

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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July 14, 2021

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Carr called the meeting to order at 9:32 a.m.

Members present: Mr. Alling, Mr. Booth, Ms. Carr, Ms. Chandler, Mr. Drake, Ms. Ferris, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Teshara, Mr. Young, Ms. Stahler

Members absent: Mr. Ferry, Mr. Hill, Mr. Guevin, Ms. Simon, Mr. Smokey,

II. APPROVAL OF AGENDA

Chair Carr deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Ms. Stahler moved approval of the June 9, 2021 minutes, as presented.

Ms. Simon seconded the motion.

Motion passed unanimously.

V. PUBLIC HEARINGS

- A. Phase 1 Housing Code Amendments to the TRPA Code of Ordinances related to: a) Bonus Unit and Possible Boundary, including amendments to Chapter 52; b) Non-conforming density, including amendments to Chapter 31; c) Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley and Tourist Core Area Plans, and Rules of Procedure Section 12; d) Development Rights Strategic Initiative Code Clean-Up: Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52

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[Phase 1 Housing Amendments](#)

Ms. Karen Fink presented the item, which followed an informational hearing to the APC last month. They were back with a request for APC recommendation for approval of the Phase one housing amendments, and a recommendation for approval of the findings, to the TRPA Governing Board.

This presentation will bring forward the final proposal, highlight any changes, and provide more detail on some of the questions raised by APC members last month. The proposed amendments have emerged from extensive consultation with the Tahoe Living Housing and Community Revitalization Working Group, a committee of the Advisory Planning Commission. The amendments are focused on addressing the serious housing shortage in the basin today.

The proposal aims to encourage and allow more workforce housing types, and is fully within the development pattern identified in the Regional Plan and the 2020 Regional Transportation Plan. It is also fully within our growth caps, so the impacts of that growth have already been analyzed. The proposal moves forward policy changes that further implement the goals of the regional plan, such as encouraging growth in walkable neighborhoods and town centers, providing sufficient workforce housing to help meet local and regional housing targets, and providing housing that is appropriately sized for local workers and residents.

At the June 9, 2021 APC meeting, the Commission considered how these amendments align with some of the 'missing middle' concepts that have been previously discussed. They also noted that some of the TRPA code actually ends up encouraging homes as large as 4,500 square feet. They also reviewed their data, and looked at the size of homes being built in the early 1970's, compared to the size of homes being built in the basin today. In a five year snapshot, between 1971 and 1975, the median home size was 780 square feet, whereas the median home size of homes built in the most recent five years is nearly 2,000 square feet. While they recognize that some families need larger sized homes, needs assessment studies have shown that the vast majority of homes needed, are sized between studio units to two bedroom units.

As part of addressing the overall issues of increasing the amount and diversity of housing options, and meet other regional plan goals, they have developed the Phase One Housing Amendments, which include three major components.

The first element is to expand the bonus unit boundary to encompass previous planning efforts. The first planning effort is the 2018 Development Rights Strategic Initiative, which established a one half mile buffer of transit as the area where the use of bonus units is encouraged. (A bonus unit development right can be obtained, free of charge, in exchange for deed restricting the unit to affordable, moderate, or achievable housing).

They also want to ensure that that bonus unit boundary, encourages multi-family zones, which is where historically, there has been a lot of affordable housing, and where most of the workforce housing is today.

Another planning effort was the 2012 Regional Plan, which identified town centers as areas where they want to focus indirect development. This expanded the bonus unit boundary just slightly by about 15%.

The environmental analysis compared the new area of the bonus unit boundary, to areas of the basin, where modeling shows trip lengths that are below or equal average trip length. Trip length correlates

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closely to vehicle miles travelled, and when development is encouraged in areas where trip links are below the average, it helps reduce the overall average. The new areas of the proposed bonus unit boundary correspond very closely to traffic analysis zones with lower trip lengths.

The next change is to allow non-conforming tourist density, to be used as residential density on site, as long as multi, multi residential is an allowed use in that location.

Under current TRPA code, if a non-conforming (over allowable tourist densities) motel property owner redevelops their property to new tourist units, they can keep those units on site. However, if they redevelop into residential units, they have to conform with the existing residential densities which are much lower, so they would be able to build fewer units on site. With the proposed code, they would be able to keep all of those units as residential units on-site.

Ms. Fink said she had been asked offline if this creates more residential development. She responded that the proposal this does not create additional residential development. Under the existing code, tourist units can convert to multi-family development rights, at a ratio of 1 to 1.5 units. The conversion ratio was developed as part of the Development Right Strategic Initiative in 2018, when the initiative put forward environmentally neutral conversion ratios for different types of development rights.

Referring to the example shown in the presentation, Ms. Fink said that under the existing code, the owner of the property with 17 tourist units, could convert those 17 units to 25 multi-family development rights. But they would only be able to build six of those units on-site, and would have to bank and transfer off the remaining 19 units. Under the new proposal, they would still get the same 25 multi-family residential units use, but they will be able to keep 17 of them on-site, and transfer off the rest.

The environmental analysis for this proposal was completed under the Development Rights Strategic Initiative, which specified that converting tourist units to multi-family units, is environmentally neutral at those ratios. But, in addition, they did want to take a look at where existing tourist development is located, to determine if the code change would be encouraging development in the places where they want to see more compact development, and transit supported densities. They found that all of the existing tourist density that would be eligible for this change, is within the proposed bonus unit boundary.

The third major element of this proposal is to allow more flexibility for accessory dwelling units (ADUs), and do more to encourage this workforce housing type. The existing code does not allow ADUs on parcels of less than one acre in size. The proposed amendment would lift the parcel size limit on residential parcels, and would allow up to two ADUs per parcel. This would allow one attached ADU, or repurposed, existing space, and one detached ADU. In keeping with the goal of trying to reduce permitting hurdles for workforce housing, they further propose that the noticing requirements for ADUs would be the same as for other single family uses.

That covers the TRPA recommendations, but local ADA regulations would also apply. That means that in Douglas County and Washoe County, where those two counties have codified a one acre parcel limit title for the Tahoe Basin, ADUs would not be allowed on parcels of less than one acre with this proposal. The City of South Lake Tahoe, El Dorado County, and Placer County, have already approved changes, or are in the process of approving code changes, that allow ADUs on all residential parcels. However, they do not allow rentals of less than 30 days.

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As far as the area plans are concerned, in their recent area plan amendment, Placer County incorporated the needed language, to allow ADUs on all residential parcels. The staff report for this item contains the required changes for the Meyers Area Plan, and the two South Lake Tahoe Area Plans.

For the ADU element of the proposal, they also looked at the transportation model, to model scenarios of how this might play out. They do expect that most ADUs will be built within the bonus unit boundary, since that is where the incentives lie. ADUs built within the bonus unit boundary receive an application fee waiver, will most likely have lower mobility mitigation fees in most places, and do not need to buy a Development Right, which can be very expensive.

However, the proposal does allow ADUs to be built outside of the bonus unit boundary with a full Development Right, and that is consistent with the goal of encouraging as many of our remaining development rates to be used for smaller workforce units.

They also analyzed a scenario that considered the furthest extent of where they might expect to see development, and analyzed what could happen if they see development in areas where they had not anticipated seeing more than one unit per parcel. The TRPA modelling team, analyzed a scenario where they assumed that a significant number of the remaining development rights would be built as ADUs, and further assumed that all of these ADUs would be built in areas that are zoned single family only. The modelling also included updated information on affordable housing projects in the pipelines, such as Sugar Pine Village and the Pioneer Ski Run Project. So, even though this scenario shifted more homes into areas with longer trip length, this was offset by an increase in lower income households, which have lower truck rates overall. The overall modelling effort showed that they were still consistent with the VMT threshold.

Also, the remaining Development Rights are a small portion of the overall build-out, and this particular shift, represented only 1% of the total build-out. That's a pretty small shift, and the impact is absorbed by other measures that have been put in place through the Regional Transportation Plan and the Regional Plan.

A couple of questions were raised at the June 9, 2021 APC Meeting, and Ms. Fink addressed those briefly. One question was, would the ADU proposal disincentivize transfers of coverage off sensitive land, and onto higher capability land. The environmental analysis, showed that the proposal does not lead to that outcome, and does not change coverage regulations at all. The TRPA code has three different programs in place to incentivize transfer of coverage out of sensitive lands into non sensitive areas, and those remain in place, and have been utilized. Finally, they are also seeing that applications submitted for single family homes, are fully maxing out their coverage, in almost all cases.

The APC also made a request for staff to delve into the traffic, parking, and VMT analysis in the IEC, and raised a question about evacuation. These were all key elements of the environmental analysis. The overall development was fully analyzed in the 2012 Regional Plan, and this proposal does not change the overall amount of growth. The proposal is consistent with promoting the types of development that reduce overall trips, reduce household vehicle ownership, and locate people along major transportation and evacuation corridors. So, they did not find that there were significant environmental impacts from these proposed amendments.

Finally, a question raised at the Regional Plan Implementation Committee and Local Government & Housing Committee meetings, asked how they can ensure that these bonus units are being used as intended, for local residents. Based on those comments, staff made a couple of small changes to the

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affordable housing definition in Chapter 90 of TRPA Code of Ordinances, to add that affordable housing is intended for permanent residents, or seasonal workers. Staff also clarified some of the compliance language that forms part of the bonus unit incentive program.

As far as next steps Ms. Fink advised that following the hearing today, staff would be taking this proposal before the Regional Plan Implementation Committee, for a recommendation for approval to the TRPA Governing Board. Staff will then request Governing Board approval on the same day. Starting in September, the Tahoe Living Working Group, will reconvene, to being looking at further incentives for ADUs. They will also look at site constraints that disproportionately affect workforce housing.

Commission Comments & Questions

Ms. Carr thanked Ms. Fink for the presentation, and for addressing questions raised at the last APC meeting.

Mr. Young asked Ms. Fink to expand on the idea of the tourist accommodation units being converted to residential units. He believes it is important not to miss the understanding that, if you convert those residential units and get free bonus units from TRPA for committing those units to being affordable, then you have regular units that then you can go sell on the marketplace. He thinks that in some instances, that will help people make a deal work. He asked Ms. Fink to talk about the incentive that exists for developers when they get free units from TRPA.

Ms. Fink responded that was correct. If someone wanted to convert their hotel from tourist units to full multi-family development rights, they would need market rate development rights. But if they wanted to build deed restricted units for affordability, they can get bonus units for those development rights. Per the example in the presentation, they would still then have those 25 multi-family development rights that they could go out and sell on the market. That would be additional revenue to help fund their project.

Mr. Young said that was an important point, and one of the ways that it might make it possible for people to actually consider doing this conversion.

Mr. Teshara called attention to the e-mail that received from APC member, Jason Drew, who was absent for the meeting. Mr. Drew underscored a concern shared by other members, about creating more housing, while having minimal impact on coverage and other environmental thresholds. Mr. Drew questioned whether requiring a full development right for ADUs is necessary.

Ms. Fink responded that several members of the Tahoe Living Working Group had noted their support for Mr. Drew's opinion. They believed that since ADUs are generally very small, and particularly in the case of junior ADUs, do not expand the footprint of the home, staff could perhaps look at a way that they do not use up a whole bonus unit or development right, because that development right could be used for any size of home. It may serve as a disincentive to use development rights for small homes because a property owner could get a much higher return from building a larger house. Ms. Fink said they have flagged this issue, and will be looking at in the next phase of amendments.

Ms. Roverud concurred with Mr. Drew's email, and said there is a need to continue discussion since they do see a discrepancy between the same level of development right being required for a 15 bedroom home, as for a garage conversion. That is something to keep on the Working Group's radar, and perhaps

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bring back for discussion with APC. Ms. Roverud added that the proposal is a good step forward, in the right direction.

Ms. Roverud called attention to written comment submitted by Kathy Julian, who raised concern about a scenario in Washoe County, where they do not have the same restrictions as California, on ADUs being used as short-term rentals. Ms. Roverud asked Ms. Fink if she could speak to the scenario laid out in Ms. Julian's email, and how that relates to the neighborhood compatibility requirements with residential allocations. Is there any correlation between the neighborhood compatibility requirements, and issuance of bonus units?

Ms. Fink responded that compatibility requirements are related to the issuance of annual allocations. There is not a correlation with issuance of bonus units at this time, but in order to allow ADUs on all residential parcels in Washoe County or Douglas County, full area plan amendment, would be required. They would need to bring informational hearings to the APC, the Regional Plan Implementation Committee, and additional public hearings, before coming forward for Governing Board approvals. Ms. Fink added that Washoe County and Douglas County do have parcel restrictions on ADUs. In Washoe County they are restricted to parcels of greater than a third of an acre, and in Douglas County they are restricted to parcels of greater than half an acre. There does need to be further discussion about the appropriate level for the Tahoe area, and how that aligns with the rest of the code in those counties.

Ms. Roverud asked if when a bonus unit is issued, is there a deed restriction that requires it to be a permanent resident, that would not be allowed as a short-term rental, regardless of what the counties may change in their regulations. Ms. Fink affirmed that was correct - bonus units come with a restriction that they cannot be used for short-term rentals, and market rate development rights are tied to the neighborhood compatibility with allocations.

Public Comments

Mr. Janvrin, Program Manager for the Tahoe Prosperity Center, and active member of the Tahoe Living Working Group, thanked Ms. Fink and TRPA staff for staying focused on addressing the housing crisis in the basin, and acknowledged some great progress by the Working Group. Allowing tourist density to grandfather in the residential density, should help developers to pencil out hotel/motel conversions. Tahoe has many old, dilapidated hotels/motels that are already serving as de facto affordable housing because we have such limited housing stock. He hopes this spurs a new wave of redevelopment in the coming years. However, these types of projects are probably years away.

That said, Mr. Janvrin does not think they have done enough to incentivize ADUs, which is one of the easiest, cheapest, and fastest types of housing that could be provided. Expanding the bonus units/boundaries is a step in the right direction for the city of South Lake, but it does not go far enough for residents of Meyers, since it omits most of the area, due to lack of transit.

But the biggest issue, is with development rights. Requiring a full development right to permit an ADU, serves as a deterrent to 'affordable by design' development. He understands that coverage is a core tenant of the key TRPA. So, when the existing footprint of an already constructed home can include an ADU why should a development right be required? Attached ADUs, junior ADUs, and existing construction, should not require developed a second development right, period. There is a critical need for workforce housing here – it has truly become a crisis. We need to find ways to allow new, 'affordable by design' housing as quickly as possible, so the local workforce can afford to stay here. Simply allowing already

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constructed space to become legal ADUs, is the fastest path to increasing housing that has no impact on coverage, requires no government subsidies, and allows our community to participate in the solution, with the net result to simply increase density, is exactly what the other recommendations are already incentivizing.

We should be doing all that we can, to not just allow, but to incentivize, 'affordable by design' housing, and not depend solely on 'affordable by government subsidy' housing. As one of the regional conveners on housing in Lake Tahoe, the Tahoe Prosperity Center, strongly supports the recommendations made by TRPA staff, but they encourage an amendment to allow for ADUs on already constructed space to not require development rights.

Mr. Feiger, speaking on behalf of the League to Save Lake Tahoe, said that the League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Tahoe basin. In connection with their mission, they advocate for the implementation of sound, environmental, environmentally friendly policies, contained within regional land use and planning documents. So ADUs fit squarely into their mission. The League have been the only environmental group actively, and continuously participating in the Housing Working Group, and it has been great working with stakeholders and TRPA staff, and their feedback and input has been heard.

Their concerns remain the same, coverage, density, and transportation impacts, which directly and indirectly impact the lake's natural environment. So addressing housing issues at the Lake are a top priority for us and for many partners, but any effort to improve housing must also ensure that we are protecting the environment. The League applauds the process, and supports the ADU incentive package as presented today.

The League sees the potential for ADUs to help achieve housing and transportation goals, but they really need data showing that they're an effective tool. The effectiveness of ADUs in reaching housing and transportation goals, needs to be assessed for considering more incentives, especially those involving coverage and development rights. Coverage requirements and development rights are critical to addressing lake clarity decline. Development rights came out in 1987 to cap the total amount of development potential, and to ensure that development aligns with environmental capacity.

The League sees the disparity between a large mansion and a studio apartment, and are interested in looking at it in the longer term. Coverage gives the biggest headache, so they would prefer that TRPA uses their authority to reduce or eliminate parking minimums to reduce the coverage needed, and to reduce transportation impacts instead of allowing more coverage. So let us try to figure out what we are using coverage for, and see if it is the best use. Are we trying to create coverage for people, or coverage for cars?

Today, the League would like the APC to recommend approval of the ADU package as presented, but going forward, any further actions, especially those affecting coverage and development rights, are longer term actions that may have significant environmental impacts, and need to be carefully considered - based on data, monitoring surveys, etc.

The League look forward to continuing work with the Housing Working Group, TRPA staff, and the APC to increase affordable and workforce housing while minimizing environmental impacts.

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Mr. Taylor, CEO of Alpine Corporation said this is a very important issue. As one of the few workforce housing developers, based in Lake Tahoe they are on the pulse of what's going on here in the basin. Alpine Corporation currently have three projects in the basin, and continue to work on more projects, and firmly agree with Mr. Janvrin's comments in regard to the issue of ADUs.

They agree with the proposal presented today, but have issue with some things been in regard to workforce housing overall. We have large companies coming in to get local projects, and these people are not from our area. They are taking money from our local government entities, from our local taxpayers and taking it out of the local area. As an example, Stephen Ross, CEO of Related Companies, is a billionaire, based in New York City. Mr. Taylor had a conversation with the Mountain Housing Council last week, and asked why they are not doing a tubular housing. The Council responded that there was not a high enough return. Mr. Taylor said that Stephen Ross is a billionaire – why does he not contribute. The Council did not have an answer. Mr. Taylor said he can put his hand in his pocket for tubular housing projects, why can't he? So, we are losing jobs and losing local tax money, to companies that are taking the money out of the basin. Mr. Taylor said we really need to be cognizant of the fact that is going on, and it needs to be really looked at.

Mr. Taylor also responded to Mr. Feiger's comments on coverage. Referencing the Sugar Pine Village Project, he asked that they take a look at these giant parking lots with nothing over them. Mr. Taylor asked why they don't have any covered parking. The answer was that the snowplows will get it. He said that is baloney – the whole thing is a waste of coverage. He asked why they don't build the buildings over the parking? They are not doing it, because they wanted to save money, and that money goes into their pocket. So, we need to be very conscious of this stuff. Every project that Alpine Corporation designs, is conscious of coverage, and includes garages on the bottom floor. They also spend more money with architects to ensure they stay within TRPA height restrictions, which also costs more money.

Commission Comments/Questions

Mr. Teshara reinforced Mr. Janvrin's statement that we should do all we can, not just to allow, but to incentivize 'affordable by design' housing, and not just depend solely on 'affordable by government subsidy' housing. There are interested developers here, and one of the commodities that we have here are the older motels, and we at the Tahoe Chamber have recently been contacted by a firm that specializes in doing that. He believes that the issue of ensuring that we don't lose a lot of the units if conversion occurs from old motels to residential, is critical, and is pleased to see that being addressed. There are good opportunities to build some housing by design, and to also allow other opportunities for us to get housing without having to be subsidized, or to be created as new coverage.

Ms. Roverud responded to comments made regarding parking for ADUs. She noted that for the City of South Lake Tahoe's ADU Ordinance (and assuming, Eldorado and Placer Counties may have similar provisions) the regulations for ADUs does have provision allowing ADUs to be developed without any parking, if located within a half mile of walking distance of public transit. She wanted to ensure that any conversation about parking, and its effect on coverage, is informed that there is also a focus on public transit.

Ms. Roverud believes that for the TRPA regulations currently before us in regard to changing the criteria for the bonus unit locations, the City of South Lake Tahoe, and most jurisdictions have embraced the idea that if development is located near transit, it makes sense to reduce the parking requirement. Those

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changes are already being made, and the real concern is with public transit. If you are going to provide development without parking, then you must provide some opportunity for people that live or work there to be able to get around. She does not want the focus to be on the parking requirements, because she thinks they are already making a lot of progress in that area - but they will not be able to go far enough until we address public transit needs in the basin.

This would also relate to the comment about Meyers, and the public transit service for the Meyers community. If there is no public transit there, they do not have options other than vehicles. So, that is an area that they really need to work on in conjunction with the parking requirements.

Ms. Carr raised a question regarding the photographs sent by Mr. Janvrin. If there are existing, mother-in-law quarters, or an additional garage for example, that someone wanted to convert into a rental unit, what would prevent them from doing that? Would they get caught up in a net of needing a building permit for plumbing? What stops people from just creating these ADUs now, or in the future?

Ms. Fink responded that from a TRPA perspective, if they wanted to add a kitchen to the unit, they would need to obtain a development right. So, if they don't want to add a kitchen, and just rent out an extra room in their house, that is fine. But if they want to add a kitchen, and make an independent living unit, TRPA requirements would kick-in.

Ms. Roverud added that the City of South Lake Tahoe has a program in place, whereby if they find garages that have been converted illegally, they do have the opportunity to legalize those, but they do have to address building code requirements. Often when they find illegal conversions, they also have safety and sanitary issues, but there is a program, in partnership with TRPA, to allow those to be legalized through the bonus unit program, alongside required building permits and code requirements.

Mr. Drake said he was intrigued by Mr. Janvrin's comment about the possibility of ADUs being able to be built without a development right, and asked what the implications of that might be.

Ms. Fink responded that they have received five applications for ADUs from people in Placer County, where it has been allowed for several years, so that gives some experience on how these permits are going. Under Placer County current code those will all need to be deed restricted. It is pretty straightforward, and applicants seem fine with the deed restriction, but it does add quite a bit of time. They need to pay for that deed restriction, to get it recorded. So, in keeping with removing barriers, are there ways to streamline that and make it simpler?

There are a variety of things that we could look at, but they would need a separate environmental analysis to determine if there are environmental impacts that we need to consider. Currently, the modelling we use in our conversion ratios does treat one unit as a certain impact, and does not account for the size of the unit. So, that is where we might want to start honing our tools to get some additional data on how units at different sizes actually impact the environment, so that we could make policies that are more closely aligned with the environmental impacts due to size.

Ms. Roverud asked if it would be appropriate to add a fifth motion, to ask that staff look at changing the bonus unit requirements for ADUs. Mr. Hester responded that would be appropriate - it is already on the agenda to be looked at in the near future, and it would be beneficial to make the Governing Board aware.

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Commission Comments

Mr. Teshara made a motion to recommend approval of the required findings in Attachment A, including a finding of no significant effect, for the adoption of amendments to the TRPA Code of Ordinances related to 1) Bonus Unit Boundary, including amendments to Chapter 52, 2) Non-conforming Density, including amendments to Chapter 31, 3) Accessory Dwelling Units, including amendment to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers Tahoe Valley and Tahoe Tourist Core Area Plans, and Rules of Procedure Section 12, 4) Development Rights Strategic Initiative, Code Clean-up, Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51, and 52 as shown in Attachment B.

Mr. Young seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Stahler, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Booth, Ms. Ferris, Mr. Guevin, Mr. Letton

Absent: Mr. Smokey, Mr. Hill, Mr. Ferry, Mr. Drew

Motion carried.

Mr. Teshara made a motion to recommend approval and adoption of Ordinance 21-__ Attachment C, amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 21, 31, 39, 50, 51, 52 and 90.

Ms. Chandler seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Stahler, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Booth, Ms. Ferris, Mr. Guevin, Mr. Letton

Absent: Mr. Smokey, Mr. Hill, Mr. Ferry, Mr. Drew

Motion carried.

Mr. Teshara made a motion to recommend adoption of Resolution 2021-__ to amend the Rules of Procedure as set forth in Attachment D

Ms. Jacobsen seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Stahler, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Booth, Ms. Ferris, Mr. Guevin, Mr. Letton

Absent: Mr. Smokey, Mr. Hill, Mr. Ferry, Mr. Drew

Motion carried.

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Mr. Teshara made a motion to recommend approval and adoption of amendments to the Meyers Area Plan, the Tahoe Valley Area Plan, and the Tourist Core Area Plan, as shown in Attachment B, separate adopting ordinances for which will be presented to the TRPA Governing Board after the local jurisdictions have taken actions on the changes

Mr. Young seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Stahler, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Booth, Ms. Ferris, Mr. Guevin, Mr. Letton

Absent: Mr. Smokey, Mr. Hill, Mr. Ferry, Mr. Drew

Motion carried.

Ms. Roverud made a motion to recommend that the Tahoe Living Housing and Community Revitalization Working Group work plan, continues to prioritize discussion and evaluation of the development rights required for developing an ADU

Mr. Young seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Stahler, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Booth, Ms. Ferris, Mr. Guevin, Mr. Letton

Absent: Mr. Smokey, Mr. Hill, Mr. Ferry, Mr. Drew

Motion carried.

VI. PLANNING MATTERS

A. Aquatic Invasive Species (AIS) Annual Program Update

Mr. Dennis Zabaglo presented on this item.

As APC members likely know, the AIS program is one of the priority programs in the Environmental Improvement Program. They have a management plan, approved by both Governors, by the Executive Director of the TRPA, and by the Aquatic Invasive Species Taskforce (the federal advisory committee that oversees aquatic invasive species issues nationally).

The management plan designates TRPA as the lead for implementation, oversight, and fiscal agency for the program in the basin. The program covers prevention, control, monitoring, and education.

The program owes its success to public and private partnerships in the region - the hallmark of many programs within the, within the agency. AIS Program partners include dozens of private and public entities implementing partners, such as, the Tahoe Resource Conservation District, local marinas, launch ramps, and private facilities. And, of course, the boaters. Without this widespread support, the program, would not be anywhere near as successful as it is.

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2020 was a challenging year, but we learned a lot, and reinforced the importance of communication and collaboration with our partnerships.

Regarding the mandatory Prevention Program, we employ rigorous training for all inspectors, and marina staff, to ensure that only inspected boats are launched. We designate that inspection with the use of a security seal, that sits between the boat and the trailer, and if that seal is not present, then the bulk cannot launch. All our protocols are vetted through our partnerships regionally, at the western level, and the Tahoe program is considered the gold standard for the rest of the country. This is due to our science based protocols, and our customer service.

Education is critical to the program. The Clean, Drain and Dry mantra is promoted at our stations, in our pamphlets and brochures, and on our website. It's a simple, action-oriented message, and the [Tahoe Boat Inspection](#) website explains what it's for, why it's important, and how to accomplish it. So, when boaters arrive at the inspection station, the process is almost complete, reducing the risk of introducing invasive species to the lake.

One of the new features introduced this year was the implementation of an inspection appointment system. Over half of our inspections are now booked through the appointment system, which speaks volumes about the service that people expect and want. We charge a convenience fee for the extra level of service, which also provides additional revenues to help support the best, well-trained, staff, at competitive salaries.

Another new feature this year, is located at the Meyers Station this year. With support from the Tahoe Fund, and the League to Save Lake Tahoe, we have installed an educational gazebo, where boaters can learn about the program and other environmental issues important to Lake Tahoe.

As you may have seen in the media, the number of mussel infested boats this year is significant. We have intercepted 24 infested boats so far this year, compared to 21 for all of last year. We are seeing a lot of new boaters coming to Tahoe, and local voters buying boats from other areas. This is something we prepare for through the rigorous training, and monitor with a secret shopper program to ensure protocols are being followed at inspection station, ramps, and marinas.

We also have regional collaborations on this issue, our challenge is not unique, and we are working with our Western partners to outreach to various boat haulage companies. We collaborate on joint advertisements in boat sales publications, such Boat trader, and significant discussion continues at the national level, with the Aquatic Nuisance Species Taskforce, with TRPA serving on that body. Mr. Zabaglo also serves as Chair of the Western Regional Panel, the entity that co-ordinates the Western programs.

The program works to ensure clear communication with the with the U.S. Fish and Wildlife Service on this issue, implements roadside alerts, conducts AM radio messaging, and works with the transport companies to ensure that they know all boats needs to be inspected before they go straight to a marina.

Locally, we are also doing outreach to ensure we take every opportunity to educate boaters on the importance of the program, and their due diligence. The outreach program also produces various rack cards, brochures, print advertising, billboards, and works with the media to spread the word.

With regard to the AIS Control Program, projects are being implemented throughout the basin to combat existing invasive species, such as Eurasian Watermilfoil, and Curly-leaf Pondweed. A control project for

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Asian Clams was completed at Sand Harbor last year, where bottom barriers were installed to suffocate the clams. The project achieved about an 80% mortality rate, and knocked back the population by several generations, in that area. Bottom barriers are also used to control invasive weed species, by blocking photosynthesis and killing those plants.

Innovation is a big part of our program, and we are using techniques that are not yet implemented anywhere else in the country. For example, a UV light boat was recently launched at Lakeside Marina, before moving over the Tahoe Keys.

The AIS Control Action agenda is a strategic plan that was developed in co-ordination with the California Tahoe Conservancy and the AIS Coordinating Committee, and put into place last year. The plan identifies and analyzes all of our active sites with some level of infestation of existing species, and every site is being addressed to some degree - whether planning, active implementation, or post project surveillance mode.

One thing we are now working on with partners, is the redevelopment of our performance metrics. We currently use 'acres treated' as a measure, which is good from our level of effort perspective, but the control action agenda seeks to reduce our existing plant populations by 90% over a 10 year planning horizon. So, we need additional metrics to track that success e.g., acres reduced, projects implemented.

Some major projects underway, include Meeks Bay where we are working on the beginning phase of an overall restoration project.

A project at Ski Run Marina, is one of our most challenging locations, where we are investigating another innovative technique called Laminar Flow aeration, which installs diffusers that emit millions of tiny bubbles to create a continuous level of oxygen, from the surface all the way down to the substrate, to help decompose some of the inorganic, or loose, organic materials at the bottom. This 'muck', provides a lot of nutrients for plants to feed on. We are having some level of success at Ski Run, but it's not 100%. Like many of our projects, one technique alone is not enough. So, we are now looking at complementary techniques to ensure we have a successful project outcome.

Another innovative approach being used only in Tahoe, involves the use of 'bubble curtains' to prevent the spread of fragments from areas of infestation, into areas of non-infestation. The first one was located in the west channel of the Tahoe Keys, with support from the property owners and the League to Save Lake Tahoe. Now, several partners are collaborating to add more bubble curtains in the Tahoe Keys, Lakeside Marina, and at Elk Point Marina.

They learned a lot from the project at Emerald Bay. They learned they needed to implement multiple techniques, over the course of several seasons for these projects to be successful. The six acre project at Emerald Bay has been successfully, locally eradicated.

The biggest project this summer is the Taylor-Tallac Project, another example of an AIS control project as phase one of an overall restoration. This project will become a hallmark of success for AIS control in Lake Tahoe. The project will address a 17 acre infestation, mainly Eurasian water milfoil, in the Taylor-Tallac creeks, wetland areas, and marsh areas. They aim to implement the project in August, and are currently finalizing permitting with Lahontan Water Board, and the US Army Corps of Engineers. The location is extremely important, because it is the last active, fully functioning, wetland in the basin, and has the capability to support habitat for every native species in the basin.

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Funding for the Taylor-Tallac project is coming from TRPA, the Lake Tahoe Restoration Act, the USFS, and the Tahoe Fund. The price tag for the project is just over \$3.5 million.

Another major project that started last year is the Tahoe Keys Complex project. This is an area immediately outside the boating channels at the Tahoe Keys, and totals about 100 acres of infestation, at varying levels of density. Diver assisted suction was started last year, and will continue this year at the site. It's a little different from other projects, where we look to locally eradicate invasive species. In this case, due the size, and proximity to the Tahoe Keys, the goal is to keep the infestation from becoming unmanageable. Additional funds for this project have come from the SB 630 Program, The League to Save Lake Tahoe, TRPA, and the Tahoe Resource Conservation District. funds going towards the implementation with the resource conservation district leading that effort. The area challenging due to the high productivity, so additional outreach with our partners in the area has been critical to ensuring diver safety.

The Tahoe Keys Control Methods Test, is a collaborative effort to address the largest infestation of aquatic invasive plants in Lake Tahoe, located within the Tahoe Keys. It is a challenging project, not only because of the size and scale, at over 170 acres of Eurasian Watermilfoil and Curly-leaf Pondweed, but due also to the complexity of varying conditions within the Tahoe Keys. The tried and true methods are difficult at best in this location, and the Tahoe Keys Property Owners have proposed the use of aquatic herbicides. The proposal is controversial for many reasons, including the fact that herbicides have never been used in a water body Lake Tahoe. They recognized that process would be complicated, and took the initiative to create a stakeholder committee, to develop collaborative, transparent approaches to dealing with this infestation. As a result of this collaboration, the committee have developed the test approach, which will look at multiple methods, including the of aquatic herbicides.

Draft environmental documents were released last summer, and they are now working on the monitoring plans, draft permits, and anti-degradation analysis. So far, they have learned, that with careful planning and monitoring, protection measures, and proposed mitigations, all of the identified potential impacts are less than significant. These documents will be available soon for agency and public review. The Tahoe Science Advisory Council will also conduct a peer review of some elements of the monitoring plan. Final environmental documents will be presented to the TRPA and Lahontan Boards in January of 2022, for certification and approval.

While the process is continuing, they are taking every opportunity to act on public suggestions to implement additional tests, including an articulated UV light array at the Lakeside Marina.

Finally, program funding. They have various funding sources, not only from the two States who provide funding for the prevention program, but also through Lake Tahoe Restoration Act, that has increased over time (started at \$3 million per year, now we're at \$4 million per year).

For the longer term, they plan to construct a permanent inspection station near Spooner Summit, as part of the Highway 28 Corridor Management Plan. Design funding will come from the license plate grant through the Division of State Lands.

Funding is also important to ensure they can retain a well-trained, dedicated staff, and fund other aspects of the program such as routine sampling to ensure that no new AIS have been found.

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The Control Action Agenda, that defines a 10 year planning horizon with a 90% reduction goal, has a price tag of around. Over the 10 year timespan, they are about halfway there with Lake Tahoe Restoration Act at \$4 million, and funding support from partner through the SB 630 Program, and other federal grants.

In closing, Mr. Zabaglo thanked all of the partners for their hard work.

Commission Comments & Questions

Ms. Carr thanked Mr. Zabaglo for the presentation and update. She was particularly pleased to see the appointment system, the secret shopper program, and believes that the educational structure at Meyers Inspection Station is a brilliant resource. Ms. Carr said she was excited to see other control projects being initiated, not just through TRPA effort, but through private partnerships

Ms. Carr asked about any partnership or discussion that may be happening between the AIS program, and the people that are working on a trash cleanup? Are they educated and aware of invasive species, and able to alert you if they find something that you don't know about?

Mr. Zabaglo responded that they worked with them in the past, but have not had the ability to engage with them as much as they would like this season. Through our outreach team, they will ensure they have information to share with the diver teams to make sure they are aware of the existing/invasive species. They will also incorporate efforts with the League to Save Lake Tahoe's Citizen Science Team.

Ms. Chandler said she had been on the Water Quality Committee at the Tahoe Keys for the last four years, and is finally starting to see a light at the end tunnel. They are very excited about the possibility of being permitted by January of 2022, and they think things are starting to move in a positive direction. She thanked Mr. Zabaglo and the stakeholders for you for all they have done to move this project forward.

Ms. Simon said she has been following the issue of the invasive species in the Tahoe Keys for some time, and is very encouraged by the report. She will contact Mr. Zabaglo offline to arrange a site visit in the near future.

Ms. Chandler asked when the Tahoe Keys documents would be brought back for review by the APC. Mr. Zabaglo responded that they will be back towards the end of the year when the final document has been released.

This item was information only.

Public Comments

None.

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VI. REPORTS

A. Executive Director/Upcoming Topics

Mr. Hester provided a brief update on items that have previously heard by the APC.

One of the items from the Total Living Working Group was an informational housing item, heard by the APC last month. The item will now go before the Regional Plan Implementation Committee later this month.

The other item covered at last month's APC meeting was the Threshold Evaluation Issuance. APC recommended the Governing Board approval, and the Governing Board did approve the item at their last meeting

The August APC meeting will be cancelled.

B. General Counsel

No report.

C. APC Members

Ms. Jacobsen advised that the Placer County Board will meet in Tahoe on July 20, 2021. They will take several housing related items to the board, all aimed at moving the needle on addressing the housing needs in the region.

Ms. Simon informed that Washoe County have instituted some short-term rental regulations, and they will be reviewing those in relation to the ADU proposal discussed today.

Mr. Guevin said that the Fire District had been busy with July Fourth activities. Members of the public had questions/concerns about how they could allow fireworks in the current climate. They were smaller, safer, and cleaner shows, and all went well. They are now heading into a heavy fire season, which is a concern going forward.

Mr. Teshara provided additional detail on the Lake Tahoe Restoration Act Reauthorization Bill. This is a very important bill that extends the \$415 million authorization through September 30, 2034. The bill was heard on July 13, 2021 by the House Subcommittee for National Parks, Forests, and Public Lands, which is an important part in moving the process forward.

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VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Mr. Drake moved to adjourn.

Chair Carr adjourned the meeting at 11:35 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tracy Campbell". The signature is written in a cursive, flowing style.

Tracy Campbell
Clerk to the Advisory Planning Commission

The above meeting was recorded in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review