

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

North Tahoe Events Center/Zoom

August 23, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hoenigman called the meeting to order at 8:45 a.m.

Members present: Ms. Aldean, Ms. Diss, Ms. Gustafson, Ms. Hill, Mr. Hoenigman Mr. Settelmeyer

I. APPROVAL OF AGENDA

Mr. Hester said Item 4: Informational presentation on the proposed amendment to the Washoe County Tahoe Area Plan to add “Schools – Kindergarten through Secondary” as a permissible land use (as a special use) within the Wood Creek Regulatory Zone, for those parcels equal to or greater than three acres in size will be postponed but public comment will be heard.

Mr. Hoenigman deemed the agenda approved as amended.

II. APPROVAL OF MINUTES

Ms. Aldean said she provided her edits to Ms. Ambler and moved approval of the May 24, 2023 minutes, as amended.

Motion carried.

III. Discussion and Possible Recommendation for approval of the Proposed Amendments to the Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, 90, Rules of Procedure Articles 5, 10, 12, 16, and Fee Schedule Introduction, Multipliers, Schedules A-J, Mitigation Fees, and Shorezone Mitigation Fees in support of permitting process improvements

Mr. Hester said for years we’ve tried to do process improvements in house, but our caseloads continue to increase at the same time and were not able to give the process improvements all the attention it needed. In 2022, TRPA issued Request for Proposals and Stockham Consulting was the successful proposal. Mr. Stockham is well qualified for this project, he was TRPA’s Planning Manager in 2012 when the Regional Plan Update was done and has worked in the private sector representing development applicants, a Community Development Director, and is currently processing TRPA applications as an outsourcing consultant.

About one year ago, Mr. Stockham presented to the Governing Board an action plan which was approved by the Board. And about six months ago, the Board endorsed specific recommendations by

Stockham Consulting for amending the Code of Ordinances, the Rules of Procedure, and fees. This is the result of his work to implement that direction.

Mr. Stockman, Stockham Consulting provided the presentation.

Mr. Stockham said over the past 18 months, they've worked on trying to improve the permitting system, making it easier for people to process environmentally beneficial development that meets all the rules. Making it harder for things that shouldn't get through and creating an improved permitting process. TRPA is complex in terms of the regulations they administer and the procedures and is never going to be a super easy process to get through TRPA. It's not one factor that's causing those things, it's many little things that take time or add confusion and are trying to check off the major ones and make it somewhat cleaner and easier to get good things through the process.

The project approach has been unique and very helpful. He's been integrated with the staff team getting a perspective through reviewing permits, seeing the details of how procedures work has been helpful. A shout out to the staff and the stakeholders who've contributed. There's been a lot of work in front of the cameras and behind the scenes has been going on. Ms. Self and Ms. Borawski have been working closely with him throughout the process. All of these ideas have been vetted multiple times through the Permitting Improvement Team. There was also support by the Finance Team, Implementation Team updating Accela to address these new provisions. They've been very conscientious of stakeholder participation through each step of the process. With each step as they get more detailed with these ideas they've taken them to the stakeholders, reviewed drafts, made refinements, whether it was the planning consultants, engineers, local agency staff, and the League to Save Lake Tahoe.

This started with an idea generation process. What were the challenges from the staff's perspective and ideas for improvements. Then they went on a listening tour with stakeholders and various people involved in the process asking for their feedback on what are the areas for improvement. Out of that, they had an issue assessment completed that evolved into the action plan that was endorsed by the Board 12 months ago that laid out the high level priorities and started introducing ideas for improvement. They then did another round of outreach and came back to the Board six months ago with a detailed implementation report which was the work program and more specific detailed proposals for how to make these improvements. The Board endorsed that document and here we are implementing it with the detail that's necessary to go into the Code of Ordinances. There'll be some additional work over the next six months primarily focusing on additional administrative improvements to build upon the materials that have been developed.

There are six top priorities. Priority one is quality processes. Efficiencies, consistency, predictability, people know what is going to be expected and required. The second priority is making easy things easier. They received stakeholder feedback that complex projects are always going to be hard but easy actions don't need to take so long and shouldn't be difficult. They focused on minor applications and insignificant improvements that are not going to impact the lake and making them not as challenging. There is a whole suite of clarifications to the Code of Ordinances. One of the bigger challenges is that there is a whole suite of unwritten interpretations and guidelines and rules of thumb that have been developed over the last 30 years. People don't just know those unless they work within the system quite a bit. They're trying to get those guidance memos and interpretations written into the language of code. They have priorities, public communication, customer service improvements. Expanded staff development, training, and delegating some of the easier work to lower level staff members. Then

maintaining adequate and dependable funding and staffing to do the permit reviews. The caseload has increased, and staff have been struggling to keep up with that caseload.

The Implementation Report was more refined and identified specific changes.

There are three priorities that are administrative actions. It's not items that go to the Board or doesn't involve what the Code of Ordinances says, it's the internal procedures. Priority one, efficiency, consistency, customer services, and staff development is where they are doing a lot of internal work to enhance that. Those are not being presented to the Board for action, rather they are everyday administrative documents.

The keystone piece of that administrative work is a comprehensive administrative procedure manual. This is where they'll put in writing what the proper procedures, what are the steps, what are the items that are reviewed. It will be a staff training guide, a tool to ensure consistency, implementation, and interpretations are the same. It's also a public resource so applicants who want to know what to expect through the process can review this document as well. They're moving to the staff using shared templates and forms for all permit documents. The organization of the Permitting Department has been expanded to over 20 staff members and needs a level of mid-management to provide proper supervision, guidance, and mentoring. They've built up staff teams and principal planners being in supervisory roles to be more efficient and effective in implementing the ordinances. There's now a dedicated customer service staff and will be more consistent for people inquiring about TRPA and a suite of improvements on the webpage geared towards customer service. The next six months will focus on building upon these initial documents, improving the application process, the forms, the requirements, the steps to get better applications coming in.

For recommendation today are the minor applications. There are five significant changes to improve procedures for little things.

Minor applications are one of the bigger things coming out of this process and will change how permits are processed. These will be qualifying applications that will move through the process significantly expedited. The total time goes from 150 days to 55 days. Upon submittal they will be marked "minor applications" and be routed to a dedicated team dealing with minor applications, so they don't get hung up if there's a complex project, etc. They'll be simplified applications and reviews. Most of the applications are for site and building improvements such as a house addition, a deck addition, walkway, or driveway expansion. The criteria will weed out the more complex projects that warrant additional time. This would be single parcel applications, properties that have their BMPs certifications and wouldn't likely be development on undeveloped land, staying out of the conservation land use districts, and some of the sensitive topics that require special findings, and more complex analysis such as the shorezone requirements, sensitive land coverage issues, taller height, non-conforming structures would still have to go through the standard process. But if you meet the criteria, you can be in and out with a TRPA permit in less than two months.

Some of the additional applications that can be minor are the development right banking and transferring, some of the easier coverage, lot line adjustments, and some smaller grading projects could go through as minor and a few other targeted improvements that the team didn't feel warranted the longer review process.

Bundling: TRPA has requirements to sequentially get approvals which will still be required. A site assessment or land capability verification would need to be done before submitting for a project.

These changes will allow for some additional applications to be processed concurrently. Most of these now need to be done sequentially. If a person has a development right transfer that supports a project, there will be a check box in the application for a request for those to be processed concurrently and in a coordinated manner. Similarly, if a minor lot line adjustment is being done to accommodate a project design those can be a coordinated process. Historic Resource determinations kind of already work that way. That will help reduce the timeline for applications. Often times they are infill projects that may need some development rights transfers, projects, and maybe some of these accessory applications.

The next suite of improvements deals with the category of Qualified Exempt. These are pretty minor such as structural repair of a home. It's exempt from TRPA review, but the Code of Ordinances requires property owners to file a declaration stating that the work meets certain categories. That has kind of morphed over the decades to become a very time intensive process for staff that almost served as a defacto project review except that there were no fees associated with these and created confusion. They are moving back to what the Code of Ordinances calls for. These will be treated as the exempt minor things that they are. They kept this because some of these declarations require BMPs to be installed or various forms of mitigation. If those are moved to fully exempt, you wouldn't get excess coverage mitigation fees for example. It will remain a category but will be a less intensive process. They shifted some of those to be fully exempt, so they are not spending a lot of time reviewing very minor things that have no impact on the lake.

Historic Resources: Overwhelmingly stakeholders said there's a ton of time going into this for no or very little added value. Essentially there are significant review requirements for historic resources that are not designated, are not listed. If you want to make an improvement to a 50 year old house, it requires significant processes to our resource determinations. If it was found that there was some historical event that happened back in the 1960s it would have to go to the Hearings Officer. It's unusual thing to have such an intensive process for things that are not designated resources. Trying to simplify the process not for the designated resources, just for potentially eligible resources. In addition, the State Historic Preservation Offices raised a flag and said TRPA's Code of Ordinances requires them to do a lot of things too that are not a good use of their time. The Code states that they have to help TRPA with eligibility determinations. The California office requested some specific changes which TRPA and the Nevada office supports. Essentially, they'll refocus the State Historic Preservation Offices on historically significant things, not on routine day to day stuff.

There is a list of additional decisions that are proposed to be delegated to staff as opposed to Governing Board or Hearings Officer reviews. It's pretty targeted. He mentioned the eligible historic resources. There are also some changes where underground utility replacements could be done at the staff level. Right now, any sensitive land kicks it to the Governing Board. Some additional coverage could be added with EIP projects at the staff level. One of the more significant ones that they received late input on was that right now code has a separate process requirement for awarding bonus units compared to the projects that the bonus units support. This is a procedural hurdle that hits affordable housing projects the hardest. They are recommending doing away with that and awarding bonus units would be an administrative action taken with approval of applicable projects by the decision making bodies. There are no subjective criteria where you should get a bonus unit, you shouldn't, rather its projects qualify for them, or they don't. This item was the only item not highlighted in his last presentation to the Board.

Shorezone Applications: The main change for a whole suite of fairly routine shorezone applications is to move those to staff approval but retain noticing. This would still provide an opportunity for

contested issues to rise to the Board under appeals, but it would be a huge time saver where everyday piers all get elevated up. The new shorezone ordinances are good objective standards. Noticing is retained for all shorezone applications that would no longer require public hearings.

Code Standards: Land coverage is the classic example. Everything in Tahoe is governed by land coverage and square feet allowed but when you chase down what is land coverage the definition is fundamentally unmeasurable. It creates a lot of challenges and has been that way for a generation. As a result of that staff has had to make a whole series of interpretations of what qualifies as coverage, what doesn't. Various nuance aspects of coverage ordinances. They're trying to get as much of that clarified as they can in code. There are also clarifications on building height, a little bit in scenic quality, a couple of shorezone items. A whole section on rounding, the Code of Ordinances is silent on when you round this way or that way and makes a significant difference for some projects. And clarified definitions, they are trying to make the definition of coverage measurable. Little things that may or may not be coverage are treated the same way with every application. There are a couple of changes to simply eliminate procedures that are perceived as a waste of time or low value time, and they also have a comprehensive list of all the code reference documents with convenient links. Many of these clarifications are in Section 30.4 which are the limits for coverage. There are interpretations dating back over 30 years that we are writing into the code. There is a suite of changes in the coverage exemption section. They spent a lot of time for the 2012 Regional Plan Update expanding these coverage exemptions. In his view, they've been wildly successful. Projects are flooding in where people are doing minor improvements to their house and they are installing BMPs, they are getting up to date on excess coverage mitigation. It's been more successful than he expected a decade ago. With that success, everyone's trying to work around the edges to see what qualifies. It raised a couple of areas where it doesn't make sense that this isn't eligible but that is. Quite a bit of our language is in that exemption section clarifying what qualifies and what doesn't. There are some various improvements such as an electric vehicle charger that wasn't that common in 2012, that doesn't qualify for any of the coverage exemptions, but a shed does. Up to 30 square feet of exempted coverage for a shed or non-permanent structure could instead be utilized for things like HVAC units, EV chargers, small solar facilities. This is still subject to the aggregate cap on exemptions. It still is going to be limited to high capability land.

Coverage clarifications: There's a whole mitigation program that was written up in an interpretation document that's in code. There are clarifications on how height is measured. Reflectivity and glare standards have been a wide variety on how staff administers some of these scenic quality standards that say you can't have a negative impact in effect. This is more of an objective standard for when limited reflectivity windows and reflectivity limits would apply essentially if a home is going to directly reflect sunlight to a lake or a designated recreation area, it would need to have upgraded low reflectivity windows but if they are in a forest and there's no direct reflectivity on to any designated area, those properties would not have to do low reflectivity windows, instead do the standard design review guidelines.

Shorezone clarifications: What is a boulder relocation versus dredging. They cleaned up some inconsistency in one of the graphics.

Definitions: Rounding was also included in the Design Review Guideline, Exhibit H which is the document used for shoreline scenic reviews. Land coverage definition, again trying to make it measurable. Is a fence post land coverage, is post foundation land coverage, what size does it become land coverage. Walls, boulders, utility lids, etc. It's a gray area and looking back over the years, the

decisions haven't been 100 percent consistent because it isn't written down. Expansion clarifies the distinction between a pier modification versus an expansion which is a much bigger process.

These two items are time savers. Code requires this Section 50.5.2.A – Below the IPES Line Drawing which is redundant with the incentive allocation pool so the language would only require that drawing if there's no supply in the allocation pool and reducing single family audit requirements from ten percent to five percent. That will save about one quarter of an FTE by itself.

Fees: When they started this process it became clear that there is a fundamental mismatch, and the permitting program was not generating enough funding through application fees to cover operations. It still isn't, it hasn't for some time. Either you need to subsidize permit reviews with the general fund, raise fees, or reduce process. The direction they've pursued is to focus principally on process improvements. There are many areas where the team can operate more efficiently, and this packet should help us get there. About 90 percent of the changes are to improve the process rather than raise fees. However, they do have some targeted fee increases and decreases to try to address those fees that seem out of whack with the work required. They've developed a revenue and expense reporting system where they can track in greater detail what revenues are coming in for different categories of applications, what the review costs are, and that data can be used to inform future fee changes if needed.

Generally, regionwide just a few targeted fee changes. One of the bigger ones is a new fee multiplier. There are multipliers for Hearings Officer and Governing Board review. This would add a smaller multiplier for those staff decisions but with noticing to reflect the additional review time that noticing creates. The second one, there's a relic from a by gone era that charged a fee multiplier in special planning areas which also happened to be all the infill incentive areas and are charging infill areas more than other areas. This is a reverse incentive and are eliminating that. Similarly, tourist accommodation fees are lower than multi-family. Someone can apply for a timeshare with lower fees than the exact same building used for multi-family housing units. The review is somewhat more complex for tourist accommodations so they are equalizing those fees. Day care is a fee subsidy here to reduce that as an important community need. Qualified Exempt, apply that fairly nominal fee to all of them and a couple fees for things that staff is doing for applicants without fee now.

The shorezone is where they found that a lot of mismatches occurred. New shorezone ordinances were adopted about five years ago. The fees were not adjusted at that time. He's unsure where these original fees started but they've been there for a long time and some of them don't come close to covering the cost of review. Shoreland scenic reviews are the lakefront homes and for example, doing an addition or something that is visible from the lake. There's a complex review process and are recommending two levels of fees. The easy one is \$1,000 and the harder one is \$2,000 to minimize impacts for the small projects. Lakefront homes scenic analysis is very complex and takes quite a bit of time and does not cover those staff costs with the current fees. The shorezone applications have a mooring lottery eligibility review, under \$100 doesn't approach the staff time needed to review those. Buoys have some increases and pier expansions. Those were the applications that we saw that were not funding the cost to review. The table on Slide 23 shows the aggregate impact because the process, staff approvals result in fee decrease compared to Governing Board approvals. Those offsets some of the increased fees for shorezone projects. Overall, relatively modest changes. The proposed fees for all piers are the same because they all require about the same review. The pier expansion is probably the most problematic from a funding perspective.

This proposed package of amendments will be heard at the September Advisory Planning Commission and Governing Board meetings. If approved, there will be a 60 day effective period. Then they have some additional internal administrative improvements planned.

Presentation: <https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-3-Permitting-Process-Improvements.pdf>

Mr. Hester said staff specifically asked Mr. Stockham to look at where they could be more efficient before they raise fees. They are going to try and get as much efficiency as they can before they ask applicants to pay more.

Committee Comments & Questions

Mr. Hoenigman thanked staff and Mr. Stockham for their incredible work on this. They are always looking to improve what we do to make it faster and more reliable for the public and more affordable for us so we can focus our resources on other things.

Ms. Aldean echoed Mr. Hoenigman's comments. She asked if staff had access to the resources needed to evaluate the historic significance of structures. Does staff confer routinely with local historical societies, do they ever use outside consultants who have knowledge of potentially historically significant structures to determine their eligibility. We've lost a lot of important historic resources in this basin and would hate to see what few remaining jeopardized.

Mr. Stockham, Stockham Consulting said the time that is spent on these routine determinations of every old bungalow is not doing what we are looking for it to do for historic preservation and historic resource protection. It's taking a lot of time and diverting it to very insignificant issues and resources. The Compact and Regional Plan sets up a structure focused on identifying significant historic resources and implementing protection measures for those, kind of the side program for unidentified possible resources have taken on a life of its own. The idea is to free up some time, it will still be a check, but the State Historic Preservation Officer (SHPO) is asking why are we talking about this, it's because the Code of Ordinances states that we have to. It's going to allow staff to focus more, and they've talked about a possible future long range project to update those historic resource lists which is what the Regional Plan focuses on. That list hasn't been updated in about 30 years. That's where staff would like to spend their time, not on every single application gets four hours of historical review. They know certain historic areas that have more historical significance. There are processes that they can go through and maybe integrate it into the area plan process as well to identify those additional resources. This is like the tail wagging the dog, all this time being spent on the not significant things.

Ms. Self said the question does staff have the tools to evaluate and propose proper mitigation for projects that impact these structures. Yes, the Code of Ordinances today does outline what criteria would a property qualify to be considered historic. She is a qualified historian with degrees in historic preservation and has worked for the National Park Service with Preservation and Architectural Historian. In addition, TRPA Forester, Mr. Barr is a qualified archeologist. If they deem a project to have a higher level of historic integrity or significance, then there are qualified architectural historians that the applicant can consult with in the basin.

Ms. Aldean said then simply the age of the structure is not going to be used as a criterion anymore.

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Mr. Stockham, Stockham Consulting said there will still need to be review for a historic resource determination for every structure over 50 years old. They are just making that process less time intensive.

Ms. Self said anytime a structure is over 50 years of age, they take a pause to do an evaluation. There are a lot of structures in the Tahoe Basin that were built during the 1960s and 1970s and there's a lot of projects coming in under this age. They do have set criteria and it's only a very small percentage that are truly going to have some integrity and some significance that would change the process of how projects are reviewed in the future.

Ms. Aldean said in Carson City they have some potential historic structures that have been allowed by design to fall into disrepair so that they can be deemed a threat to public health and safety and can be removed. Has staff ever encountered that before? It's amazing that people buy historic structures or potentially historic structures with the intent of demolishing them as opposed to renovating them. She's unsure of what the remedy is if they are privately owned other than to provide them with incentives and perhaps moving forward with some kind of designation that would prevent them from tearing the structure down.

Ms. Self said she hadn't personally encountered that. TRPA does have a truly designated historic resource list that was put in place in the 1987 Regional Plan. It includes the Thunderbird Lodge, some of the old Barton properties, Camp Richardson, etc. that hold a regional significance. They do have that designated process and that is not changing under these amendments today. They have seen some success stories over the last couple of years, for example, the Schilling residence on the West Shore that the property owner donated to the Tahoe Cross Country. That property was disassembled and is in storage in Carson City. There are some incentives in place through taxes and things like that for people to retain some of that old Tahoe history but there hasn't been a "threat" to the designated regionally significant historic resources in the basin.

Ms. Aldean asked if some of the more significant fee increases relate to the frequency with which applications are submitted that are incomplete. Is that factored into the equation or is it based on processing time?

Mr. Stockham, Stockham Consulting said it's more of an average time of review. What does it typically take to review a buoy. The \$300 fee was nowhere close to covering what it typically takes to review a buoy. They had aggregate budget information but don't have fine grained budget information to verify each application category whether it's self-sufficient. This was the best judgement, there were fees that were significantly out of whack that they don't need more data to know that they aren't aligned with the work required.

Ms. Aldean said even though in some cases if applications are continually submitted and they are incomplete, that's going to obviously increase the number of hours that staff spend verifying the sufficiency of the application. In some cases, that may bump up against that increase.

Mr. Stockham, Stockham Consulting said there's some of that and is kind of semi related separate issue they are dealing with in the procedure manual to limit how many times that can happen under the same application.

Ms. Aldean said for some people in the basin this will create some heartburn in terms of accepting from the Governing Board review the recognition of new multiple-use parcel piers and buoy field expansions. Will the outcomes be memorialized in a monthly project report?

Mr. Stockham, Stockham Consulting said staff plans to expand some of the reporting on these topics.

Ms. Aldean said on page 321 of the packet, under Seasonal Outdoor Retail Sales Use it states that provided the use: and five instances listed where this comes into play, paragraph three there is an extraneous "be." It should be "Provided the use is located in the plan area designated mixed-use commercial, public service, or tourist."

Ms. Aldean said on page 322 of the packet, under Subdivision Identification Signs, third line stating structures shall be not over 12" high and shall not "be" internally illuminated.

Mr. Stockham, Stockham Consulting said that will be corrected.

Ms. Aldean said on page 327 it talks about transfer standards and paragraph five states "This provision shall not be used in conjunction with any project that adds coverage or converts existing coverage to exempted coverage exemptions." She asked for further clarification in conjunction with Subparagraph 3.4.6.

Mr. Stockham, Stockham Consulting said first there is a typo to be fixed. This is an important section, it's a relief valve that there is a property that's maxed out on coverage that was developed 40 years ago and there's something that needs to go in for public safety reasons or for access of the disabled you can buy coverage and transfer it from another project as the final relief valve. This hasn't been written down but there's a series of rules of thumb to minimize and avoid people taking advantage of this for things that shouldn't occur. They tried to set limits on when this can be used. People often try to use this provision to defacto increase their allowable coverage. This would say if you were doing coverage exemptions and you're making coverage available by exempting certain coverage, you have coverage available for this emergency need. You can't get additional coverage.

Ms. Aldean asked if that would include any coverage that was banked on the site.

Mr. Stockham, Stockham Consulting said they have to use everything they have available. The amount transferred has to be the minimum necessary to meet that safety public need. Staff spends a lot of time discussing how much, what design, and they are trying to create some stronger guardrails for that.

Ms. Aldean said under paragraph six, it states that this subparagraph should not be interpreted to require the removal of existing living area, garage space, vehicle access route, pedestrian access routes, and the first 1,000 square feet of a driveway. Obviously, we encourage people to pave surfaces that are compacted because it's kind of defacto coverage already and paving is an important water quality improvement.

Mr. Stockham, Stockham Consulting said some people could interpret that the current language to say you don't need to add coverage, you can just reduce the size of your deck or remove your family room and then provide for this public safety need. This is saying that they are not going to make you tear down your house, etc. but a lot of these properties will also have a massive driveway that can park several cars then they say that they need a path for public disabled access. That's when they can shrink

their driveway to provide that coverage. This is reasonable, they shouldn't make people shrink their driveways down below a certain level. Keep in mind that the environmental impact of this provision is limited because they have to buy coverage elsewhere and transfer it in.

Ms. Aldean agreed with that, but the functionality is important too.

Mr. Stockham, Stockham Consulting said they tried to keep some amount of administrative discretion because every situation is unique.

Ms. Aldean said on page 349, Item C, Screening and Orientation states "Projects with vegetation screening and/ or surface plane orientations preventing sunlight glare from directly reflecting onto Lake Tahoe scenic roadway unit or a scenic recreation area are exempt from these reflectivity and glare standards. Maybe this is assumed that if the vegetation screening is properly maintained and continues to mitigate glare. Is there any need to include that as a prerequisite?"

Mr. Stockham, Stockham Consulting said this can get very complex. How this evolved is that in special situations, there will be homes for example in the Uppaway subdivision and homes on the ridgelines where in the morning or evening there is glare off the windows. Staff was starting to condition in those unique situations, additional requirements to limit reflectivity and there were some differences in how that's been interpreted. Some people were requiring it everywhere, some requiring it on those prominent properties. They tried to set a standard that if you are going to glare this will be required but every home in Homewood doesn't need to do this. They didn't want to get into the shoreland program where they have to collect bonds and monitor the growth of trees which seemed excessive. If we said you have to maintain it, how do they enforce that.

Ms. Aldean asked if there is any enforcement protocol now for mitigations that involve the use of vegetation.

Mr. Stockham, Stockham Consulting said yes and it often times involves posting security. They struggled with what should qualify and what shouldn't. They can review the language again. If these are homes in a forested area, and the forest burned down they could get some glare but it's an unlikely circumstance.

Ms. Gustafson said she recently received an email on solar panels. A lot of people realize that they are not truly economically advantageous but are trying to do the right thing for the environment. Are there some solar panels that wouldn't require an outside expert to come in and do the reflectivity study?

Mr. Stockham, Stockham Consulting said the answer is not simple, there's levels to that. This would address solar panels everywhere in the region except on the lakefront parcels. You would do limited reflectivity panels and you would be okay without additional review. But you get into shoreland scenic review, and they have not standardized solar panels on lakefront homes through this process, however, he understands you've initiated some climate amendments that Mr. Stock is working on to address the more complex situations. They may go to a super non-reflectivity standard for the lakefront homes. They have some of those near airports. They are trying to support those climate initiatives, but they haven't done everything. This isn't making it simple for commercial scale solar power generation or a big EV charging field or new coverage on stream environment zones. But this is addressing it for most of the situations and Mr. Stock is working on the gaps. They talked about trying to do more with this package on the climate amendments but were sensitive to keep this within scope

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and focused on process. Also, they are not scoped to do an environmental impact statement with this effort. Some of these bigger changes would have triggered additional environmental review.

Ms. Aldean referred to the Qualified Exempt Activities in the Shorezone on page 352, the geological definition for a boulder is ten inches or larger. An alternative if you wanted to remove larger rocks would be to get a permit?

Mr. Stockham, Stockham Consulting said yes, that's correct. Mr. Marshall and Ms. Good worked on the interpretation of this topic.

Ms. Good said they had to draw some lines in order to help define what is a qualified exempt activity versus what requires a permit and no longer falls within that qualified exempt activity. There are some other criteria that are included as well, such as the total cubic yards of material to be relocated. There's a menu from which an applicant can use to help determine if they are undergoing a boulder relocation activity that would qualify as a qualified exempt activity.

Ms. Aldean referred to page 380, Shorezone Fees, Subparagraph 3, Motorized Boat Rental Concession Fee where it states that the "Mitigation fee schedule shall assess a separate fee", if you are going to use "for" before the colon then you need to eliminate "for" in A and B. Or you can eliminate four in the preceding paragraph and say a "Separate fee: A and B "For every boat." For new construction and expansion, if you increase the height of the dock, that's not considered an expansion, is that correct? It's width that that is considered an expansion.

Ms. Good said yes, width is considered an expansion and she'll confirm height.

Mr. Marshall said in general they do not allow super structures on piers.

Ms. Aldean said for example, if you were elevating the height of the pier deck off of the water, that's not an expansion.

Ms. Good said that's correct and is not considered an expansion. Often times, the recommendation to TRPA to raise a pier deck has to do with where the pier is located. If the pier is located in an area of the lake that gets a lot of wind and wave action that additional pier deck is a safety feature and is why it's included in the modification definition rather than expansion.

Ms. Diss asked if it were correct that for the exemption related to multi-use and multi-family piers and buoy field expansions that there would still be noticing.

Mr. Stockham, Stockham Consulting said that is correct.

Ms. Diss asked if that is reflected in a change in the Rules of Procedure.

Mr. Stockham, Stockham Consulting said yes, it is in Section 12 that addresses noticing requirements. None of the rules change, it's more of a process change. No public hearing but noticing required.

Ms. Diss asked if the appeals process was the same.

Mr. Stockham, Stockham Consulting said yes, that is correct. The noticing allows the neighbors to know what's going on.

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Ms. Aldean said appeals are accompanied by a fee, is there a threshold based on the number of objections received that result in elevating the project to a Hearings Officer review?

Mr. Marshall said no. In Chapter 2, the Governing Board delineates by project type not controversy as to where projects fall whether they are reserved by the Board, delegated to the Hearings Office, or delegated to the Executive Director. It's not an exemption, it's still a permit but it's who issues the permit whether it's Hearings Officer, Governing Board, or Executive Director.

Ms. Aldean said then it has to be a formal appeal. There could be 1,000 people objecting but someone has to take the initiative to submit an appeal.

Mr. Marshall said that's correct.

Mr. Settelmeyer said the changes with the fees and so forth, he views more as use type situations where you are trying to cover the cost by the Agency rather than having an increase go to populas as a whole but having more specific to that actual use. He wanted to make sure his characterization was correct in that these aren't for anything already existing, it's for if someone chooses to change how their utilization is currently occurring.

Mr. Stockham, Stockham Consulting said that's correct. It's for people applying for changes to their properties so those application fees would cover the cost of review.

Ms. Gustafson said 50 years is a little 'young' when you are looking at historical resources and asked what other jurisdictions are doing. When you look at the mass of development on the North Shore it happened around the late 1950s or early 1960s. We're long past 50 years in those structures and it's a wide swath of potential review of staff. Are any other jurisdictions looking at longer timelines?

Ms. Self said the 50 year trigger is more of a national standard. The Secretary of the Interior has standards for the treatment of historic properties and sets the standards for local jurisdictions for State Parks and National Parks. Most jurisdictions will have a similar time frame. This amendment package tackles some of the low hanging fruit with what we can do today to change this process and still be compliant with the Compact, Rules of Procedure, etc. They intend in the next phase of this work to do a deeper dive into the Historic Resources Chapter 67. It's one of the only ones that wasn't updated with the 2012 Regional Plan Update. They want to look at process improvements more widely for historic resources in the next phase sometime between November and March. Maybe instead of doing it parcel by parcel determinations, maybe they'll look at a neighborhood and see what structures could potentially be eligible. They could look at that specific criteria, do they increase that to a certain time frame and if so, what time frame makes sense within the historic context of the basin. There are a few different ways that they can approach those triggers.

Ms. Gustafson said she did some work when she was still in her career path in looking at in particular the dam project and what they had to do there to put the bike trail crossing in. Fifty years was the mark then and that was over 20 years ago. Updating those numbers is really looking at what is historic and meaningful is important when you look at most of their subdivisions having been built out more than 50 years ago now.

Mr. Stockham, Stockham Consulting said they discussed whether the timeline and date should be changed and there was some concern about that because there are historically significant things. The

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preference from the staff team was to have a less cumbersome process but still have a filter using that same age trigger.

Ms. Aldean said there is a reference in the code changes having to do with entering into a Memorandum of Understanding with the SHPO's, does that have to do with insulating TRPA from potential liability if a historic structure is demolished or is eligible is removed? Or is it more of delegation of authority?

Mr. Settlemeyer said one of the division's that fall under him at the Department of Conservation and Natural Resources is SHPO which operates from funds from the National Historic Preservation Act which dictates anything over 50 years that is going to be touched on Federal property or have Federal funds associated with it have to go through these protocols and rules of procedures. The 50 years is required under the National Historic Preservation Act especially when using Federal funds or on Federal property.

Ms. Gustafson said designating certain areas and certain areas of interest is critically important but when you look at a subdivision of condominiums built in 1972, it's now historic.

Mr. Stockham, Stockham Consulting said this is part of an effort to shift the focus to focus on the more significant areas and resources.

Mr. Settlemeyer said if it's private property that's private property, but if they want to use Federal funds, that's what triggers it.

Ms. Aldean asked if the MOU is more of a delegation of authority.

Ms. Self said under the Code of Ordinances today and are proposing amendments at the request of the State Historic Preservation Offices of California and Nevada is that our Code delegates and says that TRPA staff shall consult SHPO on potential matters and it delegates some authority to what mitigation measures we will ask for if a historic resource is impacted. SHPO has said they don't have legal authority to do that, so you have delegated authority that they don't want and is outside of their purview and legal authority to do it. At the request of California and in consultation with Nevada, they agreed with the advice from California, they wanted this language removed from TRPA Code.

Ms. Aldean asked what the MOU would be used for.

Mr. Stockham, Stockham Consulting said that was in their prior Implementation Report where that was one of the long term actions that they were looking at moving forward with, but today's package doesn't have an MOU.

Ms. Aldean asked if there was any language in the packet that would require the development of an MOU.

Mr. Stockham, Stockham Consulting said no, it essentially takes that authority that Ms. Self mentioned that the states didn't want and puts it back to TRPA.

Ms. Self said that's correct. TRPA doesn't have an existing MOU with the State Historic Preservation Offices and are not proposing an MOU. They can make these amendments as TRPA.

Public Comments & Questions

Steve Dolan, Incline Village resident said recently there was a meeting up on the mountain with the Forest Service and TRPA staff. In this presentation it wasn't mentioned working with the Code Compliance Enforcement Group, hopefully that was an oversight. Because there is a problem up on the mountain and possibly by streamlining the permitting plan. Hopefully, the streamlining will allow more compliance agents, so we don't have four years of violations as what was established at the meeting on the mountain. Fortunately, TRPA staff was there to see the BMP violations and you've said this is focusing on the smaller projects, he hopes that the larger ones that you have interagency work with gets rid of the double standard that was explained on the mountain the other day. This double standard isn't fair and can be used inappropriately to add fees to the public citizens approach to getting permits. It's happened in the past. He hopes that this reduction doesn't affect the monitoring and enforcement of BMP laws.

Tobi Tyler, Tahoe Area Group of the Sierra Club said no justification or environmental analysis has been provided for the changes to Chapter 2, Section 2.2.2.E, Recreation Project 1.a, whereby "Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square of land coverage" are exempted from review and approval by the Governing Board. This modification of your Code without more thorough analysis and justification is arbitrary and capricious. In addition, Chapter 50, Section 50.5.2, A, Reserved Allocations 2 and 3 provides additional language regarding allocations and additional complications to the trading schemes for residential allocations, or shell games as the public sees it. There needs to be a complete audit of the allocation system beginning with the date of the 2012 Regional Plan Update. These modifications and the entire allocation system are obscure, complicated, lack transparency, and complete trust in TRPA staff. This trust among the public is at an all time low. Please perform an audit and allow the public to see how TRPA is abiding by the Regional Plan Update and the Tahoe Bi-State Compact. Under E of Section 50.5.2, a change in E.3, Permitting and Monitoring, Permit Monitoring and Compliance that reduces the representative sample audit from ten percent to five percent for single-family residential permits. Again, no justification or environmental analysis has been provided for this reduction, therefore, this change is arbitrary and capricious. They request that these changes not be made until further analysis and justification is provided and a complete audit is performed which details the trading schemes that have been allowed to occur over the last 12 years.

Committee Comments & Questions

Ms. Aldean said she found the reference to the MOU on page 350, Chapter 67, under Priority 2 list which is pursue development of MOUs with State Historic Preservation Offices to comply with the TRPA Code of Ordinances and limit when consultation is warranted. While she understands that the SHPOs are not interested in getting too intimately involved in this review process, there still is apparently an interest by TRPA or is it a mutual interest to establish a more formalized arrangement with the State Historic Preservation Offices.

Mr. Stockham, Stockham Consulting said that language is the column that summarizes the Implementation Report recommendations. The Implementation Report did suggest that as a long term effort. It has some potential to focus efforts on more significant areas but there's no work under way today or immediate work to do those MOUs. It's a long term opportunity to be more effective.

Ms. Regan said in her time at the Agency they've been making some incremental process improvements over the years. But this is the first time to focus TRPA's energy where we have the

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biggest bang for the buck in terms of lake preservation and mission. When she interviewed every member of staff, she heard frustration of being twisted up in knots to take time for things that really don't make a meaningful difference in terms of our mission and the lake. This is moving us in the direction of streamlining those areas to free up space and capacity for truly bigger more substantial lake preservation goals of the staff. That ties to the scenic and the historic discussions that they've had here today. Freeing up more space in the way that when we did the Total Maximum Daily Load (TMDL) they came to conclusion based on science that not every single drop of runoff in the basin is created equal and we should prioritize our infrastructure and needs for water quality by need. It's a very similar analogy of what we are doing here.

Mr. Stockham, Stockham Consulting said these were some new thoughts that he hadn't heard from the stakeholders before. The Code Enforcement Team, Mr. Sweet, was closely involved with this, and a number of these changes have been made, in large part to make their job easier and more effective. They vetted these closely to make sure that process improvements are not going to create any negative environmental impacts.

Mr. Hester said one of the commenters talked about the allocation process. The allocation process was looked at after the 2012 Regional Plan Update and the Regional Plan Implementation Committee delegated that request to the Advisory Planning Commission who put together a committee that looked at it. The criteria are very straightforward in Code. They are TMDL compliance and results of the audit and results of evaluation of the short term rental program that each local jurisdiction has. That process is done every two years in a public meeting and the results are brought back to the Governing Board with a scoring and recommendation. The allocation process is very transparent and clear of what it's based on, and the steps are public.

Motions:

Ms. Aldean made a motion to recommend approval of the required findings (Attachment D), including a finding of no significant effect, for the adoption of amendments to the Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule to implement recommendations of the Permitting Improvement Project

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Diss, Mr. Hoenigman, Ms. Hill, Mr. Settlemeyer

Motion carried.

Ms. Diss 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, 10, 12, and 16; and Design Review Guidelines Appendix H to the TRPA Governing Board

Mr. Stockham asked that the motion include the clerical corrections recommended by Ms. Aldean.

Mr. Hoenigman added that the motion would include the recommendations from Ms. Aldean

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Diss, Mr. Hoenigman, Ms. Hill, Mr. Settlemeyer

Motion carried.

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

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Diss, Mr. Hoenigman, Ms. Hill, Mr. Settelmeyer

Motion carried.

- IV. Informational presentation on the proposed amendment to the Washoe County Tahoe Area Plan to add “Schools – Kindergarten through Secondary” as a permissible land use (as a special use) within the Wood Creek Regulatory Zone, for those parcels equal to or greater than three acres in size

Mr. Hester said Washoe County has asked that the Regional Plan Implementation Committee postpone its discussion of this item to next month. We’ll be taking comments from the public out of respect for their time and effort and postpone any further discussion.

The County is considering an amendment per the process in the Area Plan handbook. The first step for us is to seek RPIC input on issues. It’s not to address specific projects. The proposal is to allow K-12 schools on sites of three acres or more in the Woodcreek Regulatory Zone. There are two applications for projects in that zone and is part of the reason the County is moving on this. One is St. Clare’s Tahoe / St. Francis of Assisi Catholic Church who has received a temporary permit and two six-month extensions. The second extension is based on the understanding they are working on this area plan amendment with the County. The Incline Village Presbyterian Church. has an application to create an academy. Both of those would be affected but that is not what we are here to talk about today.

Public Comments & Questions

None.

Mr. Hoenigman said the committee received some written comments that are posted on the website.

- V. UPCOMING TOPICS

Mr. Hester said in September there will be a presentation on the Tahoe Living Strategic Priority Phase 2 Amendments on Density, Height, and Coverage. The Washoe County Area Plan Amendment that was postponed today will also be heard next month. The staff is also working on a package of climate smart amendments that will be coming this Fall. No specific dates but there will be area plan amendments coming from Placer County, the City of South Lake Tahoe, and possibly Washoe County. Next Spring, another set of process improvement amendments, mixed-use definition, additional climate smart amendments possibly and probably more area plan amendments.

Public Comments & Questions

None.

- VI. COMMITTEE MEMBER REPORTS

No reports.

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VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Chair Mr. Hoenigman adjourned the meeting at 10:30 a.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.