

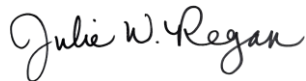
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that on **Wednesday, October 11, 2023**, commencing at **9:30 a.m., on Zoom and at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

NOTICE IS HEREBY GIVEN that on **Wednesday, October 11, 2023**, commencing **no earlier than 11:00 a.m.**, members of the **Advisory Planning Commission** are invited to attend a 'Planning 102' training session at the conclusion of the Advisory Planning Commission meeting.

To participate in any TRPA Advisory Planning Commission meeting please go to the Calendar on the www.trpa.gov homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website.

October 4, 2023



Julie W. Regan
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA and Zoom

October 11, 2023
9:30 a.m.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Written Public Comment:

Members of the public may email written public comments to 'publiccomment@trpa.gov'. We encourage you to submit written comments (email, mail, or fax) in advance of the meeting date to give our staff adequate time to organize, post, and distribute your input to the appropriate staff and representatives. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting. Late comments may be distributed and posted after the meeting. Please include the meeting information and agenda item in the subject line. For general comments to representatives, include "General Comment" in the subject line.

Verbal Public Comment:

Public comments at the meeting should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (usually 3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. Public comment will be taken for each appropriate action item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments including agendaized informational items. Members of the public participating via Zoom identifying themselves

with an obscene, slanderous, or offensive name will not be called on to make public comment.

Accommodation:

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to participate in the meeting. Please contact Tracy Campbell at (775) 589-5257 if you would like to participate in the meeting and are in need of assistance. The meeting agenda and staff reports will be posted at <https://www.trpa.gov/meeting-materials> no later than 7 days prior to the meeting date. For questions please contact TRPA admin staff at virtualmeetinghelp@trpa.gov or call (775) 588-4547.

IV. DISPOSITION OF MINUTES

V. PLANNING MATTERS

A. Threshold Standards Update

**Discussion and Possible Direction/
Action** Page 19

1. Update on proposed revisions to the restoration of stream environment zone environmental threshold carrying capacities (threshold standards), SC11-SC13
2. Update on proposed revisions to the Tahoe Yellow Cress threshold standard, VP21
3. Update on proposed revision of the Aquatic Invasive Species threshold standards, WQ9-WQ14

VI. REPORTS

A. Executive Director

Informational Only

- 1) Tahoe in Brief – Governing Board Monthly Report
- 2) Upcoming Topics

Informational Only Page 37

Informational Only

B. General Counsel

Informational Only

- 1) Review of Compact Open Meeting Law and Conflict of Interest Requirements

Informational Only

C. APC Members

Informational Only

VII. PUBLIC COMMENT

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

September 13, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

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

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

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

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

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

Motion passed.

V. PUBLIC HEARINGS

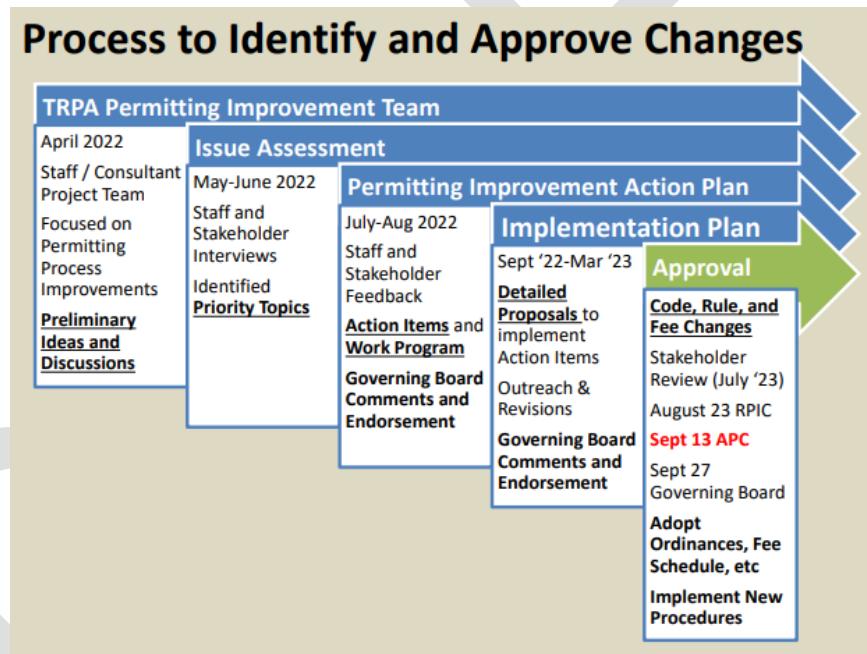
[Agenda Item No V.A. Permitting Process Improvements](#)

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

The simplified procedures propose that:

- Historic determinations are minor applications. (ROP Sec. 5.5)
- Historic determinations may be bundled with project reviews. (ROP Sec 5.4)

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- Delegates additions, reconstruction, or demolition of eligible (not designated) historic resources to staff (vs Hearing Officer). (Code Sec 2.2)
- Discontinue State consultations for eligibility determinations and mitigation approval at the request of the States. (Code Sec 67.4)

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

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

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

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

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

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

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

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

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

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

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

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

<u>Application Type</u>	<u>Total Fee (Existing)</u>	<u>Total Fee (Proposed)</u>
Single Family Remodel/Addition (Lakefront, 5,000 sf)	\$9,519	\$10,890
New Pier – multiple use (High Scenic)	\$11,809	\$9,852 (no GB review)
New Pier – single use (High Scenic)	\$9,389	\$9,852 (no HO review)
Pier Expansion (High Scenic)	\$3,944	\$9,852
Pier Modification (No Scenic)	\$3,315	\$3,315
One New Buoy (No Scenic)	\$787	\$1,500

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

APC Comments/Questions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comments & Questions

None.

Motion

Ms. Jacobsen made a second motion to recommend approval and adoption of Ordinance 2023-__ (Attachment E), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; and Design Review Guidelines Appendix H to the TRPA Governing Board, including the Errata issued today.

Mr. Hitchcock seconded the motion.

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

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

Ms. Jacobsen made a motion to recommend approval of the required findings (Attachment D), including a finding of no significant effect, for the adoption of amendments to the Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5,

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

Mr. Hitchcock seconded the motion.

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

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

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

Mr. Hitchcock seconded the motion.

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

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

VI. REPORTS

A. Executive Director

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

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

APC Comments/Questions

None.

B. General Counsel

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

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

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

C. APC Member Reports

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

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

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

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

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

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

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

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

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

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

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

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

VII. PUBLIC COMMENT

None.

ADVISORY PLANNING COMMISSION

September 13, 2023

VIII. ADJOURNMENT

Mr. Teshara moved to adjourn.

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

Respectfully Submitted,



Tracy Campbell
Clerk to the Advisory Planning Commission

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

DRAFT

STAFF REPORT

Date: October 4, 2023

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Updates to Threshold Standards

Summary and Staff Recommendation

For the past two years staff have been working with Stakeholders to review and propose revisions to the Threshold Standards that guide the Regional Plan. The presentation will cover proposed modifications to threshold standards in three focus areas; 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3) Tahoe Yellow Cress conservation.

Requested Action

This item is informational only.

Background

TRPA operates under the authority of the states of California and Nevada and the federal government through the Bi-State Compact, which was ratified by Congress and signed by the President of the United States. The revised Bi-State Compact, signed nearly forty years ago, wrote “the waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region (96th Congress 1980)” To ensure the natural beauty and economic productivity of the region would persist for generations to come, the Bi-State Compact directs TRPA to establish “environmental threshold carrying capacities,” defined as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region.” These environmental threshold standards establish goals for environmental quality and express the shared aspiration for environmental restoration of the Tahoe Region. The standards shape the goals and policies of the Regional Plan and guide millions of dollars of public and private investment in the basin through the Environmental Improvement Program (EIP). The initial threshold standards set the course for the Region 40 years ago but were never intended to be immutable. The multi-disciplinary team that authored the 1981 threshold study report outlined specific triggers for standard review, and set the expectation that the standards would be reassessed at least every five years, and wrote: “environmental thresholds are not static standards that once in place remain forever” (TRPA 1982a).

Proposed changes to the threshold standards were developed using the guidelines proposed by the Tahoe Science Advisory Council and direction from the Threshold Update Initiative Stakeholders Working Group appointed by the TRPA Governing Board and chaired by the Advisory Planning Commission (APC). The specific changes being presented to the APC were prepared in conjunction with the EIP working groups focused on each subject matter: Tahoe Watershed Improvement Group for SEZ, Tahoe Yellow Cress Adaptive Management Working Group for Tahoe Yellow Cress, and the Aquatic Invasive Species Coordinating Committee for Aquatic Invasive Species.

Stream Environment Zone (SEZ) restoration

The proposed update to the SEZ restoration renews the partnership's long-term commitment to restoring the resilience of SEZ, by establishing a new target for SEZ restoration. The proposed standard utilizes the SEZ condition index which integrates both size and condition, addressing the deficiency in the current standards sole focus on area of SEZ (Attachment 1).

Aquatic Invasive Species Control

The proposed modifications to the AIS control threshold standards replace six aspirational statements with two quantifiable goals. The first standard establishes a goal of no active plant infestations outside the Tahoe Keys, and the second establishes the goal of 75% reduction in abundance within the Tahoe Keys (Attachment 2).

Tahoe Yellow Cress

The proposed modifications to the Tahoe yellow cress threshold standard incorporate the last thirty years of Tahoe yellow cress science and recognize the influence of lake level on population sites. The proposed standard also aligns the threshold standard with the species conservation strategy (Attachment 3).

Additional detail on the proposals can be found in the attached memos from the individual working groups to the Tahoe Interagency Executive Steering Committee (TIE-SC). The attached memos will be presented to the TIE at the November 2023 meeting.

Public Comment

To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Contact Information

For questions regarding this item, please contact Dan Segan, Chief Science and Policy Advisor, at dsegan@trpa.gov, (775) 589-5233.

Attachments:

- A. Draft Stream Environment Zone threshold update memo
- B. Draft Aquatic Invasive Species control threshold update memo
- C. Draft Tahoe Yellow Cress Threshold update memo

Attachment A

Draft Stream Environment Zone threshold update memo

Date: DRAFT

To: EIPCC / TIE-SC

From: Tahoe Watershed Improvement Group

Subject: Recommended Updates to the Stream Environment Zone Restoration Threshold Standards

Introduction and Background

Protecting and restoring meadows and wetlands has long been a priority in the Tahoe Region to preserve wildlife habitat, maintain the natural functions of the ecosystem, and build the region's resilience to climate change. This memo summarizes recommended updates to the Stream Environment Zone (SEZ) restoration target for the Tahoe Region.

Thresholds

Current Thresholds:

- SC10) Preserve existing naturally functioning SEZ lands in their natural hydrologic condition.
- SC11) Restore all disturbed SEZ lands in undeveloped, unsubdivided lands.
- SC12) Restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided.
- SC13) Attain a 5 percent total increase in the area of naturally functioning SEZ lands.

Proposed Thresholds:

- 1) Enhance the quality and function of meadows and wetlands from 79% to 88% of the regional possible SEZ condition index score.

Justification for Changes to Thresholds:

The proposed update to the threshold standard established a new goal for SEZ restoration consistent with the partnerships long-term commitment to restoring the resilience of these ecosystems. The peer review of the 2015 Threshold Evaluation highlighted the shortcoming of 40 years of tracking only the area of SEZ restored in the region; *"In summary, the present approach to evaluating the condition and the improvement in SEZs is an overly blunt instrument with no apparent scientific basis beyond "more is better" (Hall et al. 2016)."* Numerous issues have been identified with regard to the current threshold standards. Among the issues raised are the ambiguous nature of the objectives as a result of multiple undefined terms, and the absence of an accepted baseline against which the standard can be assessed. To address these issues, partners developed the SEZ condition index which integrates size and condition, to provide a single integrated value that expresses the regional contribution of the SEZ. In 2020 partners completed the baseline assessment, compiling condition assessments for 98% of the meadows, marshes, wetlands, and fens in the region. That assessment is used as the baseline to establish the new target.

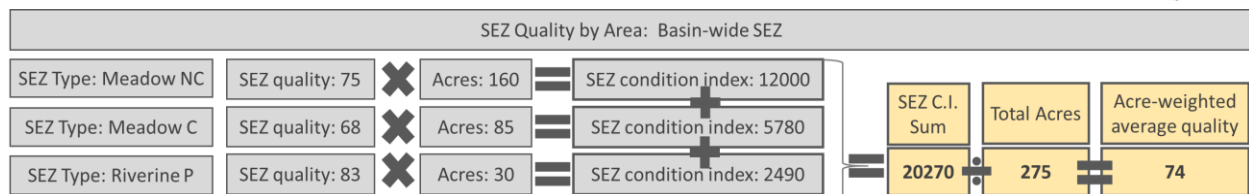


Figure 1: SEZ Condition Index Calculation

The baseline assessment utilizes a dimensionless “SEZ condition index” that quantifies condition based on up to ten individual indicator scores (additional details on the condition index and full baseline assessment can be found at <https://gis.trpa.org/tahoesezviewer/>). The individual indicators were selected as quantitative measures of the functions and benefits SEZ provide. The condition index expresses the condition of each SEZ on a scale of 0 to 100, with 100 being a perfect score (full function) and zero representing complete loss of function (Figure 1).

Use of the condition index for regional target setting requires weighting individual scores by the area assessed. This is done by multiplying the condition score for each SEZ by the area of that SEZ, and then summing all individual scores (Table 1). At the regional scale the maximum possible SEZ condition index score can be calculated by multiplying the total acres of SEZ by 100. Where 100 is the condition score expressed as a percentage of the maximum possible score. Dividing the current score by the total acres of SEZ in the region, provides an area-weighted average quality score for the region. The condition index suggests that the region’s SEZ are currently at 79% of their total possible score (Table 1).

Table 1: SEZ Condition Index

Condition Index	
Possible Score	1,194,218
Current Score	939,037
Current as percent of possible	79%

Using the baseline assessment to establish current condition, the recommended restoration target was established by identifying impaired SEZ that partners are currently restoring or are a future restoration priority. The expected increase in the index score was established through a review of the expected restoration outcomes with implementors. The average post-project score was estimated to be 91% of the overall score. The embedded assumption here is that future restoration projects outperform restoration work of the last 20 years, where the average score of a restored unit was 88%. Units identified for projects were thus expected to be at 91% of their total possible score. Where a unit was already at or above 91%, the contribution was estimated to close half the gap to a perfect score (eg. if a unit was currently at 92%, the estimated increase was to 96%).

A total of 169 units were identified for future work, including 4,746 acres or 40% of mapped area in the region. Collectively these projects would raise the Condition Index from 79% of the regional possible score to 88%. While the goal for the standard was identified based on assessment of individual units, no specific unit is identified or required for attainment of the goal. The target can be attained in many ways, including enhancement of existing meadows and/or restoration of units that have been lost to development.

The proposed threshold standard includes embedded assumptions about the future condition of SEZ in the Region. Notably, that there will be no decline in condition of SEZ as a result of climate change. If climate change causes widespread decline, as some forecasts suggest, the target will be significantly harder to attain and may need to be adjusted.

The existing non-degradation standard for “naturally functioning SEZ lands” (SC 10) is not recommended as a threshold standard. The standard was adopted prior to the current Regional Plan and the protections in the Regional Plan and Code of Ordinances now exceed the threshold standard. The protection of naturally function SEZ is included in Regional Plan Goal S-1.7 and exceeded by protections included in Goals S-1.2 and SEZ-1.5. While the standard refers only to “naturally functioning” SEZ lands, the protections against coverage or permanent disturbance in S-1.2 and SEZ-1.5 extend to land capability classes 1-3 (land capability class 1b is generally considered the closest to SEZ), even if the area is not considered to be naturally functioning. Additional protections, such as a prohibition on development, grading, and fill in the 100-yr floodplain NH-1.2 afford further protection.

Chapters 30, 36, 53 of the Code further expand protection of SEZ, through the inclusion of provisions that require setbacks from SEZ, precluding development in SEZ and in a buffer zone around the SEZ.

Performance Measures

Current Performance Measures:

1. Acres of SEZ Restored or Enhanced
 - a. SEZ Restored
 - b. SEZ Enhanced

Proposed Performance Measures

1. Acres of SEZ Restored or Enhanced
 - a. SEZ Restored
 - b. SEZ Enhanced

Justification for Changes to Performance Measures

No changes are proposed for the SEZ performance measures. The current performance measures are input-based PMs that measure the actions or effort of EIP partners. This framework is carried forward because it provides a straightforward and common-sense way of communicating the activities of EIP partners. The output or benefits of those actions can be measured in the same units as the threshold standard. For example, performance in a given year could be reported as; *In 2023 partners completed 10 SEZ restoration projects on 115 acres of SEZ. The projects increased the average quality and function of those SEZ from 65% to 91%. Collectively these 10 projects achieved 15% of the region’s multi-year wetland restoration goal.*

Attachment B

Draft Aquatic Invasive Species control threshold update memo

Date: DRAFT

To: Tahoe Interagency Executive Steering Committee (TIE)

From: Aquatic Invasive Species Coordinating Committee

Subject: Recommended Updates to Aquatic Invasive Species Threshold Standards and Performance Measures

Introduction and Background

Controlling and eradicating Aquatic Invasive Species (AIS) in the Lake Tahoe Region is a top priority of the Lake Tahoe Environmental Improvement Program (EIP). The proposed threshold standards provide ambitious and quantifiable targets for the AIS program over the next 20 years. The revised PMs will allow for better tracking of progress over time and will provide essential information for evaluating effectiveness and improving future project design. A preliminary proposal was discussed at the April 6, 2023 TIE meeting and the proposal below integrates feedback received at that meeting. The modifications include both changes to the proposed threshold consistent with direction provided by TIE and provision of additional information on the measurement and quantification of the performance measures as requested by the TIE.

AIS Thresholds

Current AIS Threshold Standards:

1. Prevent the introduction of new aquatic invasive species into the region's waters.
2. Reduce the abundance of known aquatic invasive species.
3. Reduce the distribution of known aquatic invasive species.
4. Abate harmful ecological impacts resulting from aquatic invasive species.
5. Abate harmful economic impacts resulting from aquatic invasive species.
6. Abate harmful social impacts resulting from aquatic invasive species.
7. Abate harmful public health impacts resulting from aquatic invasive species.

Proposed AIS Threshold Standards:

1. Prevent the introduction of new aquatic invasive species into the region's waters.
2. No active aquatic invasive plant infestations in Lake Tahoe, adjacent wetlands, and tributaries, not including the Tahoe Keys.
3. Reduce aquatic invasive species abundance in the Tahoe Keys by 75% by 2045.

Justification for Change in AIS Thresholds:

The two threshold standards for AIS control ground the aspirational statements of the existing standards in a quantitative target for AIS control. The two targets formally recognize the different but complimentary approaches and targets for addressing AIS inside and outside of the Tahoe Keys. The

formal delineation of the goals for control inside and outside of the Tahoe Keys addresses the concern expressed earlier by TIE, that focusing only on total abundance of AIS reduced could be achieved by a strategy that only focused on treatment within the Tahoe Keys.

The first proposed threshold standard establishes a goal for aquatic invasive plant infestations in Lake Tahoe and associated areas. The standard establishes the goal that all aquatic invasive plant infestations in the Lake be in the surveillance management category. The goal aligns with the management categories that are utilized by the Lake Tahoe Aquatic Invasive Species Coordinating Committee and conveys the reality of long-term management of aquatic invasive species. Due to aquatic invasive plants' proclivity towards spreading and establishing new infestations through fragmentation throughout connected waterbodies, all completely treated aquatic invasive plant sites are at risk of re-establishment if there is source of fragments within Lake Tahoe. The goal acknowledges that because of this risk, complete eradication is unlikely, and control will likely require continued surveillance and vigilance. The proposed threshold standard formally adopts the phase one vision laid out in the [Lake Tahoe Region AIS Action Agenda](#).

For the purposes of threshold standard evaluation, the definition of "Active Infestation" is an infestation that requires more than one day for a two-diver team (20 diver hours) per season to treat with hand pulling.

A second standard is proposed for invasive aquatic plants in the Tahoe Keys. The Tahoe Keys is the largest infestation in Tahoe and the proposed threshold standard of a 75% reduction abundance in the Tahoe Keys was identified in the environmental document and plan for the Tahoe Keys Control Methods Test. The scientific and collaborative planning of the Tahoe Keys Control Methods Test suggested that a 90% reduction identified in the AIS action agenda was likely not feasible given the size and density of the infestation within the Tahoe Keys lagoons. Partners concluded that a 75% reduction of invasive aquatic weeds could be maintained over time and established it as the goal, and that goal is formally proposed for adoption as a threshold standard here.

While control of all aquatic invasive species is the program's overall goal, the proposed threshold standards apply specifically to aquatic invasive plants and not to other aquatic invasive species (fish, invertebrates, amphibians) at this time. AIS Control work will primarily be focused on as the [AIS Implementation Plan](#) (UNR, 2015) recommends prioritizing species with feasible control methods. While warm-water fish control has feasible methods available, the Implementation Plan recommends prioritizing aquatic invasive plant control to reduce warm-water fish habitat to allow for more effective treatment.

Asian clam and signal crayfish do not currently have feasible control methods available. In addition, little to no quantifiable baseline data exist for other AIS, as such, PMs and threshold standards for warm-water fish, Asian clam, signal crayfish, and other species will be developed as feasible control methods

and baseline data become available. The Acres Surveyed and Acres Treated performance measures will continue to apply to Asian clams and other species. Survey and treatment work for non-plants species will be noted in the project description and the notes in the EIP Project Tracker. The aquatic invasive plant control program will be used as a model to further develop these programs and gather the data needed to incorporate additional species categories into the threshold standards in the future. As the control program moves to address different AIS, additional PMs and threshold standards may be required. For example, reductions in warm-water fish or Signal crayfish populations will likely reflect biomass or individuals reduced, as acres would not be a rational metric to use for these species.

No changes are proposed to the AIS prevention threshold standard.

AIS Performance Measures

Current AIS Performance Measures:

1. Acres Inventoried
2. Acres Treated
3. Watercraft Inspections
4. Watercraft Clean Launches

Proposed AIS Performance Measures:

1. Acres Surveyed
2. Acres Treated
3. Aquatic Invasive Plant Abundance Reduced
4. Watercraft Inspections
5. Watercraft Clean Launches

Justification for Change in Performance /Measures:

Acres Surveyed is an adaptation of an existing metric, “acres inventoried.” The former PM language was chosen when the metric was also linked to terrestrial plants and is no longer the most appropriate to describe the work of the AIS Program. Continued surveillance monitoring at regular intervals is critical for controlling AIS in Lake Tahoe, and a necessary component for evaluation of the proposed threshold standard which requires infestations be evaluated in accordance with the Control Management Category system. Acres surveyed reflects an action that is critical to the success of the program.

Acres Treated will remain the same. Acres Treated is an appropriate measure of the activity of the EIP partners in addressing AIS. The indicator measures the acreage treated using established control methods. The indicator does not differentiate between the density of infestation treated by activity. A new subcategory is proposed for this performance measure related to implementation of experimental methods to treat AIS. In addition to reporting the total number of acres treated, implementors will be asked to identify test or pilot treatment methods so that they can be tracked and reported separately.

Aquatic Invasive Plant Abundance Reduced. The proposed performance measure provides an integrated measure of the impact of control work both inside and outside the Keys. Aquatic invasive plant infestations vary from very small to expansive and from sparse to dense. Dense infestations have a larger impact on the ecosystem, and have a greater propensity to spread, and are arguably a larger threat to the lake. The varying characteristics of these infestations require different control methods, levels of effort, and amount of time and funding to successfully control. To better quantify the benefit of each acre treated, the proposed performance measure integrates area treated and density of the infestation treated to provide an integrative measure of the benefit of treatment work in that year.

The proposed performance measure utilizes the existing mapping protocols of project implementors to reduce reporting burden. Current protocols include mapping of infestations by trained practitioners and delineation of each area into one of three categories; Sparse, Patchy Dense, and Dense. To provide a single number for the proposed performance measure, a multiplier is applied to each acre based on its density. Sparse acres are multiplied by 0.10, Patchy Dense acres are multiplied by 0.50, and Dense acres are multiplied by 1.00 (Figure 1). The resulting value integrates size and density of the acres treated and serves as a proxy for Biovolume.

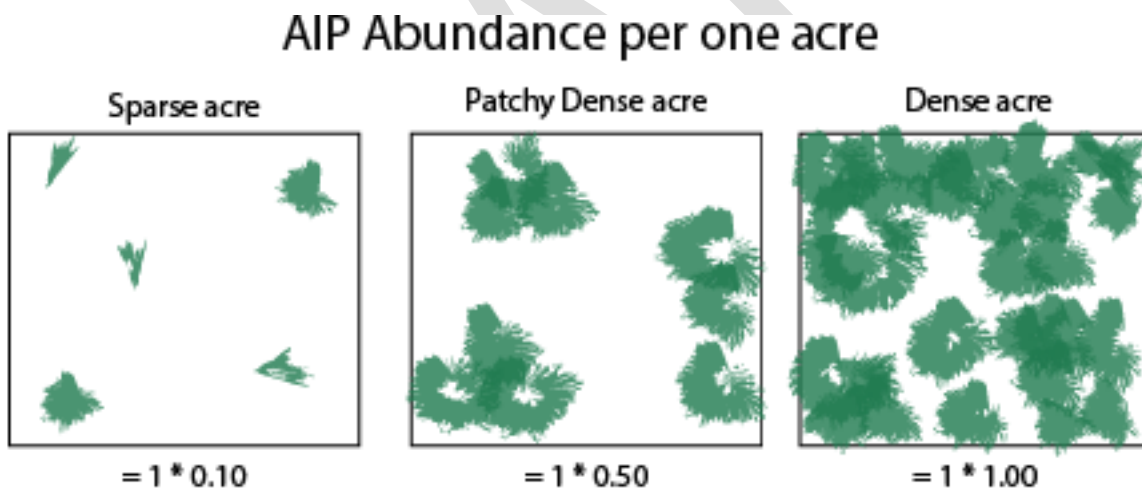


Figure 1. Acres of aquatic invasive plant infestation are multiplied according to their corresponding density category: Sparse, Patchy Dense, or Dense. The resulting number is the aquatic invasive plant abundance for tracking performance.

No changes are proposed to prevention-based performance measures (watercraft inspections and watercraft clean launches).

Attachment C

Draft Tahoe Yellow Cress Threshold update memo

Date: DRAFT
 To: Tahoe Interagency Executive Steering Committee (TIE)
 From: Tahoe yellow cress Adaptive Management Working Group
 Subject: Threshold standard for Tahoe yellow cress

Summary

This memo summarizes the proposed modification to the threshold standard for Tahoe yellow cress (*Rorippa subumbellata*; TYC), a plant that only grows within the shorezone of Lake Tahoe. The current standard is to “Maintain a minimum of 26 *Rorippa subumbellata* population sites.”

The proposed threshold is linked to lake level, as follows:

Maintain a minimum of Rorippa subumbellata occupied survey sites as established in the Table below.

Lake Level (feet of elevation)	Occupied survey sites
Low (<6,225)	35
Transition (6,225- 6,227)	26
High (>6,227)	20

Background

Threshold standards establish the partnership’s regional goals for environmental quality and express the shared desired outcomes for the Tahoe Region. These shared goals drive the priorities and implementation of the Environmental Improvement Program (EIP).

The current standard to “Maintain a minimum of 26 *Rorippa subumbellata* population sites” was adopted in 1982 as part of the original set of threshold standards. TYC is only found within the shorezone of Lake Tahoe and systematic lake-wide surveys of its shorezone habitat began in 1979. The current threshold standard of 26 sites was based on the first three years of survey data from approximately 34 sites during 1979-1981. Repeat surveys of these sites have been conducted in most years since 1979, with the number of survey sites gradually increasing over time to approximately 50 sites. As explained in the Conservation Strategy for Tahoe yellow cress (Stanton et al. 2015), “a survey “site” has been defined as a stretch of public beach, adjacent private parcels grouped by a place name or landmark, or adjacent parcels under a combination of both private and public ownership.”

The Conservation Strategy contains analysis of this extensive survey dataset that makes clear the close relationship between TYC and the level of Lake Tahoe. Under lower lake level conditions, more shoreline habitat is exposed and TYC occupies a greater number of sites. As Lake Tahoe rises, the

amount of available habitat declines along with the expected number of occupied sites. **Figure 1** shows the strong inverse relationship between number of occupied survey sites and lake level from 2000 to 2020. The lake-wide surveys have been conducted during the first week of September in most years and the timing became part of the standardized protocol in the Conservation Strategy. Prior to 2000, the surveys were less standardized.

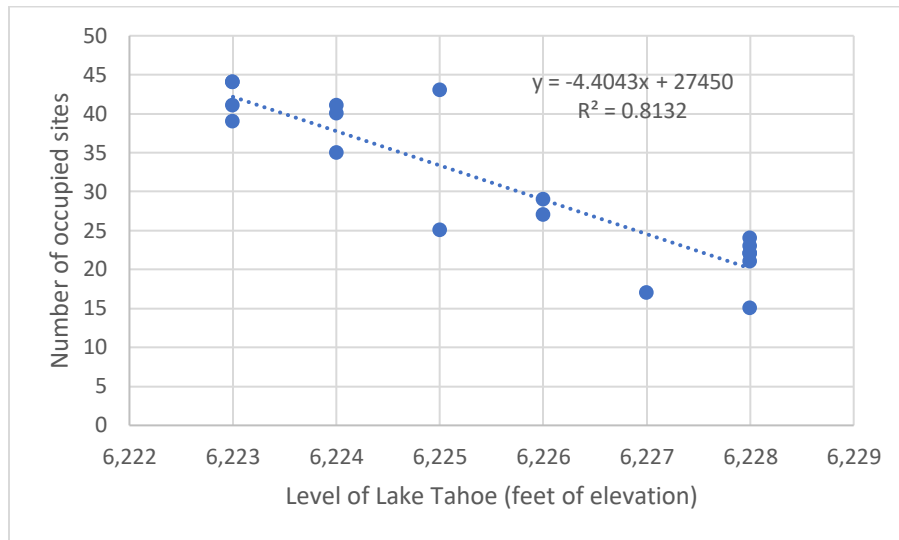


Figure 1. The number of occupied TYC survey sites during the period from 2000 to 2020 as a function of lake level, measured in September at USGS Tahoe City gage 103370000. N= 18 survey years (no surveys in 2010, 2013, 2015 due to protocol). At least 75% of the 54 survey sites were surveyed each year.

Lake level is measured at the USGS gage at Tahoe City (<https://waterdata.usgs.gov/monitoring-location/10337000/#parameterCode=00065&period=P30D>), and the level recorded in the first week of September has historically been rounded to the nearest whole number in the dataset. With respect to TYC monitoring, the Conservation Strategy classifies lake level as “low” when lake level is 6,223 or 6,224 feet in elevation (Lake Tahoe Datum), “in “transition” when lake level is 6,225 or 6,226 ft., and “high” if it is 6,227 ft. or above. The proposed revision to the threshold standard utilizes these three categories with the proposed minimum number of sites set at the point in Figure 1 where the regression line crosses the highest elevation of each category (i.e. 35 sites at 6,224.5 ft). The survey period from 2000 to 2020 was utilized, rather than the entire period since 1979, because the number of survey sites has remained relatively constant since 2000 and the dataset is balanced with 7 years each of low and high lake levels, including 4 transition years.

A second change in the proposed revision is dropping use of the term “population sites” in favor of “occupied survey sites”. The reason for this is that the concept of a population, as applied to TYC, is not well understood. The original Conservation Strategy (Pavlik et al. 2002) hypothesized that TYC exhibited a metapopulation dynamic characteristic of the “mainland-island” type, where TYC “Core” sites persist—

both temporally and spatially—while others seem to appear and disappear across the repeated lake-wide survey events. Analysis of the colonization to extirpation ratio is a critical part of evaluating the trend of a species' metapopulation dynamic, where a colonization to extirpation ratio greater than 1 indicates a positive dynamic, and promoting a positive dynamic is generally set as a management goal. However, there are numerous spatial and temporal difficulties in observing or measuring metapopulation events in plants that have cryptic life stages of dormant rootstock and/or seedbanks. Unlike many rare plants, TYC is both a prolific seeder and exhibits vigorous clonal growth, and thus it is impossible to determine an individual or know if the plant arrived via a colonization event (via seed dispersal) or if it is a re-sprout from rootstock. Therefore, this concept was dropped in the revised Conservation Strategy in favor of promoting persistence of TYC at a site (see section 2.5 for a full discussion).

The proposed revision to maintain a minimum number of occupied survey sites at 3 lake levels brings the threshold in line with the goals and objectives of the Conservation Strategy and the Imminent Extinction Contingency Plan (pgs 65-66). The plan is an integral component of the adaptive management framework contained within the Conservation Strategy and was developed to alert all stakeholders in advance of the level of effort and resource commitment that may be required as threat level increases. The plan describes the actions that may be taken to protect the species at 3 threat levels based on the number of TYC occurrences or percent occupancy of surveyed sites (50 sites were used in the analysis). Level 1: Normal Operations is 70% occupancy (or 35 of 50 sites surveyed); Level 2: Moderate Threat is 40-69% occupancy (20-34 sites with a median of 26 sites); and Level 3: High Threat is less than 40% occupancy or fewer than 20 sites. The number of proposed occupied sites for the threshold standard (35,26,20) falls within these parameters because they were developed using the same linear regression methodology.

A second analysis pathway was also developed that resulted in very similar results. Pearson correlation models were fit to the same dataset, but 2022 was also included (2021 observations were excluded from analysis due to low monitoring sample counts during Caldor Fire) (**Figure 2**). A total of 57 sites were utilized, rather than 54 sites (Elk Point and Skyland were excluded from the first analysis pathway because they are not accessible for survey, and Burnt Cedar was excluded because it is mechanically raked). **Table 2** shows the proposed threshold standards based on the lower confidence interval band for number of occupied sites at each lake level category. **Table 3** shows the values generated by the regression estimates of the mean and lower and upper 95% confidence intervals for total number of sites occupied, percent of all 57 sites occupied, and percent of all surveyed sites occupied.

The similarity of results between the linear regression approach (35,26,20 occupied sites) and the Pearson correlation models (34,26,17) provide further evidence of the strong relationship between lake level and number of occupied sites. The higher number of sites in the linear regression is slightly more conservative. Both approaches support the central management goals of the Conservation Strategy to

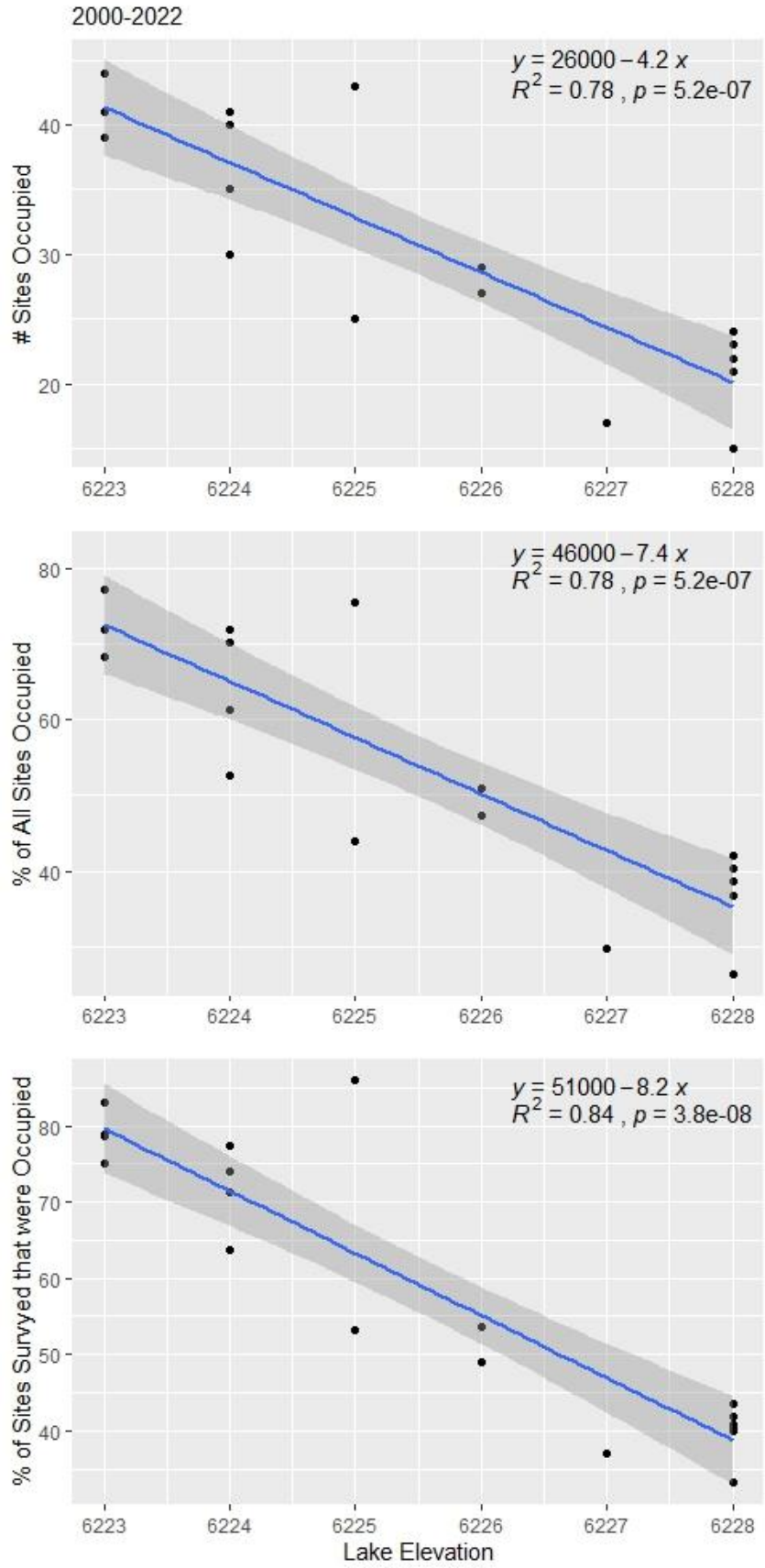
“Protect TYC plants and habitat on public lands” (Goal 1) and “Manage TYC populations to promote persistence” (Goal 3).

Table 2 Implied population targets based on the lower confidence interval band for number of occupied sites at each lake level category.

Elevation Class	# of Sites Occupied Threshold Standard
Low (<6,225)	34
Transition (6,225-6,226.5)	26
High (>6,226.5)	17

Table 2. Pearson correlation model regression estimates of the mean and lower and upper 95% confident intervals for total number of sites occupied, percent of all 57 sites occupied, and percent of all surveyed sites occupied.

Elevation	# Sites Occupied	% of All Sites Occupied	% of Surveyed Sites Occupied
6,223	41 [38, 45]	73 [67, 79]	80 [74, 85]
6,224	37 [34, 40]	65 [60, 70]	71 [67,76]
6,225	33 [31, 35]	58 [54, 62]	63 [60, 67]
6,226	29 [26, 31]	50 [46, 54]	55 [52, 59]
6,227	24 [22, 27]	43 [38, 47]	47 [43, 51]
6,228	20 [17, 24]	35 [29, 41]	39 [33, 44]





Tahoe In Brief

Tahoe Regional Planning Agency (TRPA) Governing Board Monthly Report

September 2023

TRPA CALENDAR AT-A-GLANCE

SEPTEMBER 2023

- September 27: TRPA Governing Board Meeting

OCTOBER 2023

- October 11: TRPA Advisory Planning Commission Meeting
- October 18: Tahoe Living Housing and Community Revitalization Working Group Meeting
- October 25: TRPA Governing Board Meeting and Retreat

NOVEMBER 2023

- November 8: TRPA Advisory Planning Commission Meeting
- November 15: TRPA Governing Board Meeting

DECEMBER 2023

- December 6: TRPA Advisory Planning Commission Meeting
- December 13: TRPA Governing Board Meeting

Potential agenda items October to December may include:

- Tahoe Living Phase 2: Land Use Code Innovation to Promote Affordable and Workforce Housing Solutions informational and consideration hearings.
- Proposed permitting improvements through amendments to the TRPA Code, Rules of Procedure, Design Review Guidelines, and Fee Schedule
- 2020 Census update (informational)
- Aquatic Invasive Species Program update (informational)
- Threshold updates for Stream Environment Zones, Aquatic Invasive Species, and Tahoe Yellow Cress informational and consideration hearings.
- Tahoe Valley and Tourist Core Area Plan amendments
- Placer County Tahoe Basin Area Plan amendments

TRPA STRATEGIC PRIORITIES

A graphic with a teal header and a light blue body. The header contains the text 'TRPA STRATEGIC PRIORITIES' in white. To the right of this text is a teal box with white text explaining that these priorities are set by the Governing Board and reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization. The body of the graphic lists three strategic priorities: Tahoe Living, Keeping Tahoe Moving, and Restoration and Resiliency, each with a brief description of their goals.

TRPA STRATEGIC PRIORITIES

Set by the Governing Board, these strategic priorities reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization.

Tahoe Living - working to create Complete Communities that provide housing for all, an appropriate mix of uses to support vibrant, walkable, transit-friendly neighborhoods, and the necessary infrastructure to protect our unique and precious environment.

Keeping Tahoe Moving - improving the transportation system for Complete Communities and for the millions of annual visitors to the Tahoe Region.

Restoration and Resiliency - accelerating environmental improvement and transportation improvement programs to restore our environment and better prepare the region for climate resiliency.

TAHOE LIVING STRATEGIC PRIORITY

This priority implements the housing and community revitalization goals of the Regional Plan by developing region-wide strategies that most effectively deliver needed housing and walkable, compact development. Activities include proposed updates to TRPA development standards to encourage deed-restricted multi-unit, compact residential development, launching an equity and climate assessment to inform the update of the region's land use and growth management system, development of a Community Engagement and Capacity Building Plan, and establishing and reporting data to measure progress toward regional housing goals.

Land Use Code Innovation to Promote Affordable and Workforce Housing

At the September Regional Plan Implementation Committee (RPIC) meeting, staff will present a honed code amendment proposal to update development standards for deed-restricted affordable, moderate, and achievable housing. This proposal is based on input from a technical code committee, public input gathered through this summer, and results of environmental analysis. These amendments support Complete Communities goals by

proving additional incentives for concentrating needed workforce housing close to transit and services to reduce vehicle miles traveled, lowering the cost to construct such housing, and supporting a shift toward more comprehensive stormwater treatment infrastructure. Staff anticipates bringing recommendations back to the Governing Board for consideration in October or November 2023.

Tahoe Living Housing and Community Revitalization Strategic Priority Phase 3

TRPA is readying a request for proposals to support the work of the Phase 3 Tahoe Living Housing and Community Revitalization strategic priority which will make housing, equity, and climate goals a central focus of land use and water quality programs and is supported by a grant from the California Department of Housing and Community Development. The request for proposals is scheduled to be posted by the end of September and a contractor is expected to be selected by the end of the year.

Deed Restricted Housing Monitoring

In accordance with Chapter 52 of the TRPA Code of Ordinances bonus unit incentive program, TRPA is in the process of reviewing annual compliance monitoring forms and audit documentation from owners of deed restricted housing units. TRPA has contracted with Housing Inc., a full-service affordable housing program firm, to conduct the compliance review and audit. TRPA will report the results of the review and audit to the TRPA Governing Board with the annual Regional Plan Performance Measures Report in February 2024.

TRPA Staff Contact: Karen Fink, Housing and Community Revitalization Program Manager
775-589-5258, kfink@trpa.gov

Associated Working Group(s)/Committee(s):

- Tahoe Living Working Group
- TRPA Governing Board Local Government & Housing Committee

Website(s):

- Meeting materials are posted on the Tahoe Living Working Group page:
<https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>
- Tahoe Housing Story Map:
<https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

Newsletter: Sign up to receive housing news by sending an email to enews@trpa.gov and put "Housing" in the subject line.

ADDITIONAL ITEMS OF INTEREST

TRPA Permitting System Improvements

The Permitting Improvement Project started in early 2022 to enhance customer service and internal efficiency by evaluating current systems and ordinances and proposing improvements. These improvements are paired with technology investments and online tools aimed to streamline TRPA's application processing, provide clarity on complex regulations, reduce review times, and operate more efficiently and effectively. Recommended improvements were developed by a third-party consultant, Stockham Consulting, in collaboration with staff, agency partners, and stakeholders. These recommendations are summarized in the Project's Action Plan and Implementation Report, which was endorsed by the TRPA Governing Board in August 2022 and March 2023.

The first round of improvements is scheduled for consideration and potential implementation this Fall. A set of amendments to the TRPA Code, Rules of Procedure, Design Review Guidelines, and Fee Schedule necessary to implement the improvements was heard before the Regional Plan Implementation Committee in August, which unanimously recommended to approve the package. The amendments are scheduled for consideration at the Advisory Planning Committee and Governing Board in September. The next phase of identifying and developing additional improvements will begin in November 2023.

Recommended improvements include:

- Streamlined permitting for minor activities.
- A procedural manual with standard operation procedures, permitting guidance, and standardized templates.
- Dedicated customer service staff and project review teams.
- New appointment system.
- Improved navigation on the www.trpa.gov website.
- Expanded list of projects to be reviewed at staff level.
- Permitting help tools.
- Fee adjustments and a cost recovery monitoring system.

The Permitting Improvement Project aims to provide excellent customer service. TRPA is committed to regularly evaluating our policies, ordinances, and procedures to remove barriers to environmentally beneficial redevelopment. For more information on the project and to view key deliverables, visit <https://www.trpa.gov/permitting-improvement-project/>.

Project Permitting

See tables on the next pages for permitting details.

TRPA Applications by Project Type through August 31, 2023

TRPA Applications by Project Type	2021	2022	2023 YTD
Residential Projects	242	267	175
Commercial Projects	11	18	18
Recreation/Public Service Projects	44	48	29
Environmental Improvement Projects	13	5	6
Shorezone/Lakezone Projects	130	66	24
Buoy and Mooring Projects	48	15	9
Grading Projects	37	35	23
Verifications and Banking	427	379	215
Transfers of Development	55	59	23
Other	142	233	117
Grand Total	1,149	1,125	639

Completeness Review Performance

	<u>June 30, 2023</u>	<u>July 31, 2023</u>	<u>August 31, 2023</u>
Completeness Reviews Finished During Period	117	91	107
Reviewed within 30 Days of Submission	116	91	107
Over 30 Days from Submission	1	0	0
Percent Over 30 Days	1%	0%	0%
Files with Completeness Over 30 Days	ERSP2023-0473 (Shore-Lakezone, 33 days)	N/A	N/A
Applications Not Yet Reviewed for Completeness	30	55	54
Under 30 Days Since Submission	30	55	54
Over 30 Days Since Submission	0	0	0
Percent Over 30 Days	0%	0%	0%

	<u>June 30, 2023</u>	<u>July 31, 2023</u>	<u>August 31, 2023</u>
Applications Requiring Additional Info. From Applicants for TRPA Review	105	94	94

For detailed information on the status of any application listed here please contact Wendy Jepson, Permitting and Compliance Department Manager, at wjepson@trpa.gov or Tiffany Good, Permitting Program Manager, at tgood@trpa.gov.

