMP certificates with people taking advantage of those coverage exemptions. It did incentivize more water quality protection.

Mr. Stockham said there are a couple semi-related topics in the definitions Section 90.2. Starting with the coverage definition on page 151. He mentioned earlier that the coverage framework is incredibly challenging for staff, it sounds easy but when you read that definition there is nothing there that you can measure where someone would say that this is

coverage, and this isn't coverage. It's a judgement call. The development potential at Tahoe is based on coverage and to have such a loose definition of something so fundamental to what people can build or not build creates a lot of problems. There are never ending discussions, applicants trying to convince staff that something really isn't coverage and absorbs a lot of time.

They tried to put in writing on how that has been interpreted over the years. Nothing in this definition is new or different than what is already occurring. The concern raised was about the boulder language. Boulders are often used to retain or stabilize unstable slopes sometimes in landscaping with a rock wall feature around a garden. That has never been considered coverage. Its rocks surrounded by dirt even if those rocks may be bigger than one foot. But it's not written down anywhere, again they were getting into interpretations. If there was a concrete patio and maybe some boulders within the patio and none of that's pervious that has been treated as coverage because it's part of an impervious deck. The list of what is considered coverage and what isn't considered coverage, the most common examples are the post foundations and walls and when does that become coverage. At what size is a utility box coverage and rocks or that other topics. Coverage added with BMP installation is not counted as negative coverage, fire defensible space and those types of things. If they were to start calling all of those things' coverage, that would dramatically change what's allowed and not allowed. These changes don't change the rules, it just puts the rules in writing.

#### Board Comments & Questions

None.

Mr. Stockham said it sounds like there was consensus to pull the expansion versus modification of a pier.

Ms. Gustafson said she wasn't questioning as much what was an expansion or what wasn't but there is environmental benefit from removing rock cribs in those situations and how does that weigh in that. She doesn't know if that's a definition as much as it is a policy and is where she was struggling. She doesn't disagree with what's written but the Legal Committee felt there was benefit to potentially removing the rock crib pier that could be credited toward this. Is it here that we want to pull it and is okay that we do that because we talked about it but that was the discussion she was supporting.

Ms. Aldean said the applicant's representative expressed concern that if this language is adopted even though they are operating under the current Code in connection with the processing of his current application, that might have a detrimental effect on his ability to proceed with the processing of a future application. She felt it was the determination that they would pull it and have additional discussions maybe at the committee level and with the applicant to see if they can craft some language that would provide incentives for people to bring their structures into compliance even if it's not fully in compliance. If the benefits outweigh the lack of compliance, we need to come up with some language that would appropriately highlight that opportunity.

Mr. Stockham said a good policy discussion. It's fine to not advance this item at this time.

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Ms. Gustafson said that's fine. It was a difference in her interpretation that it was going into policy versus a definition.

Mr. Friedrich said isn't that going into policy?

Mr. Stockham said this is a written administrative interpretation of the code that has been in place. This isn't new stuff.

Mr. Friedrich said to pull it to change it would be making a policy change.

Ms. Gustafson said there might be a further definition.

Mr. Marshall said what this additional language does if you look at the sentence in black just above on page 150, it says "Within the Shorezone expansion means....." What this language does is clarifies what it includes and doesn't include. This is how we're implementing that sentence now. If this is removed it's not going to change anything. What it does is it takes a little step back that we're not going to add this additional language that clarifies what is covered and what is not. In that particular case they denied that application because it was an expansion. They would still do that but are allowing a little time to talk with the applicants, shorezone representatives, and stakeholders about given the specifics of that proposal did we get the policy right about what should be a prohibited expansion versus perhaps what should be more labeled a modification that allows that to happen without bringing the entire structure into conformance. Removing this language will not change how it's been interpreted.

Ms. Gustafson asked if it was correct that they may come back with additional language on the definitions.

Mr. Marshall said not so much on the definition of expansion but perhaps the code language in Chapter 82, Existing Structures. Right now, there is a prohibition on expanding a non-conforming structure unless you bring it into conformance. That will stay the same but what they are looking at is there something given the specifics of this particular application which was kind of illustrative, do they want to make a recommendation to the Governing Board to adjust that kind of balance that was struck in the 2018 Shorezone Plan.

Mr. Friedrich said if this is generally codifying what is, it seems like a shorezone policy change that would happen independent of this particular process.

Mr. Marshall said yes, but this language on page 150 clarifies what that prior sentence talks about. The prior sentence will remain, and they'll continue to implement that as illustrated by this new language.

Ms. Conrad-Saydah asked if this is just solving a problem to allow staff to know what to bucket an expansion or non-expansion, so they do not have to define it every time they get a request.

Mr. Marshall said yes.

Ms. Aldean said during the deliberations at the Legal Committee meeting, part of the agreement was that they would recommend pulling 90.2 as it relates to pier expansions in exchange for the applicant to postpone their appeal. This appeal is agenzized today for action. Then we would have an opportunity to talk about how they incentivize people to gradually bring their non-complying structures into compliance.

Mr. Friedrich clarified that they are talking about removing the pier relevant section of 90.2 and not the rest of 90.2.

Ms. Aldean said that is correct.

Mr. Marshall said just the blue language on page 150 which is what is proposed to be added. It's proposed to take that off this package and work it together with this issue regarding to the degree which we want to incentivize the conversion of rock crib to open piling piers. Right now, you can do it by either reconstructing or modifying the pier. But you cannot do it when you are expanding the pier. The question is there a different line that they want to draw in that which is the policy question that is not being presented by this amendment, but they want to talk about with stakeholders.

Ms. Laine said it's difficult for those of them that were not in the Legal Committee because they read the item that was supposed to be before them today. Her concern is that we are not pulling this off so they can get certain stakeholder's opinions as to what it should or shouldn't say. We should do what is environmentally right to do. And the fact that we have an appeal in the middle of this is making it difficult to understand.

Ms. Aldean said this pier application was kind of a catalyst for them to reconsider the language that's being proposed. Maybe this is a broader policy discussion about whether we should have a variance process rather than having to include some sort of exception in every portion of our Code. The Legal Committee thought the project was the catalyst but from her perspective if you read the current definition of a modification versus an expansion, frankly she was having a hard time placing it under either category. It's a tear down and rebuild but what are the environmental benefits and do those benefits outweigh making some minor concessions to the applicant.

Mr. Stockham said the next one involves the single-family auditing in Chapter 50.5.2.E.3 on page 141. The language is very simple, it just changes ten to five percent on the audit rate. This is big in terms of staff time, budget, and trying to reconcile the fiscal deficiency that the department is operating under. There is some associated language towards the bottom which essentially has them use two years of audit results for the calculation to maintain the status quo on ranking. We're doing 300 single-family audits this year, and this would reduce it to 150. This was something that was brought up as a high priority for TRPA staff. Also, the local agency staff spends a great deal of time auditing ten percent of all projects. You start to get to the point of statistical significance when you have very high audit rates and are you really going to get a statistically significant improvement by doubling the number of audits. The project team is in support of dropping it down and five percent is still quite a high audit rate when you look at different types of auditing programs. This auditing program doesn't just apply to the local agencies, TRPA is auditing ourselves as well to make sure we are issuing permits correctly. This is a financial recommendation as part of this effort to do more

without having to raise fees more. This was felt to be one of the lowest value activities that take a lot of time.

Ms. Regan said in the 2012 Regional Plan was an important policy issue that the Board and stakeholders wrestled with in terms of moving into more area planning and local delegation of permitting. This was an agreement that has now been about 11 years. We wouldn't be bringing this recommendation to drop it to five percent if they thought there was a risk because we know from the science and the policy shift has been away from the residential single-family home, each garage, one square inch of coverage haggling into more area wide treatments, bigger issues with transportation and so on.

Ms. McMahon said as the Local Government Coordinator she works with the local government staff almost every day responding to questions they have about projects. They've tried to be proactive to prevent problems with permits by being responsive to the local jurisdictions. Right now, they are auditing ten percent of residential projects. They are doing at least 30 audits per jurisdiction because they are going to ten sites per jurisdiction and making sure that properties are winterized appropriately. They go to ten sites to ensure that final projects are consistent with the approved plans and then look at projects that were reviewed and permits issued by planners. By reducing that in half, they'll still be doing at least 15 audits per jurisdiction. Her goal is to spend less time auditing and more training the local jurisdictions, which is a better use of our team. The audits are helpful because they do show if there is an issue and is what they use to develop their training programs for the local jurisdiction.

Mr. Stockham said next is the Rules of Procedure, Section 16.2, Mobility Mitigation Fees and Indexing of Mitigation Fees on page 168. There are a couple of different indexes used for annual indexing of fees, most of them use the Western States CPI but he believes it was the rental car mitigation fee was set up using a San Francisco CPI. They would like to use a single cost of living adjustment. There was concern that the indexing language was taken out of that specific question. How they dealt with that was in 16.2 overall, all fees subject to indexing would use the Western States CPI. The indexing language is still in there and changes from the San Francisco CPI to the Western States CPI consistent with how all the other fees are indexed.

Mr. Marshall said there was also a question about language that only allowed the fee to go up and not down was changed.

Mr. Stockham said he'll look into that and circle back on the increase and decrease in language part of this was some initial work done by Mr. Stock.

Mr. Stockham said the next question was which projects go to the Governing Board and which projects are approvable by staff. Section 2.2.2.F on page 110. There are two sections that deal with this. Right now, various shorezone approvals, most notably the piers and buoy field expansions are subject to Governing Board review and Hearings Officer review in some cases. That language is being pulled out of the section calling for Governing Board review in code and being added into the Rules of Procedure section, Chapter 12 requiring noticing. The language is perhaps less important than the substance of do you want to see every pier come forward to the Governing Board, would you like to see more contested piers or buoy field expansions only. There is also a fee component, Governing Board reviews come along

with 180 percent fee multiplier to reflect the extra costs. The new process proposed is 125 percent multiplier. That extra fee covers in theory the extra staff time involved in preparing public hearings. It's a choice if we are going to continue Governing Board review there will be additional costs similar to what we have now and higher overall fees for applicants to support that. They thought they could streamline the process a little bit and still flag contested issues and avoid the need for that type of fee.

#### Board Comments & Questions

Ms. Conrad-Saydah said under the current fee structure the fees go up 180 percent for Governing Board and the suggestion is 125 percent.

Mr. Stockham said there are fee multipliers associated with different things. Right now, the Hearings Officer is 140 percent, and the Governing Board is 180 percent and has been in place for quite some time and pretty close to accurate. They are proposing for this notification process without automatic hearings, 125 percent.

Ms. Aldean said they see pier projects come before this Governing Board as consent calendar items. How many times have those items been removed because they are contested? In recent memory, not many.

Mr. Marshall said there were some questions on one that they talked about and can't remember if it was even pulled off consent. Generally, they are left on consent.

Mr. Friedrich said that one was pulled off because of some neighbor concerns.

Mr. Stockham said the thought was that through this public noticing those neighborhood concerns could still be elevated and brought to the Governing Board when those cases arise.

Mr. Hoenigman asked what the threshold would be to elevate it to the Governing Board.

Mr. Stockham said it would be a neighbor appeal. Notification is to let the neighbors know that there is something in process that they can already appeal. They can provide input to staff and staff keeps them in the loop on where it is and if they don't like the outcome, they can appeal it.

Mr. Hoenigman asked if any one person could appeal it.

Mr. Stockham said correct.

Mr. Stockham said the next topic involves a suite of historic resource changes and is located in several areas and not sure if we need to go into code. There are several interrelated changes. He didn't hear many questions or concerns about bundling them together with projects and processing concurrently. The concern was that if properties determined through that process to be a potential historic resource automatically kicks it up to the Hearings Officer. The approach to addressing those under the current code has become fairly standard and staff felt that not a lot of value is added through that public hearing process. It would be a little higher cost for applicants who want to come in with a potentially historic structure it would be a little longer time and will be a higher level of review. This one

currently gets public noticing. As it's written, it would go straight to staff level so there is that middle ground of making it a public notification but not an automatic hearing. What he's heard is that maybe we should hold off on things historic and look at it more comprehensively as part of a policy initiative. In terms of efficiency, it would be less significant than the auditing one.

#### Board Comments & Questions

Ms. Gustafson said as we look at that standard of 50 years in general, with so much of our housing stock having been almost mass produced, we're getting away from the idea of old historic cabins or houses that truly are into a time when a lot of things were put up quickly for the Olympic era in the North Shore and what does that look like. Trying to streamline that so anything over 50 years doesn't trigger that.

Mr. Stockham said Ms. Self who is the department's historic resource expert, is hoping however this shakes out is that they can refocus on more notable historic areas in particular. There are certain parts of the region that have quite a bit more of historical significance than others. Maybe it's not that every home over 50 years old has to go through this but there are more sensitive districts. That's the framework that's set up in the Regional Plan is to look at historic matters of regional significance more than the routine 51 year old house.

Ms. Gustafson said it isn't a huge amount of time right now.

Mr. Stockham said the SHPO consultation delays everything 30 days. There would be additional time, but the fees go up correspondingly. More staff time and fees would be the consequence.

Ms. Laine said to clarify and maybe put a rumor to rest, she has heard from the public that we are not doing the SHPO process and that we haven't been doing it for a long time.

Mr. Stockham said it's his understanding is that they ship it off to the SHPO but the SHPO doesn't do a lot with what is sent to them.

Mr. Settelmeyer said anytime they are using federal funds, and it triggers a NEPA, it requires a 106 process by SHPO. If it is a state agency and using state funds it triggers a 106 process within SHPO. But if you are a private property then you'd have to go to local control stating that you want to require something. SHPO doesn't get involved unless it's using state or federal funds in that aspect. There are six homes within the Nevada portion of Lake Tahoe that have been listed as National historic sites. Anything done with those homes would automatically go to SHPO. There are six on the National Historic Map in California, one of those being a dam. If it's private property, SHPO is not necessarily going to review it unless the private property owner was the person who put it forward. The government can't tell SHPO to review something if the private property doesn't want it done.

Ms. Aldean assumes that the state has a historic resource list that they deem to be significant. There have been situations where you consider something historically important or not such as where Abraham Lincoln slept in the bedroom of a house in Carson City, for example. She would assume that would elevate it to a state level because Lincoln was a man of federal and state importance. Where do you draw the line? From a practical standpoint if

the folks at the state don't have the time or inclination to review these applications then it's a waste of time to send it to them because they obviously have their own list of historically significant properties that they are focused on.

She doesn't mind if this isn't pulled but they've talked about a number of things including taking a district approach to establishing the significance of buildings within a specific area that may have been part of an older resort. For example, in Glenbrook they put the Lake Shore house on the register and the Jellerson is also considered historically significant and that would be part of a historic district. That would be a great approach and then developing a historic resource protection policy is something she doesn't want to see put off indefinitely. If we move forward with these amendments today because there is legitimate concern that certain things are slipping through the cracks because it's not a top priority.

Mr. Settelmeyer said if the state or nation has designated a certain area to be specific and listed as a historic area, then yes Ms. Aldean is correct. In Nevada, it was petitioned to have the Comstock Mining District designated but that also comes with strings. Now, even as a private property owner wants to put solar panels up, it wouldn't be allowed because it's been deemed to be out of context for that area. The same with windmills or any other type of renewable energy.

Ms. Aldean said they had that situation with the Lake Shore house in Glenbrook with changing out windows. They had to hire a consultant to work with SHPO to give them authorization to change those windows out.

Ms. Faustinos said there are situations where things aren't currently recognized and most historic sites have been recognized or get to that point because they have been cultivated by residents, historical societies and nominated to be preserved either at the state or national level. We need to leave ourselves open for that potential. She doesn't feel anything in the current recommendations precludes that but understanding what some of the local protocols are already for how to recognize historic and culturally significant sites because there are things that don't have a building of historical and cultural significance. In particular, she would think a lot of our native cultural sites would fall under that purview. It's something that she would like to see us explore further but the changes that are being recommended don't preclude us from doing that. Maybe there is a site that was created for the Olympics that has some unique architectural elements to it that we would want to see preserved. It's all very situational in nature.

Mr. Stockham said the Regional Plan has two key policies on historic; one is regulatory and one is incentives and we don't have any incentives in code. This historic resource plan was last updated around 1989. Values were different at that time and when you get to that point, in commentary, he would encourage them to consider incentives. Local governments dealing with historic resources often find that incentive based approaches are often very effective to protect and preserve historic resources.

Mr. Stockham said the go back item was the question about the fees and them never decreasing.

Mr. Marshall said it's on page 142, Section 65.2.4.D and there is some substantive language that's removed and would recommend that the sentence starting with "Fee adjustments are



limited to increases....” Because this is a mitigation fee that it remains in place so, we would not delete that sentence. The rest of it is about where the fee is located in the Rules of Procedure.

Mr. Stockham said that applies if you have a recession and a negative CPI, it would just stay flat.

Ms. Gustafson said the other topic she had noted was about the EV chargers and including all EV chargers.

Mr. Stockham asked if they can include that in the motion. We should just exempt all EV chargers and delete that language about universal.

Ms. Leumer said yes, that works to make it clear.

Ms. Regan said the fees in general and whether to phase in fees, go forward as proposed, phase them in or bring that back. She has a series of suggestions that they can lump that into when they wrap up the general clarifications.

#### Board Comments & Questions

Ms. Aldean said phasing reduces the sticker shock but if the Agency is not recouping its investment, then that is going to become progressively worse over time if we delay fully implementing fee increases.

Mr. Stockham said it's a pretty simple balanced budget question. It doesn't mean that we have to get balanced now but the longer the imbalance isn't addressed or if we don't do as many efficiency improvements there are more expenses there and less revenue coming in. The department is upside down about \$100,000 per month. Many staff members have 30 to 40 applications and Finance is struggling to find money to hire someone new and that is the overall dynamic being dealt with.

Ms. Aldean said it's like imposing a tax in that generally a tax is not un-imposed and is concerning to some people. If the efficiency processes are effective that maybe we can revisit these fees and reduce them if in fact that we are going above and beyond our cost recovery objectives.

Mr. Stockham said if you are not a lakefront property there are a lot of areas where fees are going down. In particular, the town centers and area plans would experience a 25 percent reduction.

Ms. Gustafson said it sounded like there were a lot of issues that they flushed out and felt comfortable moving forward on. They did want to look at the definitions of 90.2 on expansion and delay that as suggested by the Legal Committee. They want to include all EV chargers to be subject to the exemption. She's not sure where we ended up with historic resources.

Ms. Regan said she heard a lot of concern about historic resources. Her commitment will be to ask staff how they can accelerate the historic protection policy. If we can move forward

with those other provisions, it could potentially free up some staff time to be able to get at the issues that they want to solve. As an option, they could continue the Hearings Officer review versus just simple notification, which is the proposal. That is an option that could give more comfort to keep that extra level of Hearings Officer review which is the current protocol. Another option is to bring back all of the fees next month when they look at the inflationary adjustments. We could separate out that piece of the motion and bring that back in the overall discussion of fees that will be coming in October.

Mr. Settelmeyer said the concept of keeping the Hearings Officer review for historic locations and things of that nature, EV charger changes in the policy, he thinks we all agree with those changes will help streamline the process and a lot of the work being done by TRPA. He'd be remiss to want to vote on the fee change when he'll be asked next month to vote on another fee change. Even though that will be CPI, he requested that they go back and take a look at the concept to see if there is a number that would be reasonable that maybe we could increase all existing fees by a certain percentage to help cover that gap until we have sufficient time to do a review over one year of which fees are problematic and which ones need to be adjusted. Some could potentially be lowered because it's not taking as much time. This is a suggested motion.

Ms. Gustafson asked if that would include the Legal Committee's recommendation on Section 90.2.

Mr. Settelmeyer said he would include that as well.

Mr. Settelmeyer 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, absent the discussion of Section 90.2 regarding the expansion of non-conforming structures (page 150); 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.

Ms. Conrad-Saydah asked about 65.2.4.D Mobility Mitigation Fee.

Mr. Marshall said these are just the findings.

Ayes: Ms. Aldean, Ms. Bowman, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Settelmeyer

Absent: Mr. Rice, Ms. Williamson

**Motion carried.**

Mr. Settelmeyer made 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 including removing additional proposed language to definition in Section 90.2 regarding what does and does not constitute an expansion of a pier (page 150 of the packet), keeping the Hearings Officer review for historic (Code section 2.2.2.A.2.c), removing "universal" from EV chargers definition in Section 90.2 to apply to all EV chargers,

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and retaining Mobility Mitigation Fee language regarding fee adjustments be limited to increases (Code section 65.2.5.D and Rules of Procedure 16.5).

Ayes: Ms. Aldean, Ms. Bowman, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Settelmeyer

Absent: Mr. Rice, Ms. Williamson

**Motion carried.**

Mr. Marshall said if they do not want to make the fee adjustments then they don't need Motion 3.

Mr. Settelmeyer suggested bringing this back when they move forward with the other inflationary adjustments.

VIII. APPEAL

- A. Appeal of Denial of Single-Use Pier Expansion Application, 204 Pine Street, Placer County, California, Assessors' Parcel Number (APN) 098-210-012, TRPA File Number ERSP2020-0373; Appeal No. ADMIN2023-0013

**Item continued.**

IX. REPORTS

- A. Executive Director Status Report

Ms. Regan said New Zealand Mudsnaills have been detected in Lake Tahoe. TRPA is working with its partners to address this new threat. The snails were discovered by their contract divers as part of the normal monitoring. They are usually undetected in a lot of water bodies and are generally found in rivers and streams in the mud. It's unusual to have them in the lake. They are at the tail end of boating and paddling season and have issued new protocols that every "In and out" boats that leave the lake and go to another water body and then come will have a mandatory decontamination and are stepping up our education of paddle craft and anglers. They are working with the local partners and the Tahoe Science Advisory Council is convening a five member technical advisory panel next week and fold that into an upcoming science conference to bring the best scientist to look at the options. Thank you to the staff who mobilized quickly. Ironically, our staff was at the Western States Invasive Species conference in Salt Lake City when this happened and the same day that we discovered the New Zealand Mudsnaills a detection of the larval stage of Quagga Mussels was found in Idaho in the Snake River which is of great concern given the Quagga have not really entered the Columbia River Basin. With hydroelectric power and the natural resources at stake in the Pacific Northwest that happened at the same time. They are consulting with the national experts and scientists to determine how we can get the answers to how long they have been here and what could have been the vector? We may never know the vector in terms of how they got into the south end of the lake.

Board Comments & Questions

Ms. Gustafson asked how many Tahoe In and Out boats we have.

Mr. Zabaglo said there's about 8,000 in and out, which is about half of the fleet on an average year. It's only when they would be coming back to Lake Tahoe from being somewhere else.

Ms. Conrad-Saydah asked if the cost of the decontamination was the responsibility of the boat owner.

Mr. Zabaglo said yes.

Ms. Regan said the Mudsnaills are different than the Quagga Mussels. They've never found a detection of Quagga Mussels in the lake after 15 years of the boat inspection program. This species was ranked very low on the threat level of our invasive species action agenda which is a collaborative and science based document.

Ms. Conrad-Saydah asked if they could share the educational materials with the Governing Board that they are sharing with paddlers and others.

Ms. Regan said yes. The kiosks at public beaches are inspecting paddle craft and toys. Whether it's one hundred percent inspection is questionable. Every time one of our staff has gone there, they've been asked.

Mr. Zabaglo said they have the Tahoe Keepers stewardship program where it's trained to self-certify and they partner with the US Forest Service and other agency staff's that have people present at those popular launch points and if there's any concern, they would be sent to an inspection station for further inspection and decontamination.

Ms. Regan said their mobilizing awareness and support because everyone cares about the lake, and this was concerning to all of us. The Action Plan was a science based plan that everyone agreed to and if we now need to go forward and update that. They've had some of the highest levels of funding for invasive species from the Lake Tahoe Restoration Act, from the states, and the private sector. It's a well-funded program and the amount of monitoring that they were doing is far and above what most lakes are doing but we need to do more.

Mr. Zabaglo said we often talk about the success of the program both in prevention and control but something they don't talk about is our preparation and planning. They are highly prepared with the rapid response plan that's part of the Lake Tahoe Aquatic Invasive Management Plan which has helped to get this process rolling.

Ms. Aldean said based on their knowledge what are the detrimental impacts of the Mudsnaill?

Mr. Zabaglo said it's very similar to other invasives, they out compete for food. They are in the thousands per square meter and will outcompete natives for food. There are also potential impacts to native fish species. The literature is not as complete for Mudsnaills as other literature they have. When these were first being discovered in the United States

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there was significant research being done and then Quagga and Zebra Mussels hit in the 1980s and everybody started investigating those. They are helping in the process to have the National Management Plan updated from 2007. That plus the new discovery will spear additional research. There are two national experts that will be on the science panel.

Ms. Aldean asked if we have any data from New Zealand about how water bodies have been impacted.

Mr. Zabaglo said they are native there so there's not necessarily an impact and they also grow quite a bit larger and are a positive species.

Ms. Aldean said for example when the clams die, they contribute calcium to the water which leads to the growth of algae. Are there any similar impacts with respect to these Mudsnails?

Mr. Zabaglo said when they are in concentrated populations they will excrete and that's a lot of nutrients that are being added to the system and would be a similar type of impact.

Ms. Leumer said it sounds like some parts of the program are well funded but maybe there are funding gaps? Also, what is the timeline for monitoring?

Mr. Zabaglo said from the monitoring standpoint they have a monitoring plan for a lake wide monitoring approach for plants. The last lake wide event was in 2018 and are currently doing a repeat of that which was happening before this discovery. They've adjusted that to be more intense, deeper and slower to be able to identify these species. There's funding for that but the overall action agenda talks about lots of different research and species that we haven't addressed yet with fish and clams as far as a treatment capacity. We're about halfway to the \$75 million goal presuming the Lake Tahoe Restoration Act is reauthorized.

Ms. Leumer said if the last lake wide assessment was in 2018, how often do they happen?

Mr. Zabaglo said there are varying recommendations. The Action Agenda talks about annual dive surveys for the high priority locations where there have been previous infestations of weeds. The Monitoring Plan does discuss more frequent surveillance of those and Dr. Anderson, who is a national expert on these weeds, has suggested every three to five years. They try to balance their resources with those varying recommendations. They were trying to do a three year but with the Caldor Fire and some funding issues pushed it to this year.

Ms. Leumer said it would be better to understand what funding is needed and if there's more funding available to do more frequent monitoring, she'd like to know about it.

Ms. Regan said the Tahoe Blue Event Center ribbon cutting was on September 18<sup>th</sup>. Thank you to several Board members who came out to celebrate. This is a major accomplishment in our community to dedicate this event center. With the bi-state collaboration of this board, congratulations for making this the best project it could be. Microtransit in the form of Lake Link was a year ahead of schedule and many agreements were necessary to move this forward. There is still work to do and a stakeholder committee was formed as part of the permit conditions that will convene now that the center is open to make sure that they follow through on the data collection that's necessary.

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TRPA staff member, Dr. McIntyre did an Op Ed in the Tahoe Mountain News talking about fire. There's always a lot of concern and a lot of work going on around the basin to reduce the risk of catastrophic wildfire. When you see a lot of heavy equipment near the lake and under utility poles people get concerned. The more that we can spread the message about the necessity about these kinds of ecosystem restoration projects the better. Dr. McIntyre did a great job talking about the overall basin wide commitment to fuels reduction, ecosystem, health and resiliency, evacuation preparedness and coordination.

Dr. McIntyre and Mr. Stock attended a biomass field trip with a lot of partners to the Washoe Tribe's Carson City Sawmill. They're engaging within the Tahoe Fire and Fuels Team to continue looking at resiliency options for biomass in the basin and in the partnership, area surrounding the basin because we know that burning piles in the forest is not the first choice.

The Tahoe Science Advisory Council is convening a conference at the Lake Tahoe Community College on October 11-13. It's been since Covid that they've had a gathering of the science professionals and the community. It's a little different approach where they are trying to get more citizen involvement and the keynote this year is Dr. Valarie Hipkins from the US Forest Service's Research and Development Associate Deputy Chief. Also, looking at things like citizen science and bringing in the New Zealand Mudsail into the science conference.

Today is Vice Chair, Ms. Williamson's 40<sup>th</sup> birthday!

Welcome to the new Governing Board member, Ms. Leumer. Alex is an environmental attorney specializing in climate and conservation policy. She spent eight years as a climate policy analyst at the Nature Conservancy and has many deep relationships in Sacramento particularly with legislative members and the administration.

The Lake Tahoe Restoration Act bill that took seven years to get done in Congress is expiring in December. They have appropriations authorized through the next fiscal year, September 2024. A few of them went back to Washington, DC to meet with the delegation post summit to discuss how to get a ten year extension. Without that extension all the great work that they've been doing can be threatened. Next week they'll be having a tour with the Tahoe Interagency Executive partnership at Round Hill Pines.

Staff have included some more information in the packet about public comment which will be helpful for the members of the community to show that we value and respect public comment, but we also want that public comment period to be respectful. If people are not adhering to those policies and using obscenities, we can't have that in our discourse. We want to encourage that productive comment because when we do have the other direction, it also provides a chilling effect for those who want to engage constructively.

1) Tahoe In Brief – Governing Board Monthly Report

B. General Counsel Status Report

Mr. Marshall said in the interest of time he will provide some updates to the Governing Board in an email.

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### X. GOVERNING BOARD MEMBER REPORTS

Ms. Conrad-Saydah said Dr. McIntyre was also involved in the National Wildland Fire Commission and the report is coming out today. It's called On Fire: The Report of the Wildland Fire Mitigation and Management Commission. She commended Ms. McIntyre for working on that important document that talks about increasing the pace and scale of wildland work underway throughout the country.

### XI. COMMITTEE REPORTS

#### A. Local Government & Housing Committee

No report.

#### B. Legal Committee

No report.

#### C. Operations & Governance Committee

No report.

#### D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

#### E. Forest Health and Wildfire Committee

No report.

#### F. Regional Plan Implementation Committee

The committee is meeting at the conclusion of the Governing Board meeting.

### XII. PUBLIC INTEREST COMMENTS

Melissa Soderston, 20 year resident and on behalf of Tahoe Forest Matter Eco-Integrity Alliance, John Muir Project, and Feather River Action to address the numerous commercial logging projects in and around the area. Their collective objection to these thinning fuel reduction and fuel breaks and supposed forest health projects as well as partner projects, a new sawmill in Nevada and proposed biomass facilities. Despite a growing consensus including among Forest Service Ecologists and agency funded peer review studies showing that these projects harm forest resilience to fire and climate contribute to tree mortality and are increasing fire dangers. Even post fire areas are vital habitat and witnessed most recently in Hawaii, no amount of logging will prevent wind and climate driven fire from reaching our communities. Yet almost all local, state, and federal resources are directed towards these timber projects while almost nothing is spent on community fire wise programs. They are here to encourage this board's commitment that TRPA funds be used

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solely for true fire wise policies instead of projects harmful to our forested areas, habitat, lake clarity, local and US climate goals, and our tourism economy. Fire wise practices such as buried utilities, metal roofing, home defensible space, higher pay for local fire departments, smoke centers, and improved evacuation routes. Even the Forest Service and our insurance companies agree that these are the only way to protect life and property during extreme fire events. We hope fire wise communities can be achieved across the West with the help of this board and end the misguided and destructive commercial logging of our public lands. They can be reached at [TahoeForestMatter@gmail.com](mailto:TahoeForestMatter@gmail.com).

Doug Flaherty said it's time for TRPA to tell the public that the last 12 to 15 years of forest thinning that's been reported as successful and completed amounted to the last figure of 750,000 burn piles stacked up behind the trees in the Tahoe Basin. When asked about this the Forest Service said it was only 550,000. TRPA continues to mislead the public on this issue. You continue to do nothing about it. This is a national policy on the part of the Forest Service to apply their techniques to the Tahoe Basin. We're unique here. This isn't just a Tahoe issue, not blaming the current Forest Service Supervisor of the Lake Tahoe Basin Management Unit but we need to get aggressive with a plan that's considering all aspects of pile removal instead of just burning. Lake Tahoe is an impaired water under the Clean Water Act. Burning deposits, nitrogen and phosphorus are one of the two major components of fire smoke into Lake Tahoe. You need to quit ignoring this, get serious about using all options that are available and quit lying or keeping this information from the public. The Forest Service is your partner; therefore, you are right there with them as far as promoting keeping this information from the public.

XIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Ms. Gustafson adjourned the meeting at 3:34 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

*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](mailto:virtualmeetinghelp@trpa.gov).*