

TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, September 27, 2023**, commencing **no earlier than 10:15 a.m.**, at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its **regular business meeting**.

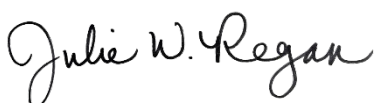
Pursuant to TRPA Rules of Procedure, 2.16 Teleconference/Video Conference Meetings and Participation, Board members may appear in person or on Zoom. Members of the public may observe the meeting and submit comments in person at the above location or on Zoom. Details will be posted on the day of the meeting with a link to Zoom.

To participate in any TRPA Governing Board or Committee meetings please go to the Calendar on the <https://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. For information on how to participate by phone, please see page 3 of this Agenda.

NOTICE IS FURTHER GIVEN that on **Wednesday, September 27, 2023**, commencing at **8:30 a.m.**, at the **Tahoe Regional Planning Agency** and on **Zoom**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 7) 3)** Appeal of Denial of Single-Use Pier Expansion Application, 204 Pine Street, Placer County, California, Assessors' Parcel Number (APN) 098-210-012, TRPA File Number ERSP2020-0373; Appeal No. ADMIN2023-0013 (action); **(Page 229) 4)** Closed Session with Counsel to Discuss Existing and Potential Litigation; **5)** Potential Direction Regarding Agenda Item No. 4 (action); **6)** Committee Member Comments; Chair – Williamson, Vice Chair – Aldean, Faustinos, Gustafson, Rice; **7)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, September 27, 2023**, commencing **no earlier than 9:45 a.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Pages 9) 3)** Recommend approval of August Financials (action) **(Page 63); 4)** Recommend approval for the Release of FY 2024 Nevada Funding to the Tahoe Transportation District (action) **(Page 85) 5)** Upcoming Topics; **6)** Committee Member Comments; Chair – Aldean, Vice Chair – Laine, Aguilar, Diss, Hoenigman; **7)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, September 27, 2023**, commencing at **no earlier than 2:00 p.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Regional Plan Implementation Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 45) 3)** Informational Update and possible direction to staff on the Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units (possible direction/action to staff); **(Page 265) 4)** Informational presentation on the proposed amendment to the Washoe County Tahoe Area Plan to add "Schools – Kindergarten through Secondary" as a permissible land use (as a special use) within the Wood Creek Regulatory Zone, for those parcels equal to or greater than three acres in size; **(Page 301) 5)** Upcoming Topics; **6)** Committee Member Comments Chair Hoenigman, Vice Chair – Diss, Aldean, Gustafson, Hill, Settelmeyer **7)** Public Interest Comments



Julie W. Regan,

Executive Director

This agenda has been posted at the TRPA office and at the following locations and/or websites: PostOffice, Stateline, NV, North Tahoe Event Center, Kings Beach, CA, IVGID Office, Incline Village, NV, North Lake Tahoe Chamber/Resort Association, Tahoe City, CA, and Lake Tahoe South Shore Chamber of Commerce, Stateline, NV

TAHOE REGIONAL PLANNING AGENCY	
GOVERNING BOARD	
TRPA	September 27, 2023
128 Market Street, Stateline, NV	No earlier than 10:15 a.m.

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. 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 agenda 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 Marja Ambler at (775) 589-5287 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.

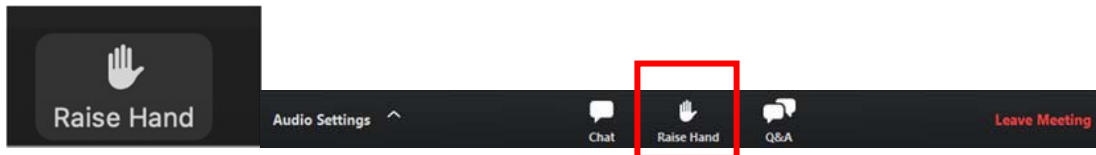
Zoom Webinar - Public Participation

To Participate Online:

1. Download the Zoom app on your computer, tablet, or smartphone.
 - The computer app can be downloaded here:
<https://us02web.zoom.us/client/latest/ZoomInstaller.exe>
 - The tablet or smartphone app can be found in the app store on your device.
2. On the day of the meeting, join from the link or phone numbers posted under the appropriate meeting date and time on the TRPA website (www.trpa.gov).
3. Ensure that you are **connected to audio** either through your computer (provided it has a microphone) or using your phone as a microphone/speaker. You can manage your audio settings in the tool bar at the bottom of the Zoom screen.



4. At the appropriate time for public comments, you will be able to “raise your hand” by clicking on the Hand icon located on the bottom of your Zoom screen **OR by dialing *9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.



To Participate on the phone:

1. Dial the call-in number posted at the calendar event for the appropriate meeting (www.trpa.gov).
2. At the appropriate time for public comments, you will be able to “raise your hand” **by dialing *9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.

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Additional Resources from Zoom:

- [Joining and Participating in a Zoom Webinar](#)
- [Joining a Zoom Webinar by Phone](#)
- [Raising Your Hand in a Webinar](#)

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES **Page 15**
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)
- VI. PLANNING MATTERS
 - A. State of the Lake Report by Dr. Geoff Schladow, UC Davis/Tahoe **Informational Only** **Page 89**
- VII. PUBLIC HEARINGS
 - A. Proposed Amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule in support of permitting process improvements **Action** **Page 91**
- VIII. APPEAL
 - A. Appeal of Denial of Single-Use Pier Expansion Application, 204 Pine Street, Placer County, California, Assessors' Parcel Number (APN) 098-210-012, TRPA File Number ERSP2020-0373; Appeal No. ADMIN2023-0013 **Action** **Page 229**
- IX. REPORTS
 - A. Executive Director Status Report **Informational Only**
 - 1) Tahoe In Brief – Governing Board Monthly Report **Informational Only** **Page 257**
 - B. General Counsel Status Report **Informational Only**
- X. GOVERNING BOARD MEMBER REPORTS
- XI. COMMITTEE REPORTS
 - A. Local Government & Housing Committee **Report**
 - B. Legal Committee **Report**
 - C. Operations & Governance Committee **Report**

D. Environmental Improvement, Transportation, & Public Outreach Committee **Report**

E. Forest Health and Wildfire Committee **Report**

F. Regional Plan Implementation Committee **Report**

XII. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

XIII. ADJOURNMENT

TRPA CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>
1. August Financials	Action/Approval <u>Page 63</u>
2. Release of FY 2024 Nevada Funding to the Tahoe Transportation District	Action/Approval <u>Page 85</u>
3. APC Membership reappointment for the Douglas County Lay Member, Garth Alling	Action/Approval <u>Page 87</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of

findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Cindy Gustafson, Placer County Supervisor Representative; Vice Chair, Hayley Williamson, Nevada At-Large Member; Francisco Aguilar, Nevada Secretary of State; Shelly Aldean, Carson City Supervisor Representative; Ashley Conrad-Saydah, California Governor's Appointee; Jessica Diss, Nevada Governor's Appointee; Belinda Faustinos, California Assembly Speaker's Appointee; John Friedrich, City of South Lake Tahoe Councilmember; Meghan Hays, Presidential Appointee; Alexis Hill, Washoe County Commissioner; Vince Hoenigman, California Governor's Appointee; Brooke Laine, El Dorado County Supervisor; Wesley Rice, Douglas County Commissioner; James Settelmeyer, Nevada Dept. of Conservation & Natural Resources Representative; Alexandra Leumer, California Senate Rules Committee Appointee.

TAHOE REGIONAL PLANNING AGENCY
LEGAL COMMITTEE

TRPA
Zoom

July 26, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 8:32 a.m. on July 26, 2023.

Members present: Ms. Aldean, Ms. Williamson, Ms. Faustinos, Ms. Gustafson, and Mr. Rice.

Members absent: None.

I. APPROVAL OF AGENDA

Mr. Marshall stated there were no changes to the agenda.

Chair Williamson deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Aldean indicated that she submitted some corrections to Marja Ambler, TRPA Governing Board clerk. Ms. Aldean made a motion to approve the April 26, 2023 Legal Committee meeting minutes as amended.

Motion carried by unanimous voice vote.

III. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

Ms. Aldean made the motion to move into closed session.

Motion carried by unanimous voice vote.

Ms. Aldean made the motion to move out of closed session.

Motion carried by unanimous voice vote.

IV. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 6

No direction.

LEGAL COMMITTEE

July 26, 2023

V. COMMITTEE MEMBER COMMENTS

None.

VI. PUBLIC INTEREST COMMENTS

None.

VII. ADJOURNMENT

Ms. Gustafson moved to adjourn.

Meeting adjourned at 9:12 a.m.

Respectfully Submitted,



Katherine Huston
Paralegal

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

TAHOE REGIONAL PLANNING AGENCY
OPERATIONS AND GOVERNANCE COMMITTEE

TRPA/Zoom Webinar

July 26, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Aldean called the meeting to order at 9:21 a.m.

Members present: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Ms. Diss, Mr. Hoenigman, Ms. Laine

I. APPROVAL OF AGENDA

Agenda approved.

II. APPROVAL OF MINUTES

May 24, 2023 Operations and Governance Committee Minutes

June 28, 2023 Operations and Governance Committee Minutes

Minutes approved.

III. [Fiscal Year 2023/2024 Annual Operating Budget](#)

TRPA Executive Director, Julie Regan, said she would introduce the item, before handing over to TRPA Finance Director, Chris Keillor to dive into the detail. Ms. Regan said the operating budget goes hand in hand with the upcoming work plan discussion, and said she was pleased to introduce this item, and to recognize the hard work of the finance team, operations managers and staff members who came together to present a balanced budget in the midst of organizational change.

Ms. Regan said she wanted to ground the conversation around the work that took place at the Governing Board Retreat and strategic planning session in April, and the Governing Board discussion in May, where the board validated the work priorities and narrowed the strategic initiatives down from six, to three main categories. The Tahoe Living Working Group and community revitalization (housing work) is one big priority. The second is Keeping Tahoe Moving - transportation, managing visitation, sustainable recreation, and transportation infrastructure. The third is Restoration and Resiliency, which is really the EIP program. Ms. Regan said she was proud that they were able to deliver a budget that reflects these priorities, and that they were able to bring forward additional federal and state revenues that staff and partners have been working on for decades.

Ms. Regan said that the TRPA touchstone is implementation of the Bi-State Compact and honoring the Regional Plan. She added that there are a lot of changes in the basin right now, and those will be addressed in the discussion around the work plan and the budget - while at the same time maintaining the core mission. Ms. Regan said that much of the day-to-day work has not changed for decades, and additional responsibilities have been added. She said this budget takes a small step in addressing some of the staffing shortfalls, and couples that with process improvements. So at the

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same time, we are growing revenues to get critical restoration projects on the ground, while also looking at ways that we can be more efficient, and do more with less.

Referring to the organization chart shown on slide 3, Ms. Regan outlined the new, eight-member executive team that includes her as Executive Director and General Counsel John Marshall, who both report directly to the Governing Board. Tiering from there, are Maria Ambler, Chris Keillor, Kim Chevalier, John Hester, Dan Segan, and Angela Ashley, for a core executive team that represents human resources, organizational development, communications & government affairs, finance, and science and policy. The science and policy area is a new addition to the executive team, with a new seat at the executive table for Dan Segan, who was promoted internally.

Ms. Regan turned it over to the Finance Director, Mr. Chris Keillor, to walk through the budget. Mr. Keillor began by saying that that the budget is balanced (net zero) with two exceptions. One is that they will be spending down the balance of the bond money that was set aside for long term maintenance. There are two projects remaining, and they hope to get those completed in the new fiscal year. The other exception is that shoreline fund which has a slight deficit, although they do have reserves in the shoreline fund. Mr. Keillor added this is actually good news since they are starting to ramp up on enforcement.

Referring to slide 5, Mr. Keillor said that overall revenue 27.2 million and expenses of 27.5 million (shoreline and the bond money explains the negatives in that top section). All the grant funded activities are balanced. The planning fund shows a fairly substantial negative, which is entirely A&O (Administrative and Overhead). Mr. Keillor explained that they began allocating A&O to the planning fund a few years ago. The planning fund does drive a lot of the executive, legal, HR, and finance costs. They would like to get that balanced, but it would require a significant increase in planning fees. They are not proposing that immediately, but it is part of the ongoing conversation.

Ms. Aldean said that she and Mr. Keillor had a recent conversation about how revenues are shared between planning and shore zone, and asked if Mr. Keillor could clarify that for the committee. Mr. Keillor said planning and shore zone are both set up as separate funds, which get rolled into the general fund for audit purposes. He said the shoreline fund is really just the cost of the annual permits - so it takes in the permitting revenue from people who have buoys and for concessionaires, and those funds are used to offset the cost of running the program. Those costs have primarily been the website that handles the permitting activity and public outreach. Now that everything has been permitted, enforcement activities will also be funded out of the shoreline fund. If an applicant wants a new buoy or shoreline structure pier, that's a planning action, so a permit application must be filed, and that permitting action will continue to be handled in the planning fund.

Mr. Keillor explained that the special funds at the bottom of the chart (slide 5) are mostly grants, but called out AIS (Aquatic Invasive Species). The chart shows the total AIS program funding which includes about \$750,000 that comes from state funds, and about \$900,000 revenue from inspection fees.

Focusing on the revenue side (slide 6), Mr. Keillor said that little has changed since last month, with the exception of the inflation adjustment for planning fees. Inflation has cooled down, so he dropped the inflation adjustment back to 3.5%. These fees would not take effect until late January 2024, so they won't have a great impact. Referring to key revenue assumptions, Ms. Laine said that one thing she is seeing across agencies is the drastic (double or triple) increase in interest, but she does not see that reflected here. Mr. Keillor said they actually did increase the interest because of that, but it's a small number for TRPA, under \$200,000, so he didn't call it out.

Referring to page 139 of the packet, Ms. Aldean said it states there are 'no changes to the California contribution to final budget'. However, TRPA will be asking for additional funding in the fall, to match Nevada's contribution to funding staff salaries at the same rate the state's employees receive. She added that we're dealing with two different states and the rate of compensation may be different. Ms. Aldean asked how they even that out? Mr. Keillor said the short answer is that they

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don't. They have asked each state to provide funding that would be the equivalent of their share of whatever their annual salary increases are. In this particular session, Nevada has been far behind everybody else in terms of compensation, they budgeted a huge increase in salaries for Nevada employees. He said we asked them for the equivalent of one third of our employees at that level. California is at a much lower rate, and we will get a lesser amount from California.

Ms. Aldean said she may have misinterpreted and asked if they were looking at the actual salaries received by California state employees, or at the percentage increase. Mr. Keillor replied yes, he takes total salaries paid to TRPA employees. He splits the portion that is impacted by the general fund into one third : two thirds. He then applies the Nevada rate to the one third and the California rate to the two thirds. He said this is a perennial problem that will continue, and this is the best we can do.

The chart on slide 7 illustrates revenue distribution and shows that grants are now up to 52% (from 46%). Nevada is up to the one third : two thirds on their baseline funding, and they actually added extra funding on top for salaries and a scanning project. Mr. Keillor explained that the local contributions of \$150,000 are comprised of outside rent from the building and some interest income.

Mr. Keillor said that not reflected in these numbers is a request made to Nevada on behalf of the Tahoe Transportation District (TTD) for \$330,000 to help fund their general operations. He is working with auditors on whether we would have to show that as revenue and expense for TRPA, and it seems likely we will, in which case, both revenue and expenses will increase by \$330,000.

Referring to the chart on slide 8, Mr. Keillor said these funds do not tie directly to the budget, because they are awards, rather than work performed during the course of the year. The chart shows the new grant awards received over the last 12 months, which totals just 18 million dollars. Much of that is LTRA (Lake Tahoe Restoration Act) money, but there is also money from the infrastructure bill and other smaller grants. Mr. Keillor also called out a big win with the REAP funds/HIT Grant which totals \$2.4 million.

The chart on slide 9 compares last year's revenue to this year. The general fund is up 1.2 million, with almost one million of that being the Nevada contribution. The rest is the outside rent and interest revenues. The planning fund is up, which reflects the predicted permitting revenue from the bi-annual Shoreline lottery. Unusually AIS has gone down, and the reason for that is that last year was a big year with the Tahoe Keys Control Methods Test, which included about \$1.4 million in grant funded environmental monitoring. Another number that changed significantly is for the EIP. Usually EIP grants are small and don't amount to very much, but with two LTRA grants for forest fuels and watershed activities, the numbers have increased. Those funds will largely be passed on to partner implementing agencies. The transportation line also shows a good increase too, but since the transportation line now incorporates regional area planning in the new organizational chart, this increase is primarily due to the REAP HIT housing grant.

Looking to the expenditure side (slide 10), Mr. Keillor said they are proposing a 5% staff salary increase. This won't be just a 5% for everybody, but will be based on performance appraisals, and where employees sit in their salary range. Ms. Aldean asked if there were any COLAs for those that do not receive a merit increase. Mr. Keillor responded no, but the only people not eligible would be those employees who are either on a performance improvement plan, or who joined the agency within the last 6 months. HR Director, Angela Atchley, is also working on a project to update the salary ranges.

Executive Director, Julie Regan added that in her first six months as Executive Director, they reviewed employee salaries and made sure to get everyone up to the 25th percentile. This affected 7-8 staff members who were below the 25th percentile.

OPERATIONS AND GOVERNANCE COMMITTEE

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Mr. Keillor continued that there are three-four new positions included in the budget. TRPA will be hiring a new attorney, a full-time receptionist, and two new positions in the regional planning area. These two positions will help with the HIT grant, or provide back fill for current employees who might move over to the HIT grant. One of these positions is a fairly junior level position, and may end up being a contract position. That would give a head count of 73 permanent staff, plus the seasonals (four boat crew members and summer interns). Contracts are increasing significantly due to the additional LTRA and infrastructure funding, most of which will be dispersed to partner agencies.

The chart on slide 11 illustrates how the money is spent. Mr. Keillor said that traditionally they have been almost 50:50 (compensation/contracts) over the years. But with the additional LTRA funding and our role as a facilitator for bringing money into the basin and working with implementing partner entities, 61% of the budget is now in contracting. An interesting change.

Ms. Aldean said they had talked previously about the retaining wall, and the difficulty in getting the repairs to meet the budget constraints. She asked if any progress had been made. Mr. Keillor said they have found a potential second bidder which may help with costs. They have not made progress in contracting with an engineer for the design work, which is necessary to file for necessary Douglas County permits. He is increasingly concerned that the project will not be completed before the end of grading season, and that we will have to wait for Spring 2024. Ms. Aldean asked if he was confident they could stay within the \$250,000 limit. Mr. Keillor said that whatever they do will stay within the agreed budget.

The chart on slide 13 illustrates where all the contracting money is going, and shows that AIS continues to dominate the contracting spend. TRPA has a long-standing partnership with the Tahoe Resource Conservation District (TRCD), who receive funding for both control and prevention projects and programs. The budget also includes substantial funds for 'on-call' contracts. He explained that we have a lot of work in the water, and with Tahoe being at high elevation, special diver training and certification is required. We have one contractor (MTS) who has been doing the bulk of that work, and who tends to win most of the bids, but they want to have a stable of contractors who can step in and do that work. Those on-call contracts are for several dive companies to be available as needed. On the Research and Analysis side, the two contract pieces are for environmental monitoring, and for process improvements and support of the various systems used at TRPA (GIS, Accela, LTInfo, etc.).

Looking to the labor side, Mr. Keillor referenced the charts on slide 14. The first chart illustrates headcount by department, and shows that the Permitting & Compliance department is the largest department with 21 members. The second chart illustrates the funding source, and shows that the general fund and the planning fund cover 79% of the labor cost. The chart on slide 15 illustrates a breakdown of the compensation cost, and shows that 80% goes into staff wallets. Retirement and health insurance is about 10% of total cost to compensation. We are still well behind in retirement, because we don't have PERS and we are not in Social Security. Right now the agency is contributing about 13.5% to people's retirement, but we are looking to bump that up. Retirement and overall staff salaries are the two areas where we are consistently behind, based on compensation studies.

The final budget chart (slide 16) details the requests for which staff are asking for the committee's recommendation. They include, adoption of the budget, expenditure authorization, grant agreement authorization, staffing levels, the 5% salary increase, the 3.5% inflation increase, and authorization to make any technical corrections to the final budget.

Public Comment

None.

OPERATIONS AND GOVERNANCE COMMITTEE

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Motion

Mr. Hoenigman made a motion to recommend the Governing Board approve the fiscal year 2023/2024 budget

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Hoenigman, Ms. Laine, Ms. Diss

Motion carried.

IV. Quarterly Treasurer's Report

TRPA Finance Director, Mr. Chris Keillor, presented the item. Referring to the chart on slide 19, Mr. Keillor said the yield curve is flat but declining, so not surprisingly, we're staying short and staying in treasuries, which are actually starting to be reasonably good rates. Mr. Keillor added that he heard there will be a big dump of treasuries in the next week or two so we will see what that does to the rates. Mr. Keillor said that he took out the treasuries for the ratings chart shown on the right side of slide 19. Mr. Keillor said that our corporate securities do not play a huge part, at only about 5-6%.

Referring to the cash flow chart on slide 20, Mr. Keillor pointed out an uptick in planning revenue in June, so on a cash flow basis, we're showing a positive cash flow for the year as a whole. He cautioned that they should not take that to the bank, because with all the lagging contract expenses coming in, a positive cash flow does not necessarily mean we will have a surplus on revenues versus expenses. It will probably be another month or two before that can be addressed.

Committee Member Comments/Questions

Ms. Aldean asked about project securities, and the fact that we really can't guarantee the safety of those securities when invested. She asked if TRPA included a disclaimer of some sort. Mr. Keillor replied that we do not provide any sort of disclaimer, and he does not think there is an enormous risk there since most of the money is in treasuries, and fairly secure. Ms. Aldean asked if there would be any downside to including a footnote that explains that applicant may not get interest on their securities, but they also may not get all of their corpus. Mr. Marshall replied that he thinks it is a theoretical risk, but is not certain that the risk would fall on the applicant. If it turned out that our investments lost money, that may be something that the agency would have to deal with. Mr. Keillor added that for project securities, TRPA can, by law, use those monies for cash flow management purposes, as long as there is a plan to pay them back. Mr. Keillor continued that there are only a small few project securities that we still pay interest on, most are not interest-bearing securities. Mr. Marshall suggested that they look at some local government practice to see if there is some standard language that they might want to adopt.

Public Comment

None.

V. Committee Member Comments

None.

VI. Public Comment

None.

VII. ADJOURNMENT

Ms. Laine made a motion to adjourn.

Ayes: [All]

Chair Ms. Aldean adjourned the meeting at 10:04 a.m.

Respectfully Submitted,

Tracy Campbell

Tracy Campbell
Executive Assistant

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.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Events Center/Zoom

August 23, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 10:47 a.m.

Members present: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hays, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settlemeyer, Ms. Williamson

II. PLEDGE OF ALLEGIANCE

Ms. Faustinos led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Ms. Gustafson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean said she provided her edits to Ms. Ambler and moved approval of the June 28, 2023, and July 26, 2023, Governing Board Minutes as amended.

Motion carried.

V. TRPA CONSENT CALENDAR

1. Tahoe City Public Utility District and Tahoe Cross Country Ski Education Association, Recreation Cross Country Ski Lodge Modification, 3001 Polaris Road, Tahoe City, California, TRPA File Number ERSP2018-0878, Assessor's Parcel Numbers (APNs) 093-600-001, 093-160-036 & 093-160-064

Ms. Gustafson said this item was not heard by any committee. The Governing Board received two written public comments on this item.

Board Comments & Questions

Ms. Aldean said the suggestion that somehow using what was preserved from the Schilling home when it was deconstructed that somehow the proposed use contradicts the owners documented wishes.

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Ms. Gustafson said her understanding is not only did the owner of the Schilling Lodge pay for the deconstruction and storage, donated to the project being rebuilt with this purpose in mind. Also, the Schilling family has also been involved in the discussions and supportive of this project in preserving the Schilling Estate.

Ms. Aldean confirmed that it doesn't countermand any of their documented wishes.

Mr. Friedrich said he's spoken with many of the project organizers and proponents and learned in more detail what a community benefitting facility this will be in all the work they are doing to bring in environmental attributes such as solar and air sourcing ground source heat pumps and to provide a space for outdoor recreation and community building. This is something we should embrace heartedly and is in support of this.

Public Comments & Questions

Jim Robbins, Board President of Tahoe Cross County Ski Education Association thanked TRPA staff for the hard work they've put into helping them move this project forward. They are a community benefit organization and are helping to fulfill the role that Placer County, California Tahoe Conservancy, and TRPA wish for outdoor activities.

Motion:

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

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

VI. PLANNING MATTERS

A. State Route 28 Corridor Plan Implementation: Chimney Beach Trailhead Parking Lot Improvements

Ms. Gustafson said the Governing Board received written public comments on this item.

Ms. Regan said the last several summers recreational patterns have been of great interest to the community. Roadside parking along the corridors of State Route 28 and 89 on the California side has garnered a lot of attention and there is a lot of work to be done to improve safety and the experience for the visitors and local residents. This is one of many projects within the entire State Route 28 corridor. There is an existing agreement and signatories to a Memorandum of Understanding that will be working for many years to come. In visiting with many members of our delegation for the Tahoe Summit, this came up as something that we've all collectively in the basin have been working on for decades. The first time in a long time, we are making some headway in addressing some of those challenges. It's a phased approach including many partners. The partnership work that's being done will further the goals of destination management and destination stewardship. When you think about holistically from a macro standpoint of what our economy in Tahoe has historically been driven by tourism. The transition from a gaming based economy 20 years ago into an outdoor recreation based economy. When people used to be drawn to Tahoe to come and go inside to recreate and now gaming is one amenity of many. But we didn't drastically enhance the infrastructure to accommodate that shift. They've been doing it by building more trails piece by piece through the Environmental Improvement Program and the great work of our partners. Now, we have a system and energy and

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momentum around funding to address those critical infrastructure needs to support that outdoor recreation boom in the last 20 years.

TRPA staff member Ms. Friedman provided the presentation.

Ms. Friedman said today we are joined by our partners and applicant from the Forest Service, Mr. Walker and Mr. Gabor. Mr. Hasty with the Tahoe Transportation District is another partner in the corridor who will provide some context at the end of her presentation.

The Chimney Beach Trailhead upgrade project proposes to expand the existing parking lot at the Chimney Beach Trailhead to provide replacement parking for parking that is currently occurring along the corridor. It will also provide trailhead facilities and extend the no parking zone.

The section of State Route 28 is in Nevada from Incline Village to Spooner Summit and crosses multiple jurisdictions including Washoe County, Douglas County, and a portion of Carson City. This corridor provides access to a lot of popular recreation sites including miles of popular shoreline of Lake Tahoe as well as the mountain side, backcountry, mountain biking, and hiking trails. The desire and demand to access these recreation facilities exceeds the facilities to support that, safe parking lots, trash, and signage does not meet the demand. This has been going on for many years and it results in parking along the shoulder of State Route 28. There are a lot of unintended consequences including safety of the public, scenic resource and erosion impacts. A lot of the shoulder parking is on steep slopes connected to Lake Tahoe. It kills a lot of the vegetation which further destabilizes the slope. It also creates a lot of user created volunteer trails and has trash and litter impacts as well. There are a lot of unintended consequences to people trying to access the recreation amenities along this corridor.

Realizing these issues, 13 partners came together in 2013 to look at this corridor and develop the first Corridor Management Plan within the Tahoe Basin, the State Route 28 National Scenic Byway Corridor Management Plan. This corridor management plan looked at the issues that were occurring along this corridor and collectively came up with five goals including protecting Lake Tahoe, improve public safety, promote economic vitality, enhance the visitor experience, and expand transportation choices. That corridor plan also recommended a suite of projects and actions that implementors and partners could take that would improve the corridor and achieve these five interrelated goals.

Building upon the Corridor Management Plan, the Forest Service developed the State Route 28 Shared Use Path Parking Safety and Environmental Improvement Project Environmental Assessment for the National Environmental Protection Act (NEPA) and an Initial Environmental Checklist for TRPA to analyze the impacts of projects that were recommended in that corridor management plan. The limits of that were from Sand Harbor to Spooner Summit and it analyzed impacts of providing replacement parking at parking lots that includes expanding parking at existing parking lots and creating one new parking lot at Spooner Summit. It analyzed continuing the Stateline to Stateline Shared Use Trail which would be constructed from Sand Harbor to Spooner Summit. Also, improving transit options along the corridor, vista points and then as part of the Spooner parking lot, providing a permanent Aquatic Invasive Species inspection station. That environmental assessment was finalized in 2019 and found that those projects would not have a significant effect on the environment.

Slide 4 shows the proposed action map from that environmental analysis and shows the limits of the proposed projects. The Chimney Beach parking lot is just south of Sand Harbor. There is an existing parking lot at Chimney Beach with 21 parking spaces and portable restrooms, which is not enough to

meet the demand that area provides. The Chimney Beach parking lot provides access to a lot of popular beaches as well as trails connecting people to Marlette Lake. Part of the analysis done in the EA looked at the number of vehicles that are currently parked along the road shoulder. The Forest Service consulted with LSC to do surveys. They surveyed the roadway during average and peak times to see how many vehicles were parked along the roadway shoulder and broke it up into segments based on where there were existing parking lots, access points to recreation facilities along the corridor. This data is from 2016. The proposal for the Chimney Beach Trailhead is to reconfigure the parking lot to provide 109 new parking spaces for a total of 130 parking spaces at that parking lot.

The map shows 140 stalls and is what the EA analyzed. This is within the impacts that were analyzed in the EA. Expanding the Chimney Beach parking lot will also extend the no parking zone on State Route 28. The area that no parking will be extended includes Thunderbird Cove and Chimney Beach. As the corridor management plan is further built out there will be transit, the bike trail and other ways for people to access the corridor.

The project will be in two phases. Phase 1 includes reconfiguring the parking lot to build the 130 replacement parking spaces. It includes extending the no parking zone and includes amending the State Route 28 interlocal agreement. After the corridor management plan was finalized, the partners came together to sign an interlocal agreement. It is critical to the implementation of the corridor management plan. It identifies roles and responsibilities for all of the partners along the corridor in terms of implementation, operations and maintenance, enforcement of no parking, etc. It further aligned all of the partners and amending that is critical for success. It was written in a way to be amended as projects were designed and implemented, that agreement could be amended to respond the implementation and operations and maintenance of those new projects.

Phase 2 of the Chimney Beach project will include all of the trailhead support facilities. This includes adequate restrooms and trash facilities, improved signage, bicycle racks, a transit pullout, a crossing at State Route 28 so people can get from this parking lot to the beach.

Phase 1 expansion of the parking lot and extending the no parking will occur in the Summer of 2023 and potentially the Summer of 2024. Phase 2 planning and design will occur over the Winter of 2023/24 and Phase 2 implementation will occur in the Summer of 2024.

Future projects that are going to be occurring along the corridor because in order to achieve all of the goals identified in the Corridor Management Plan that the projects agreed to, it's important to recognize these other projects. They include incorporating Intelligent Transportation Systems (ITS) to use technology to help meet our transportation needs such as changeable dynamic message signs or using cell phone apps to let people know that the Chimney Beach parking lot is full and parking is available at the Spooner Mobility Hub and take transit or a bike there, for example. It also includes parking management with the ability to have paid parking along the corridor. The Chimney Beach parking lot has power and infrastructure going in along State Route 28. These items can be incorporated into the parking lot when they are ready to be implemented. Future projects also include continuing that shared use trail from Sand Harbor to Spooner Summit, expanding the Secret Beach parking lot which is just south of the Chimney Beach parking lot. When that parking lot is built it will further expand the no parking zone because safer off highway parking will be provided. There is a new parking lot at Spooner Summit planned that will be the Spooner Mobility Hub that will include transit services and the permanent Aquatic Invasive Species inspection station.

(presentation continued)

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Mr. Hasty, Tahoe Transportation District said it's nice to finally see this happening. These things take a long time. His history with the corridor goes back at least 25 years when he was at TRPA to get to the same kind of agreement that they have in the corridor now. They couldn't achieve that; they had those kinds of problems back then. When it came into the TTD's role in 2009 and they started to address the feasibility of a Nevada Stateline to Stateline bike trail, they were tackling the State Route 28 corridor again. They took a different approach. Time was a little riper as well for the land management agencies because things had got a little messier. The uncontrolled access was a big driver here in terms of the interest of being able to get 13 different organizations to agree.

The interlocal agreement has been a very effective tool to date to keep us there at the table where they all agree on who is doing what. It's a classic Tahoe story of leveraging each other. That first three miles for example is where TTD is overseeing and managing the paid parking on that trailhead parking lot which sits on the Nevada Department of Transportation right-of-way where Washoe County has agreed to provide the long term maintenance and Nevada State Parks has agreed to provide the annual maintenance. They do paid parking and planned to along this corridor for two reasons: One is partially behavior change to not have everyone show up at the same time which they do through pricing. The other is to provide revenue for maintenance and offset a good portion of their operations and maintenance for the trail and parking because capitol dollars are easier to find than operating dollars. TTD will be designing the Secret Harbor next and then they're working together with a number of partners on the Spooner lot as well as pursuing dollars to get the trail connections happening as well as transit.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIA-Chimney-Beach-Parking-Lot-Improvements.pdf>

Board Comments & Questions

Mr. Aguilar said this corridor is very dangerous. There is going to be a child that is going to be run over. How do you increase the size of the lot even more?

Ms. Friedman says the solution is not increasing the size of the lot anymore, it's a balance between providing safe off highway parking lots and then providing other opportunities for access. Transit is a big piece of it. There is going to be a new parking lot at Spooner Summit which is going to have up to around 200 spaces and transit mobility hub. Then each parking lot as well as other places along the highway will have transit stops. Then there will also be the trail for those who would like to access recreation spots via other measures. The solution is multi-faceted in providing safe ways for people to access the corridor not just parking spots for the private automobile. Implementation of the whole Corridor Management Plan will provide all of those things.

Mr. Aguilar asked what the timing is for all of this.

Ms. Friedman said the Chimney Beach parking lot is going to be constructed this year and potentially a portion of next year. The Secret Harbor parking lot is in the planning process. They are actively working on the Spooner Summit parking lot and have an agreement with the Nevada Department of Transportation, and they have a team that will be under contract starting in approximately one week to work on design of that parking lot and implementation will follow.

Mr. Aguilar asked if that is three years, ten years.

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Ms. Friedman said for within the next ten years. For example, Spooner still needs some funding to be obtained.

Mr. Aguilar said we don't have ten years to sit quietly to wait for these projects to be completed. There are kids running across the road and if we don't find a solution immediately, there is going to be a tragedy there. Can this Board or this group create some urgency or make this a priority at even a higher level or if it's a conversation with the Nevada State Government. There has to be a better and quicker solution.

Ms. Friedman agreed and it's a big partnership so the support that we have from everyone will go a long way.

Mr. Gabor, Forest Service said to add to the conversation about more capacity at Chimney Beach, there is not sufficient space to build more parking at the Chimney Beach trailhead. During the NEPA and environmental analysis the consultant Wood Rodgers helped them look at the maximum space to fit in that location. They are maxed out and that is why it's 130 and not 140. They looked at Secret Harbor, he met with TRPA and TTD staff on site to look at another location. They are going to propose a change to the environmental document to do a different location at Secret Harbor because there is better space, safer, and more opportunity to increase some numbers in that location which would be more central to the corridor for people in that location. Regarding timing, they are moving fairly rapidly at Chimney Beach which is why they are here to get this in place immediately. Mr. Hasty is representing a group that is working hard on the Spooner project to push for 2024 for construction and are actively trying to get this Secret Harbor piece done. One of the components they will need help with is the bike path as well as getting their partners and stakeholders in alignment with all the components that are needed to make this entire project happen in terms of being able to move people around. The messaging, the reservation systems, etc. that might be coming forward in future years to address the safety out there.

Ms. Regan said this is an urgent situation and it's something that's continuing to build. The amount of funding that it will take to buildout this corridor is about \$70 million. They've not been in a position to execute more than little incremental solutions and now they are with the support they are getting from the Federal delegation, the state, the private sector, the Tahoe Fund, and other partners. They have convened task forces within staff to meet monthly. There are a lot of players involved and another piece of this is enforcement. Law enforcement and judicial system have been leery of enforcing parking restrictions when there were not other good options for people to park or get there in the first place. Building out these improvements for transportation, for parking off road options, the trail system will then now allow law enforcement and the judicial branch to go forward with those tickets. The \$300 for parking and even up to \$1,000 for parking over the fog line of the highway.

Mr. Settelmeyer said during a tour with the Tahoe Summit, interesting that a while back it was \$40 for a parking ticket and in San Francisco that's a day parking rate and went ahead and parked anyway. The California Highway Patrol relayed a story where they towed a vehicle out of the way and another person came and parked in the spot that was just vacated. Luckily, the fees are being increased to try and address this issue, but he shares Mr. Aguilar concern. Can there be a discussion with Caltrans and NDOT and other entities. Up at Emerald Bay when he's looking at a two foot pipe to convey water underneath the road and there's a six foot elevation change, why not increase that to make a walking trail, not only to convey more water during flood runoff but also provide an opportunity for people to use that to safely traverse the road underneath rather than an overpass. Understanding that will

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require more funds but doesn't see why we shouldn't continue to have those discussions to help with the safety concerns.

Ms. Laine said for a lot of us who have been in the basin for a long time, we get used to Tahoe time and the short construction seasons and seems like everything takes longer than it should but thank you to Mr. Aguilar for reminding us that we shouldn't be okay with accepting that when we can avoid it. She asked for more information on where it talks about infrastructure to support a future parking management system.

Ms. Friedman said that is underground utilities that are occurring along the corridor and making sure the site has power so there can be kiosks and meters for paid parking. The first project that was implemented along this corridor was the first three miles of trails from Incline Village to Sand Harbor and that included some parking lots by the Tunnel Creek Café and that has some paid parking there. They use dynamic parking management so someone would get differently depending on when they would go and has proved to be a successful project. It's providing infrastructure so that can come online when it's available for the rest of the corridor.

Ms. Aldean said in order to facilitate the change in behavior, would there be flexibility within the budget to allow for free parking the first season to get people accustomed to not parking along the roadway and using the parking facility. Then impose a fee the following season once they become accustomed to relocating their cars.

Mr. Hasty, TTD said they did that with the existing trailhead parking for the first three miles and was helpful. What will also help with this situation is part of the support infrastructure that's also been missing is essentially fiber optic and broadband because Wi-Fi is not a very robust system on the State Route 28 corridor, let alone other places in Tahoe. Part of what they've been doing is working with the Nevada office of Science Information and Technology and they have been successful with a winning bid to implement broadband which will help them to get to this app kind of application when people are at the beach and want to pay more to stay longer. It's also to inform folks when a parking lot is full. They expect to see that on the State Route 28 and the Highway 50 corridor within the next several years when NDOT does their overlay work.

Ms. Aldean said a lot of people who visit Lake Tahoe are from out of state and many will just ignore those parking tickets and doesn't believe that we have the resources to pursue them legally. In the agreement that's being developed, she assumes that one of the options by law enforcement might be booting. Towing is problematic because those cars are tightly fit into those spaces but booting would be an option to immobilize the vehicle. Is that being contemplated?

Ms. Friedman said booting hasn't specifically been discussed in any conversation she's had but that could be an option. The Nevada Highway Patrol and Washoe County are part of the corridor management team and are also signatories of that interlocal agreement and have agreed to enforcement along this corridor. Part of that was increasing the tickets along this corridor to \$300. Towing is difficult logistically but also from a resource issue as well. As they update this interlocal agreement the Nevada Highway Patrol will be at the table and will be recommitting to enforcing on these sections of roadway. They can discuss this as an option as well as other parking deterrents such as physical barriers, etc.

Ms. Aldean said the errata references Condition 8 was redundant and deleted. If you read Section 6, under the permit language, the one thing missing in paragraph 6 is any reference to identifying

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funding needs and resources. It's not completely redundant. Is that just implied as part of the operations and maintenance in the local agreement looking at funding sources and other potential resources.

Ms. Friedman said yes collectively looking for funding and working together to leverage all the funding to plan and implement these projects is part of the corridor management plan and can be part of that interlocal agreement.

Ms. Conrad-Saydah asked how many EV parking spots would be in that lot or entire corridor.

Mr. Gabor, Forest Service said they've had a lot of partners coming to them with requests to install EV charging stations and this would be ripe for that. They would need to do a new power drop and transformer. The number of spots is a good question. He thinks it would be up to the partner on how many they would be willing to put in because of the expense of putting them in. But once they do that they will be paid for that parking. The Forest Service wouldn't have a limitation on the number being put in but would be up to the partner installing that. It could be as much as 10 to 20 in the near term and then more in the long term.

Ms. Conrad-Saydah said during the engineering and tooling of the area that enough electricity is put in at the beginning to ensure that those spots can be provided in the long run. Potentially solar panels in the long run to provide some electricity for the needs there.

Mr. Rice said he comes from a law enforcement background and has witnessed some of the problems that have been discussed regarding people seeing their parking fine being part of their experience. If we are able to convince the courts to increase the fine to \$350 and if we can get the law enforcement personnel to write the citation. From experience, he knows how short the personnel are along those corridors of State Route 28 and Highway 50. He wonders where they are going to get the resources to do the enforcement.

Ms. Friedman said it goes back to that interlocal agreement and the corridor management plan and they committed in the past, there was a pilot project around Sand Harbor where there was increased signage, increasing that fine to \$300 and then a commitment from law enforcement to enforce and that proved to be successful. They'll continue to engage with those partners and rely on that partnership to enforce the no parking and implement some of the other measures that would deter parking as well.

Mr. Hasty, TTD said TTD and the Tahoe Fund has been supporting some evaluation of suggestions. They've been looking closely not only from the law enforcement side but the paid parking enforcement aspect. The TTD Board has asked staff to bring to them an update on what's going on with parking and enforcement and what options are. There may be some ways to help, that's not a full fledged officer but another way to be able to provide some other human resources to the issue. Those are the types of things that we'll be looking at in the future.

Ms. Hill agreed with Mr. Aguilar statements about how important it is that we move forward with these projects quickly. She's in full support and appreciates the work of the team. She's glad that Mr. Rice brought up enforcement and is something that TTD is looking at. Sadly, in this last budget cycle, they didn't receive the State of Nevada bonds for the connection to Spooner. All hands on deck to find out how we can fund all these projects. She's willing to be an ambassador for TRPA and TTD to see

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what we can do to move this forward. It takes a lot of money but it's people's lives and the deterioration of the lake with the vehicles parked on the roadway.

Ms. Gustafson said just a reminder that we are talking about a parking lot project, and we're getting into corridor management and is not agenzized specifically, but it is critical to this.

Ms. Diss asked if the crossing at the new parking lot will be in place at the same time as the new lot opens.

Ms. Friedman said yes, that's correct. That will most likely be implemented by the Nevada Department of Transportation and they may also be implementing the transit pullout section of it. But they do have a project coming through there where those items will be incorporated.

Mr. Friedrich echoed Ms. Conrad-Saydah's comments about preparing this site as much as possible for EV charging, solar canopy if there are solar attributes there. He agreed with Mr. Aguilar's urgency on the corridor management. The parking lot needs to alleviate that and be a replacement and not additive parking. We see the same problems at Emerald Bay and Zephyr Cove, people are ignoring no parking signs. They are not deterred by fines, they are not being towed, and not enough enforcement but understands they are having discussions there. Ms. Friedman mentioned physical barriers. Caltrans was quoted in the Tribune last week saying that they recommended boulders along Emerald Bay. Is there a reason why they can't go there right now knowing that enforcement is difficult and whether people are truly deterred by it. To get people off the road given that concern, is there a reason why we just can't go straight to physical barriers whether they be boulders or orange traffic barrels or another physical deterrent.

Ms. Friedman said there is no reason of why they could not do that straight away. TRPA would support the installation of some type of physical barrier. They would need to work with the partners along the corridor, specifically NDOT, to have a physical barrier that they would approve of and wouldn't create its own safety issues. That can be part of the conversation as they discuss extending the no parking zone along that corridor with the partners including NDOT and NHP.

Mr. Friedrich asked if those conversations had started with NDOT.

Mr. Gabor, Forest Service said they have put in barriers with partners on projects. In Round Hill they are working with Federal Highways on the project. The beam guard which is on the lake side of the highway was not required by Federal Highways. He requested that it be added to the project because they needed to physically block people from parking in that area. It's too inviting to pull over on to the shoulder to run down the hill to go into Round Hill. That beam guard was there not because of the slope, it was for preventing parking. An unintended consequence was the parking that occurred shortly thereafter this summer on the east side. Four different agencies came together rapidly to get no parking signs installed and Douglas County Sheriff and Nevada Highway Patrol to enforce that no parking. They should see that through Labor Day improving in what occurred there. On State Route 28, they've been working with for a few years with NDOT as their projects come in to be permitted for Forest Service because that highway is on Forest Service managed lands. They are working with them to make sure they are putting in soft barriers to try and discourage parking cars on the side, but some people still drive up onto the rocks and over the edge. They are trying to meet that need to discourage parking and making it not appear that they are putting barriers on the side of the road while still making it look like erosion control.

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Mr. Friedrich asked why there is a need to make it appear that they are not putting physical barriers. Wouldn't that be the thing they would want people to see so they don't park there.

Mr. Gabor, Forest Service said he was referring more to concrete barriers immediately to the highway.

Ms. Faustinos said we are encouraging people to reduce vehicle miles traveled and travel on shuttles. There are a lot of access programs being promoted right now where shuttle buses might be bringing groups of youths, a church group, or seniors for example, is there going to be parking spaces provided for shuttle buses?

Mr. Gabor, Forest Service said yes that is usually worked out in their partner agreement for the management of the sites. They'll be working with the partner for the management of the parking lot. Potentially it could be the Tahoe Transportation District and they can identify spots for multi-passenger vehicles. That is more of an operational sequence, but they will be allowing that.

Ms. Faustinos said she's concerned about how that would impact 130 parking spaces. Because if there is limited space, how is that issue going to be addressed.

Mr. Hasty, TTD said this particular lot could be a challenge. As they start to see more tour buses visit Tahoe, a tour bus full of people could be 16 cars. They are not set up for putting them anywhere. Charging infrastructure for buses in the future is where they get to as well. They are in this transition area. The other part is part of the plan but is also long term is capturing people from outside and being able to shuttle them in, so they don't they don't have to park including a shuttle bus. They've been looking at locations for things like that with access to this corridor. That kind of bus activity would have to be very limited to more of these types of van conversions where there's no more than eight passengers.

Ms. Faustinos said recognizing the turning radius and all of that is a concern too. That is a way to effectively address VMT reduction.

Mr. Aguilar asked for a brief overview of the funding for this project and has there been any discussion or thought of daily use fees for visitors to help fund some of these projects.

Mr. Gabor, Forest Service said the funding for this project was provided by the Southern Nevada Public Land Management Act (SNPLMA). They have a project that will pay for the parking, restrooms, signage, etc. at this site. As far as parking fees, whenever their partner comes online and they put in the ITS structure to manage that, typically they are seeing fees at Forest Service sites at the \$10 to \$12 range. Mr. Hasty mentioned the demand level pricing for the parking at the north end near Tunnel Creek Café.

Mr. Aguilar said he was referring more to a daily use fee for visitors coming into the area, like most of the National Parks.

Mr. Walker, Forest Service said that has been a topic of conversation amongst the partners in the Lake Tahoe Basin and is his understanding that right now that is not the approach that they are taking. What they are trying to take through Destination Management and travel management is to allow people access into the basin. While they look at fees for parking that will help pay for maintenance and construction of those facilities as well as possibly provide other funds for the use that comes from

the people parking there once, they get to the lake such as the trails. As far as putting in a fee to come into the Tahoe Basin, that conversation is still ongoing.

Ms. Regan said this topic has been going on for years. The most recent conversation around a user/entrance fee has gone into the Transportation Action Plan process with the Bi-State Consultation around funding for our infrastructure investments. They are looking to raise additional monies with federal, state, local and private to make those investments. It has also touched new conversations around the corridor plans and looking at innovations around parking whether it be corridor pricing because 2.5 million vehicles go around the State Route 28 corridor and another 4 million vehicles go around the Emerald Bay corridor. They are putting in an application with Caltrans and the very large Metropolitan Planning Organization (MPO) in the state of California. That's an innovative grant looking at road user charge. It's an ongoing area and is a very polarizing issue and what we've heard from the majority of the Board members is that we want to keep working to solution without putting people in opposite camps but looking at it more holistically but realizing that it is an urgent situation.

Mr. Aguilar said as a Board member can he request this to be an agenda topic, what's his role or responsibility. We cannot depend on governments to fund us. As a board, we have to figure out solutions and what are the solutions that they can bring to the table directly without having to wait for third parties to figure out a solution for us. Again, looking at the situation along State Route 28, it's intense and we need to figure out strategic and innovative solutions to the challenge. If nobody is going to come up to the table to give us the funding, we as a Governing Board have to figure out how to come up with that solution on our own.

Ms. Gustafson suggested that the Governing Board do a workshop on the corridors and bring us up to speed regarding where they are at. There are many groups working on various components and bringing that together into this dialogue.

Mr. Aguilar said there is going to be a tragedy and science is not going to solve that.

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Steve Teshara said he was on the Tahoe Transportation District Board when they evolved from the point of the original, let's try to work this out together to the implementation agreement, the interlocal agreement. There wouldn't be this project if there wasn't a corridor management plan. Corridor management plans particularly when you have this many different jurisdictions involved do require that kind of interlocal commitment. As opposed to sometimes people attempt to do this by a project charter. It's instructive for us today to understand that the reason this project is before you today, is because there is a corridor management plan and the foundation of that was an interlocal agreement and not a project charter. He supported this proposed project.

Gavin Feiger, League to Save Lake Tahoe appreciated the comments today. They are in favor of this project and supported the corridor plan when the environmental assessment was done in 2018/19. They did have some caveats such as enforcement. They are confident based on the success with Sand Harbor demonstration project and the quick action taken with the unintended consequences of the Round Hill parking that enforcement can happen. The interlocal agreement is definitely the place for that. He encouraged the Governing Board to check in and stay involved. Make sure all the things they've been discussing which echo the League's concerns are taken care of through that interlocal agreement. The solutions are enforcement and booting, a barnacle, etc. They could have a third party assist with that. There are many solutions. They've worked with NDOT in the past to help them with

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their water quality projects especially around Marlette Creek to add riprap and rock barriers which has helped but pushes the problem to other places in the corridor. Stay the course with the parking lot and make sure the enforcement happens. The state shot down the user fee. There have been some changes in California and doesn't know if Nevada has had a change of heart for user fees. That is probably the solution to fund projects like and to help achieve our vehicle miles traveled threshold which is coming due at the end of this year. They deal with the impacts; they have volunteers and staff who pick up tons of litter.

Nicole Rinke, California Attorney General's Office has clarifying questions from a staff level. One of the slides showed the timing of trash facilities in Phase 2. Has there been any consideration of that being included in Phase 1. It sounds like the enforcement topic is addressed in the interlocal agreement. Is there a place where members of the public and board can access that agreement. Would that be the place where some of the operational suggestions that were made today be addressed. Will there be a way for the Governing Board to hear about those topics in the future to make sure they are being addressed as the project moves forward. Lastly, the environmental review that was done for the project looks like TRPA did an Initial Environmental Checklist for the approval of the project, but she thinks that relied heavily on the State Route 28 corridor plan. Can there be some clarification about where the environmental review for this specific project lives? It may be in the corridor plan that's larger to navigate to find the specifics for this. There are impacts with additional parking to recreational use being increased and associated impacts potentially exist. We also heard from Board members about the potential increase in VMT. This is also adding development and land capability.

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Ms. Friedman said the trash and other trailhead improvements are part of Phase 2 approval. The Forest Service was taking advantage of funding opportunities to get the design and start construction of the parking lot. Then this winter they'll be designing the placement for the other improvements and will be constructed in 2024 and will all be there when the parking lot is open to the public.

Mr. Gabor, Forest Service said the parking lot will not be opened without Phase 2 items being completed. It was the timing of when they had to get items under contract.

Ms. Friedman said the suite of actions were analyzed under the joint National Environmental Policy Act (NEPA) environmental assessment and TRPA's Initial Environmental Checklist. It was a joint document that analyzed all of the impacts including this parking lot because it is replacement parking there and with the enforcement component of it the analysis found that there would be no increase in capacity along the corridor and no VMT increase. It is increasing coverage in Land Capability 2. Per the Code of Ordinances and the Memorandum of Understanding with the Forest Service, the Forest Service will be implementing a restoration project at a 1.5:1 ratio. TRPA will be approving that project as part of this permit approval. She believes that they already have a project identified within the vicinity of the project area.

Mr. Marshall said in Attachment D there is a link on page 181 to the Environmental Assessment/Initial Environmental Checklist on the Lake Tahoe Basin Management Units website.

Ms. Friedman said the interlocal agreement is available to the public. If it's not online, it can be posted and is happy to share that with members of the public or Board members.

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Ms. Gustafson asked Mr. Hasty if that was available through the Tahoe Transportation District website.

Mr. Hasty, TTD said he would have to look. The interlocal agreement covers the existing operational components. As a result of this project, they'll be amending that to include this area as well and the Forest Service as a signatory.

Motions:

Ms. Laine made a motion to approve the required findings, including a finding of no significant effect, as shown in Attachment A.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settlemeyer, Ms. Williamson
Motion carried.

Ms. Aldean made a motion to approve the proposed project subject to the conditions contained in the draft permit as shown in Attachment B including the Errata.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settlemeyer, Ms. Williamson
Motion carried.

B. Update on the development of a Climate Resilience Dashboard for the Tahoe Region

TRPA staff Mr. Middlebrook provided the presentation.

Mr. Middlebrook said they last spoke with the Governing Board for input on this in October 2022.

We often think about climate change as something that's happening in the future. The climate impact is here today.

Today, they'll cover the dashboard project's overall purpose and goals. And the background of the project. Review best practices and the policy and guidelines that their consultant team has developed. The vision and draft metrics especially where they want the input from the Board today is on those draft metrics. They hired a consultant team led by ECONorthwest including Ms. Steckler and Ms. Cannon. They are also joined by Ms. Seville of Collective Strategies Consulting.

The mitigation equation of climate is where they have greenhouse gas reduction goals outlined in the Sustainability Plans which is to reach net zero by 2045 which aligns with both California and Nevada statewide greenhouse gas reduction goals. They met the interim target of 15 percent reduction in greenhouse gases by 2020 but will need more work to meet that 2045 target.

Resilience and adaption: Last year basin partners adopted the Tahoe Climate Resilience Action Strategy that outlines ten years of funding needs for projects to address things like wildfire, drought, and flooding. There are plans for mitigating and reducing greenhouse gas emissions but also adapting to climate change and making our communities more resilient.

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Overall, the Tahoe Climate Dashboard has a goal to create a new and improved dashboard for the region as part of the original 2014 Sustainability Action Plan they created and have on Lake Tahoe Info a Sustainability dashboard. Over time, the metrics have become irrelevant, or data has become hard to collect or metric reporting from various sources has changed. It was time to look at that to see how this dashboard can better monitor the work we are doing and use it as an engagement tool and build on the previous work to connect it to things like the Environmental Improvement Program project tracker thresholds and Transportation tracker. Then use it as a tool to meet with key stakeholders to discuss opportunities, challenges, and priorities for climate. This will be a great resource for all of the partners in the basin when they are working on grant applications for climate related projects.

This dashboard is about connecting all of existing TRPA initiatives. They are not looking to create something new with new metrics and monitoring. The climate dashboard connects with all the components of the Lake Tahoe Info platform. How do we take all of the work we are doing and connect it into a cohesive story around climate for the region.

They kicked off earlier this year with the consultant team who have done a lot of research on best practices, looking at the existing metrics across all of the programs, and working with stakeholders through a stakeholder workshop and many interviews on what people want to see and what's important to measure. They've engaged over 35 different partner agencies, organizations, business communities, and social services groups. We're here now with those draft metrics and want input from the Board before they finalize those metrics. Those will be finalized over the Fall and Winter and developing the technical side of the dashboard that will launch in the Spring of 2024.

The goals are to build the dashboard to bring more of a broad understanding to climate action in the region. They want to focus the metrics on region significance to make sure what they are tracking isn't specific to one neighborhood or one jurisdiction and is connected to our existing planning documents and guidelines including the Regional Plan and Regional Transportation Plan. Also, to increase awareness and preparation of climate change with the general public. It will include calls to action in ways folks in the community can get involved in becoming more climate resilient.

This is based on a lot of different plans. Often times, in best practices research, other climate dashboards were based on one plan, one organization, and one jurisdiction. The added benefit and possible challenge of the Tahoe Region is connecting across different jurisdictions and the many plans in the Tahoe Basin and building off of the work that they've done to date on climate.

(presentation continued)

Ms. Seville said their team reviewed best practices for developing indicators and metrics along with existing climate dashboards to identify some key dashboard design features that would be most relevant to this dashboard.

First, the dashboard should be organized around goals and linked to specific long term outcomes. This will enable TRPA to make direct connections between what they are measuring and the goals. This organization also helps you prioritize the metrics most relevant to the goals. Second, the dashboard should include indicators related to climate planning that can be measured and tracked using specific performance metrics. Ensuring indicators and metrics reflect local climate action goals and plans and consistent with what the Agency has already committed to report on. This is critical because they want to ensure that TRPA is able to help users understand what they are measuring, why, and reflects

all those plans that Mr. Middlebrook mentioned. And, be able to evolve the dashboard as those plans and goals evolve.

The ten pillars that the Tahoe Central Sierra Initiative framework for resilience represent those desired outcomes of restoring landscape resilience. The dashboard metric list that they developed reflects this framework. Specifically, several of the natural systems metrics such as the measure of acres of high quality wet land and meadows and increases in forest health through protecting the tree species. These relate directly to these pillars and are one example of how they are trying to integrate all the right work that's already going on and help TRPA communicate that to all the different users and stakeholders. They also recommend setting clear expectations for users about how often the performance metrics are going to be updated and providing explanations that some metrics will be updated more frequently than others. This is not about being perfect but rather being transparent. They will be creating a monitoring plan with recommendations and guidance on how often to update the metrics based on the metric and the data available.

They are proposing organizing the dashboard to be focused on these long term goals and outcomes. It's about supporting resilient natural built and social systems and tracking local climate conditions. This is key because this is how TRPA is looking at their threshold standards. It provides some consistency and approach as well as a way for the dashboard users to understand the region's priorities. The difference between an indicator and a metric is that they have that high level goal, for example supporting resilient built systems. Think about an indicator as a trend that advances a long term outcome or goal. The performance metric is something that helps assess the direction of a trend in a given point in time. For example, if they have that long term goal of resilient built systems and supporting those as an example, a transportation related indicator might be to upgrade transportation systems to be more sustainable and reduce transportation related emissions. One of the metrics that would be used to help assess progress towards that indicator would be something like measuring and tracking the amount of transportation access in priority communities. How many folks in those communities are within one quarter of a mile within a transit stop. Those metrics can get granular and there will be a lot of metrics that inform those indicators that inform those goals. This is about making those clear connections and pathways between what you are measuring and how it helps you understand where you are in terms of your long term goals.

The supporting resilient built systems, the resilient social systems, and resilient natural systems, that organization is aligned with state of California's adaptation strategy and is also consistent with how Nevada is approaching climate action. This reorganization is very aligned with the existing dashboard, but it provides some more specificity and clarity around the region's goals and how they plan to measure progress towards them. They also recommended creating a separate section where users can dig into the data to understand climate changes, specifically local climate conditions and will provide valuable context for those regional climate goals.

(presentation continued)

Ms. Cannon will provide an overview of their design concepts for the dashboard. This will be a website that will be laid out in a way that will be easy to navigate, user friendly, and to provide varying levels of information from broad level big picture goals to more detail on how they are measuring those goals and why this work is important.

The dashboard will be organized by those four broad level categories that Ms. Seville described. Within each of those goals there will be indicators that relate to those goals. There will be more detail

within those individual pages about the metrics, why these indicators and metrics are important for measuring the different indicators. There will be more information on what people can do and where they can learn more about these individual indicators and metrics.

Slides 14 and 15 show the conceptual design and how they are proposing to layout the dashboard. The indicator page will provide the most detail. Included in that will be more project level information and what these indicators are related to. For example, there is an indicator proposed to look at improving forest health and would be important to provide some examples through the Environmental Improvement Program projects.

Another part of the project has been to identify the metrics to include on the Tahoe Climate Resilience dashboard. A lot of the metrics that are on the Sustainability dashboard are fairly out of date and are something that needed to be looked at. They engaged stakeholders and did research to identify a list of metrics. They identified 50 metrics and want to narrow down that number to make it more manageable and help staff be able to update these metrics over time in a more feasible manner. There's a framework to evaluate these different metrics in a systematic way. It includes several different criteria to be able to evaluate the value add with these different metrics. They looked at the costs of the data associated with operationalizing different metrics, looked at the utility and informing decision making processes or investment decisions, the quality of the metric and data, staff effort that would be involved with updating the metrics. They anticipate that these will be updated over time. They also looked at how understandable the metric is and whether the data would be available at a regional scale. They looked at some other bonus considerations related to equity and code benefits. There are some draft results associated with this evaluation process but are also asking stakeholders and the Governing Board to provide information on what's important.

Some of the preliminary findings of identifying and evaluating these metrics. Slide 17 describes the first goal related to tracking the local climate conditions. This is a topic that is not currently on the Sustainability dashboard but it's important to understand the changes in the weather in the local communities.

Another area that they included was to promote resilient natural systems. Many of the metrics that are proposed for this particular goal area are based off of existing established metrics such as EIP metrics. There are a few updates that they are getting on the forest health metrics that they are aligning with another process where they are looking at some of the different forest health metrics and how they can better measure forest health and prevent wildfires.

There are some watershed metrics that they've included related to wetlands and meadows and stream environment zones. They are expecting there to be updates through a threshold update process that they'll be aligned with.

Another goal is related to promoting resilient built systems. There are several new metrics proposed for this, but a lot of these metrics are connected to the existing transportation metrics that are a part of the transportation tracker dashboard. The Transportation team is currently working on updates and those will be included. They proposed another metric related to zero emission transportation infrastructure related to tracking the coverage of electric vehicle chargers. There's also bicycle chargers that could be considered as a part of this. They looked at including a metric that looks at the vulnerability of different transportation facilities to identify where there are vulnerable transportation facilities that are in need of upgrades. They looked at various utility related metrics that were not included in the last board, one of which is looking at the energy mix showing the amount of renewable

energy for the region. For these utility metrics they've been contacting Liberty Utilities and Nevada Energy to find out about data availability. These metrics are expected to be refined.

They also looked at ways to promote resilient social systems. There are some new metrics proposed related to equity. Stakeholders had concerns that there is not a lot of information about the community demographics and those who would be at greater risk with the impacts of climate change. Those who have more difficulties and challenges with evacuating if there was a wildfire or climate related impact. There was a need to have more tracking of different community sector metrics and other metrics associated with evacuation. There was a lot of feedback on promoting a resilient economy, in particular tourism. One of the areas they pointed out was the need for a commuting metric to understand how many people are working in the basin but commute to get here. Visitation was also brought up. There are a lot of people visiting the region and would be helpful to understand the trends associated with visitation.

These are preliminary findings on the draft metrics and are expecting to have a narrowed down list of metrics that will be refined. They are also refining the indicators to ensure that they make sense. The next phase is to add narrative for each of the indicators and work on a draft dashboard. The final dashboard will be completed around February or March 2024.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIB-Climate-Resilience-Dashboard-for-the-Tahoe-Region.pdf>

Mr. Middlebrook would like the Governing Board's input on how the goals and indicators are organized.

Board Comments & Questions

Ms. Faustinos appreciated seeing the social metrics.

Mr. Friedrich said this is a good initiative and a strong set of initial metrics. He sent Mr. Middlebrook over 25 ideas in which a lot of them are covered with some variations on a theme. In general, the 7-7-7 framework where local jurisdictions are accountable in a sense to provide our fair share of transit funding and is a good model for this. Some of metrics were indicated by jurisdiction. To the extent that they can do them all by jurisdiction, so we are all accountable to how we're doing on these metrics. In that frame, just making sure that as many metrics as possible, local jurisdictions have some autonomy or control over. For example, when we say renewable energy is share of total energy, we might add just a focus on a jurisdiction basis such as the number of electrifications, solar and battery storage, microgrid projects, or community resilience centers that are implemented by jurisdiction.

Whereas, you can have a percentage of renewable energy provided by the utility that doesn't necessarily provide local resilience the way a battery energy storage system would and is where a local jurisdiction has more control over. Similarly, for charging stations tracking the one to ones that are at public institutions like municipal buildings, parks, hospitals, etc. to show that community benefit. Housing would be helpful to break down by jurisdiction. There is affordable, achievable, and workforce but perhaps add as a percentage of total units created. On equity, a metric such as trailheads and beaches that are either in walking distance to low income for disadvantage communities or served by transit to show that some of our most valuable public spaces are accessible and we're taking steps to provide that access.

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Mr. Middlebrook said his initial review of Mr. Friedrich's list there is a lot of alignment with what they are proposing. The balance for the overall dashboard is that they want to tell that comprehensive climate story without having 150 metrics that they are responsible for tracking. Getting to that goal and indicator and avoiding a bunch of stuff they're doing but getting to where they are trying to go with it.

Ms. Conrad-Saydah said this work is process oriented, but the end result is that it's a helpful way for members of the public to understand where public investments and our work are going. All these indicators are great and helpful. She suggested dialing it up a level when they are thinking about how to distill all of these into a smaller number of metrics by thinking about resilience as how buffered we are to fiscal, economic, environmental stressors. Which of these metrics help us understand that buffering the best. Resilience is how we come out of those stressors. You can look back at the Caldor Fire and Covid and say how did those stressors impacted the community and how do we respond to them? What were the big things we were responding to? That might help distill the metrics down to what is an indicator of that community social health in the area.

Mr. Middlebrook said they are looking at roadway corridors and their resilience to landslides and wildfire and are getting to those connections.

Ms. Aldean referred to the Tahoe Climate Resiliency dashboard, the live, work, and play in Tahoe sounds more like a visitor bureau advertisement. We are not promoting that. Maybe living, working, and playing at Lake Tahoe and what the expectations are for residents and visitors in terms of reducing emissions for example. She suggested rewording that because it seems a little inconsistent with some of the other elements of the dashboard.

Mr. Hoenigman said we already have a dashboard online that shows how we are achieving a lot of our goals. How does that one relates to this new one? Are they going to look the same? Is one a subset of the other? Because too many would be confusing.

Mr. Middlebrook said the existing Sustainability dashboard that is on Lake Tahoe Info will be deleted once this project is complete. That dashboard has around 32 metrics that it tracks and there are a handful of those that we will continue tracking. There are some that are no longer relevant. For example, free school lunches used to be a great metric for measuring equity in the underserved communities but now everyone's getting free lunches at least on the California side. This will replace that existing dashboard but share some of those metrics so we're not just scrapping the whole thing. The name will change from Sustainability dashboard to Climate Resilience dashboard.

Ms. Laine said this is a good snapshot of what they are working on and supports this process. One number that seems to get lost is the Regional Housing Needs Allocation (RHNA) numbers. Those are issued by the state and wonder how they'll get to those numbers and never look at it again until a new set of RHNA numbers come out. Maybe these would have a place in the goals and keep them in front of everybody.

Mr. Middlebrook said one of the proposed metrics is the total number of affordable, moderate, and achievable housing that is available and directly relates to those RHNA numbers. Our RHNA numbers are a little bit different than statewide because we do have growth caps in place. The state does recognize our unique situation in Tahoe when setting our local RHNA numbers for the California side. That's a good point to bring those into the narrative around those dashboards is to make sure they are

tracking that. There may be some of that tracking within other parts of Lake Tahoe Info as they are tracking allocations and how they are being used.

Public Comments & Questions

None.

C. Update to the 2018 Linking Tahoe: Active Transportation Plan

TRPA staff Mr. Murray provided the presentation.

Mr. Murray said today's presentation will provide an update to the ongoing planning process to the existing Active Transportation Plan. Active transportation is walking, biking, rolling which could include scooting, one wheel, and a host of other devices.

The last comprehensive update was in 2016 with robust public outreach detailed planning efforts and a lot of data analysis. The plan was technically amended in October 2018 meaning that a lighter touch of a plan update. Staff goes through and takes out projects that have been updated and then updates some of the maps and incorporates any new transportation elements that have come out since the last update. Currently, the staff is underway on another comprehensive update. As a part of that comprehensive update the Active Transportation Plan is preceding the Regional Transportation Plan update. The updates that are included in this will be folded into that upcoming Regional Transportation Plan update that's more comprehensive of all modes of transportation.

Keeping Tahoe Moving and the ATP vision: Keeping Tahoe Moving is a strategic initiative of TRPA. It's the transportation component and active transportation is a critical component of that. What they are looking to incorporate into both of these structures is new shared use paths, recommendations on sidewalks and onsite bicycle facilities. Connection to regional transit, recreation, and regional destinations. Part of the existing Active Transportation Plan are the recreational trails that exist. Last month, Ms. Smith got the Board's endorsement on the most recent Trails Strategy. They are separating the dirt trails more of a recreational component from the Active Transportation Plan and focusing solely on the transportation element of active transportation. As a component of that they want to focus on connecting folks via active transportation to those trailheads. That's the nexus between more of an active transportation and trail networks as a recreation component. A major component of the plan is the complete streets improvements. Complete streets are more than just the curb to curb repaving the roadway, it's looking at the street as more comprehensive update such as stormwater improvements, pedestrian facilities. When they go into dig, how can they improve the utility undergrounding and install infrastructure when the roadway is torn up for a repave project. As part of complete streets improvements is providing those alternative transportation options for residents and visitors. Through that they are seeking to alleviate traffic and reduce greenhouse gas emissions. The end result is to provide a world class transportation network for all of Tahoe.

Some examples of some projects that were identified in the existing Active Transportation Plan and how those fold into our Environmental Improvement Program at TRPA. There's the Lake Tahoe Boulevard Class 1 Bike Trail which is a shared use path. It incorporated pedestrian lighting, American Disabilities Act upgrades and was completed in 2023. The Sierra Boulevard Complete Streets project which was bicycle lanes and sidewalks and then the complete streets stormwater improvements. The Dollar Creek Shared Use Trail. All of these are just a snapshot of the projects that are identified in the existing Active Transportation Plan, and this is to highlight how those identified projects then get built

in the real world. Another component of more than just identifying projects is identifying certain policies. The Active Transportation Plan has the ability to shape policies and goals as far as what types of projects they want to see built and also gets into details. For example, they've seen an increase in scooters and electric bicycles on the shared use paths. Going from used to be an eight foot standard to maybe a 10 or 12 foot width standard to accommodate more social cycling or faster moving devices like the E-bikes. More space for pedestrians and how to stripe them. These all have policy implications and then how projects can be implemented by our partners.

Currently, they are underway on the existing conditions and need analysis. They look at the existing conditions and then identify the needs from there. From that they go into network recommendations of where are the gaps in the network and how can they make it more comprehensive, more connected, and where the alignments are, and places people want to go. How are the projects rolled out for implementation. The project priority list and how those projects are identified and how they get built in the future. As part of the public outreach, they have a transportation safety survey that's currently active. Accessibility needs, bicycle levels of traffic stress analysis, pedestrian experience index, and electric bicycle policy recommendations are newer components of the plan. They support electric bicycles as a mode of transportation with Tahoe's topography and distance between destinations it's a way to get people out of their vehicles but are sensitive to the safety concerns that people have such as pedestrians and dog walkers. They want to make sure they are supporting alternative modes of transportation but in a manner that is safe and effective for all users of the trail network.

Slide 8 shows the bicycle levels of traffic stress and pedestrian environment index. This demonstrates how stressful is the roadway for a bicycle rider. It's generally quantified on a scale of 1-4 and has 4.5 to highlight some troublesome areas. This does both road segments and intersections.

By reducing the stress, the cyclists are experiencing, you gain more people who will choose to cycle as a mode of transportation. What this information also does for our regional partners is when applying for grant applications they have identified levels of stress and part of the plan update will identify counter measures on what you can do to reduce that stress.

Slide 10 shows the list of stakeholders engaged in this plan process. Last week they held their third Technical Advisory Committee meeting where they receive feedback on how this will work or what could work best for their respective jurisdiction.

The public outreach was kicked off in April with North and South Shore Earth Day celebrations. They've attended numerous Farmers Markets. They have maps where they ask people what they think of the Active Transportation network, and they are also soliciting their transportation survey at these outreach events. They've done outreach at the Family Resource Center as well as the Sierra Community House. This is targeted outreach as well as the TAMBA Mountain Bike festival, music on the beach, and the live at Lakeview. They had one of the best attended and highest registrants of bike months they've had to date. This includes things like bike kitchens put on by the Bike Coalition and TRPA where they help people do tune ups on bikes and get feedback on the maps. They have safe routes to school events to educate students on safe cycling.

The plan kicked off in January 2023 and is underway with all the planning processes identified in this presentation. After today, they will finalize the analysis and outreach over the Fall. They'll come back in January 2024 for public draft circulation and back in March 2024 for possible adoption from the Governing Board.

Board Comments & Questions

Mr. Hoenigman said one of the things that they are working on is changing development standards in the town centers and one of the aspects of that is to reduce parking requirements. That requires that there are better modes of active transportation. It also requires that it be year round. Typically, we've had problems with keeping the trails and sidewalks open in the winter. Are you looking into that and the funding methods to keep the trails open all season?

Mr. Murray said yes, they are looking at from a maintenance and operations perspective how to keep those trails open. They are even looking into what types of snow clearing devices that agencies use to clear a shared use trail or sidewalk. Also, potential ways for snow storage and move it in ways that keeps the network viable for that entire winter season. They are also looking at the potential funding sources to sustain that for the local agencies.

Ms. Aldean said she didn't see any running clubs on the list of stakeholders for the Technical Advisory Committee.

Mr. Murray said no particular reason. There are folks on that list they've engaged as a technical committee and others that they've engaged separately. He can try to identify some running organizations and reach out to them.

Ms. Aldean asked who is collecting data on user conflicts particularly on the East Shore Shared Use Pathway. She's heard that there are conflicts between pedestrians and bicyclists. She's had to pull out into traffic to avoid the more aggressive cyclists on State Route 28 that aren't using the shared use pathway. She would like to see the data on user conflicts.

Mr. Murray said through that Technical Advisory Committee he learned of those conflicts on the shared use trail and has been helpful. As a part of their planning process, they are looking to identify from a larger perspective with state agencies on how that data is collected and reported. A lot of the crash network data is reported on the roadway only. They've discussed how to get the data on a Class 1 trail versus a collision that happens on the highway.

Mr. Aguilar asked what they are doing from a safety perspective with E-bikes because they can travel at a different rate of speed and are heavier than most bikes.

Mr. Murray said the complexity of the different regulations between different jurisdictions. First is public education and understanding what classes of E-bikes are allowed on what trails or what areas of Tahoe. There are a lot of messaging campaigns going on right now. A shared use trail is generally a solid asphalt trail but has a stripe down the center that gives two way cyclists of where they are supposed to be. Or you can stripe a pedestrian zone. Providing more space would be one of the first steps and working with the agency partners and local bike shops. Some of these electric devices are borderline electric motor bikes. Understanding what a bike shop might be renting or selling might not be legal on Class 1 trails. There's some gray areas especially as new devices get invented and brought to market. For him, it's coordinating with those private sellers and letting them know what they are trying to put out for increasing safety. TAMBA has put out a one pager about where the different classes of E-bikes can go. Then it's an infrastructure standpoint and how do they design the facility to achieve safety rather than relying on things like enforcement. There are educational campaigns such as the signs on the trails, the Tahoe Fund with Take Care Tahoe.

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Mr. Aguilar asked if there are speed limitations on E-bikes on some of these trails.

Mr. Murray said for how they are classified with Class 1, 2, and 3 but there are speed limitations based on the class of E-bike and there are technical limitations on what is allowed on a Class 1 trail. Class 2 E-bikes limit is 20 miles per hour after that is Class 3 and then it goes over 20 miles per hour and then those are not allowed on the shared use trails. He's still learning about the different state requirements.

Mr. Aguilar said personal injury lawyers will set the standard with this if there is not going to be legal enforcement.

Mr. Murray said to complicate things, with our topography and you are going downhill you can easily go over 20 miles per hour. Designing the facilities is more so how he would try to achieve these things rather than a speed limit sign.

Mr. Aguilar said a speed limit sign would give someone a cause of action to hold someone accountable.

Ms. Conrad-Saydah asked if there is a way to show on the maps the topography or other street benefits that might make artery roads more attractive than the fast moving roads.

Mr. Murray said yes, he believes so. You have the main arterial and then an adjacent parallel side street that is what is considered a bicycle boulevard network. This is getting you off the higher stress facility and using the lower stress facility. As far as quantifying something like tree coverage he can look into the other data that TRPA and partners have to perhaps supplement the level of traffic stress analysis and see if tree coverage is something that potentially could be a part of the quantification analysis. Shading is great while you exercise but mitigating that against other complexities like sight line issues and trees can create other less desirable things for cyclists and pedestrians.

Ms. Conrad-Saydah said it doesn't have to be perfect but showing what might be a greener road versus another one that has more exposure. A sliding scale or something like that.

Mr. Friedrich said to avoid that high stress there were some good examples provided of those user conflicts. Another one on the South Shore down near Stateline, the shared use path where there is six feet of pavement, and every kind of user is on it and then you have 60 feet of highway next to it. Mr. Murray referred to one possible solution is looking at expanding shared use paths but that requires more coverage and is a long process. A shorter path would be destressing the road and have a road diet or wider lane and protective barriers. To the extent that these are issues throughout the basin often would be led by the local jurisdiction in coordination with Caltrans or NDOT for example. How do you see this plan working with those efforts, informing them, and partnering with them? What do you see as the role of TRPA and the Governing Board vis-a-vis some of these local efforts to look at either wider shared use paths or road stressing features with barriers and road diets, etc.

Mr. Murray said beyond the Class 1 path widening recommendations, Class 1 paths are a great use of a low stress facility but generally supposed to be implemented in locations where the roadway network doesn't already take you there. The more ideal way to move forward from an active transportation component is to destress the roadway by putting the safe low stress facility on the roadway network because when we are talking in terms of transportation, the roads go to places where people want to go to. It's already a turnkey network for you to utilize to get folks where they

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want to be. As far as the Active Transportation Plan being more than this document being curbs and bike lanes, it's also those policy recommendations. Those policy recommendations when you implement a project have you looked at the feasibility of a protected bike lane as opposed to an adjacent Class 1 shared use facility. That is awesome for the bike lane feature but is there an adjacent sidewalk that the pedestrians use because that is an amenity with the Class 1 trail. Framing these policies in a way that prioritizes what then feeds into the priority project list. Have you looked into the feasibility of adding low stress bicycle facilities on the existing roadway network through that they've identified a tiered priority project that do just that. Then those get rolled into the Regional Transportation Plan that then get the opportunities for funding whether it's through the regional grant program or as the partners apply for a state or federal grants. They can say that those were identified in TRPA's priority project list and it's a level of traffic stress 4 and it's being reduced to a level of traffic stress 2, etc.

Ms. Gustafson asked on the policy recommendations will they also be making recommendations on transit vehicles having bike racks and assisting those who live further up the hill who maybe can't afford an E-bike.

Mr. Murray said the connections for active transportation to transit and making it feasible for folks. It's one thing if you ride your bike to the bus stop and then the bus doesn't have the appropriate rack or facilities for you to get on the bus. That is something that they are looking into with this plan. Also, not only the charging stations for the electric bikes but perhaps E-bike or cargo bike rack design standards.

Public Comments & Questions

None.

Ms. Regan said to the question about TRPA's role intersect with local jurisdictions. Another example of that is the Environmental Improvement Program and the Transportation Action Plan. Our role is often to convene that partnership to go out and find those dollars. That's a leadership role this Board can play. Even going back to 20 years ago when we started with the Lake Lapper program where we raised money for our first environmental scholarship. The leadership to elevate issues around cycling and that spawned the beginning of bike month with the bike coalition and getting the community engaged. That rolled into the update of the Regional Plan to make Lake Tahoe more bikeable and walkable to support our mission in the Compact and policy directive to reduce dependency on private automobile. Just in her tenure we've gotten so much more sophisticated. To Mr. Aguilar's question about safety and E-bikes. Just how important this is in our community. One of her community talks centered a lot around trails. A woman who had been hit by an E-bike was at that meeting and was emotional to hear her story. These are emerging challenges that we are working through in real time. The Forest Service is working through a lot of these issues of better communication and management of identify where E-bikes can and can't be. Technology is changing all of the time and it's an emerging area and are focused on.

VII. REPORTS

A. Executive Director Status Report

1) Tahoe In Brief – Governing Board Monthly Report

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The report can be found on page 291. What's different in this month's report, we've taken our six initiatives down to the three strategic priorities that the Board adopted as part of the Work Plan and Budget last month.

For the October Governing Board meeting, they'll work on some additional strategic planning. The morning would be the regular business and the afternoon would be the strategic planning portion with a check in on the priorities, committee assignments, and how we can streamline committees. Hopefully by October we'll have the California Senate Rules Committee Appointee.

2) Recap of the 2023 Annual Lake Tahoe Summit

We've been doing the Summits since 1997 to celebrate the accomplishments that we've made. Please take a look at the EIP Accomplishments Report that TRPA produces in partnership with all the Environmental Improvement Program partners. We get focused on the problems that we need to solve but don't want to lose sight of what we have accomplished. Since the EIP was launched with President Clinton's first Presidential Summit, almost 200 miles of bike paths and pedestrian paths have been done since the EIP has begun. This period of July and August leading up to the Summit is incredibly demanding for team TRPA. One thing that they did different this year is that they combine some legislative outreach with key staffers. They do an online briefing in June or July as they prepare briefing materials for their members. This year, Chair Gustafson kicked us off at the Tahoe City Transit Center and Ms. Chevallier along with partners, and staff had upwards of 30 staff members from both states, and Federal members that went around the West Shore from Tahoe City to Emerald Bay and back. They highlighted forest health, wildfire risk, to the Meeks Bay Restoration, to Sustainable Recreation and Transportations and everything in between. Since the Summit, new member Congressman Kevin Kiley representing the California side of the lake has signed onto the Lake Tahoe Restoration Act as a co-sponsor following this participation in the Summit.

The Forest Service, TRPA, Director Settelmeyer, Nevada Department of Conservation and Natural Resources, Nevada Congressman Amodei along with other members, stakeholders, and local partners from both states in a briefing in the morning two days after the Summit with a key congressional staffer who staffs the House Appropriations Committee and works with the Chair from Idaho, Congressman Simpson and Courtney Stevens who provided a full briefing for her in the morning and then they went out to see this very famous tree that he's been talking about for ten years.

TRPA talks have been going well and have completed a total of four sessions. The themes are what we've been talking about and do mirror those strategic priorities; Housing and Community Revitalization, Transportation and Responsible Tourism and Recreation, and the EIP continued investment in climate resiliency and trails.

TRPA had three incredible interns this summer Darby Creegan, Miles Schulman, and Spencer Gabe. Mr. Cowen, Ms. Waldie, and Mr. Middlebrook all started in the intern program.

The day before the Summit, the Lake Tahoe Community College groundbreaking ceremony for the dorm project that the Board approved. Last week, the Clean up the Lake Environmental Dive Center opened in Incline Village.

After the Summit, Mr. Middlebrook, Government Affairs Manager took out representatives from the Nevada Division of Outdoor Recreation and the Legislative Counsel Bureau in Nevada on a boat tour and the Events Center. They were delighted to get a proclamation from Douglas County recognizing

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the beach cleanup. They are sharing the recognition with the Tahoe Blue Crew of the League to Save Lake Tahoe.

There are a few other key projects that have come up such as Homewood, the Event Center, Waldorf Astoria. Please contact her if you have questions regarding these projects.

Ms. Ortiz said TRPA sponsors an environmental scholarship every year for local high school students and is one of several ways they support those who are interested and understanding and connecting their livelihoods to the environment that supports us. Ms. Regan created the Lake Lapper Environmental Scholarship fund in 2004. It awards scholarships to Lake Tahoe seniors who are pursuing environmental careers. Since its inception, 29 students have been awarded a total of almost \$14,000. This year scholarships were based on academic and extra-curricular merit and the desire to pursue a career in the environmental field.

Evelynn Bennett from South Tahoe High School and Kai Davi from North Tahoe High School were this year's winners. Evelynn has volunteered with Lake Tahoe Wildlife Care since she was nine years old. She was an all star student and athlete and has carved out time to serve as a student advisory member for the Lake Tahoe Unified School District and assisted the local climate crew. Her ability to balance her job, athletics, and lots of volunteer activities. She's shown her capacity to excel while juggling multiple applications. She'll study Bioengineering with a minor in Bioinformatics at UCLA.

Kai Davi from North Tahoe High School is going to be studying Biology at UC Berkeley. He dedicated his intellectual pursuits with such passion and original research. His love for Mycology inspired the selection committee which was comprised of TRPA staff. He serves as a Biology tutor and a clean up the lake volunteer. He kept up a 3.9 unweighted GPA.

Funding for this scholarship comes from generous donations. If you would like to donate, please make your check out to TRPA with a memo for the Environmental Scholarship by the next September Governing Board meeting or mail it to TRPA to the attention of Victoria Ortiz or Marja Ambler.

B. General Counsel Status Report

No report.

VIII. GOVERNING BOARD MEMBER REPORTS

None.

IX. COMMITTEE REPORTS

A. Local Government & Housing Committee

No report.

B. Legal Committee

No report.

C. Operations & Governance Committee

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No report.

D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

E. Forest Health and Wildfire Committee

No report.

F. Regional Plan Implementation Committee

No report.

X. PUBLIC INTEREST COMMENTS

None.

XI. ADJOURNMENT

Mr. Rice moved to adjourn.

Ms. Gustafson adjourned the meeting at 1:38 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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

Kings Beach Town Center Field Tour Introduction

Ms. Regan said it's one thing to see something on paper as you review projects and programs but there is no substitute for seeing things on the ground. It's also an opportunity for the Governing Board and Advisory Planning Commission to connect with each other and the communities. We'll see in practice some of the concepts we talk about on a policy level from behind the dais. You heard discussion this morning and in April's retreat about complete communities. During the Active Transportation Program about complete streets that just don't accommodate cars but also pedestrians, bikes, and other forms of transportation. This also includes lighting, landscaping, and sidewalks. We've been going down that path for a long time to make Tahoe have more complete streets because we were developed as an auto centric community. To go back and to retrofit a community that was developed that way is exceedingly difficult and expensive. We're now taking that concept into the communities and integrating better all those elements that deal with pedestrians, bicycle infrastructure, and parking. Also, with affordable workforce housing and stormwater collection and treatment. We were doing green development and ever before there were terms around LEED certification and low impact design, TRPA was a leader in land coverage, open space, and land quality measures. Over the course of the decades, that industry has innovated, and we are trying to catch up our standards to more modern stormwater collection and treatment and at the same time revitalize our communities and provide more housing options.

Ms. Holloway, Deputy CEO, Placer County said Placer County staff Ms. Jacobsen, Ms. Tabor, Mr. Decker, and Ms. Beckman will be assisting with the tour today to provide information and help answer your questions. A lot of conversation around transportation, housing, communities and is the focus of today. The vitality of our communities is like an ecosystem. Our ecosystem, community, and vitality are out of balance. We haven't seen a lot of change in our communities although there has been a lot of infrastructure and public improvement dollars that we've put into the communities. The basis behind that was to try and elevate the private investment dollar along with that.

Slide 1 shows the population data with the dark blue being the overall basin population over the years. The light blue is the eastern Placer in the basin. Green is the employment. Both of those metrics are key for our economy and the viability of our communities is trending downwards since the turn of 2000.

Another metric they use is school enrollment shown on Slide 2. From the turn of 2000 they saw a significant dip over the ten years. That has climbed back out but then has become more stable. Slide 3 shows a constant trend in growth up to around 2000 and since then they've seen a 16 percent decline in the full time resident population.

There's been population decreases but they also have an increase of housing upwards of 100 percent in different areas and almost 200 percent in areas within the region. One of the challenges of that is the concept of supply and demand. There are a lot of factors that influence that. Increasing costs but the overall availability of housing has become a big challenge.

Slide 4 compares income levels to the cost of housing. In 2012, home prices were approximately six times the household incomes. Fast forward ten years, that has almost doubled.

Slide 5 shows some metrics around Transient Occupancy Tax. These are certificates in the region for short term rentals and other tourism related stays in the region. That has increased over the years but has been relatively flat over the past couple of years. Part of that was sophistication in their tracking mechanisms. Housing occupancy has trended more towards that seasonal occupancy as opposed to the full time resident. Those homes aren't changing but the use of those homes is changing significantly.

Kings Beach Town Center Field Tour Introduction

Some of the outside influences that affect them on a day to day basis are shown on slide 7. The drive up communities, not a lot of growth, rather a decline of population. Those communities that are within driving range are where there is significant growth. They know that there are a lot of visitors coming from those regions and will continue into the future. Vehicle miles traveled is something they are continuing to track the relation between the growth and the distance between those growing communities in the basin.

Slide 8 shows the vehicle count stations for the North Shore. There's not a significant change and a little bit of a downward trend. They are counting cars and not necessarily how far they travel. This data shows that these vehicles are moving around and coming in and leaving from different points but generally the overall count data seems to be consistent.

Today's field tour focus is on the community. Strong, vital communities thrive on an awareness of the industry. Our industry is tourism and need to recognize that. Housing is one of the biggest barriers and housing translates into people and those people translate into workers in the region and that affects our businesses. Then this affects the visitor experience. They'll walk through some of the older developments, some dilapidated developments, public investment dollars on the road and infrastructure. Their team is working hard on providing services as well. They've talked a lot about microtransit, the TART Connect Program, and other services that they are trying to stand up in the region.

Mr. Drake, Placer County, Advisory Planning Commission representative and a member of the North Tahoe Business Association Economic Vitality Committee. He currently has a brewery and is now doing manufacturing and retail in the Tahoe Basin and employees about 60 people. He moved to Kings Beach in 2004 and left for Truckee for a few years and moved back in 2008. Kings Beach is an ideal planning case study. It was laid out in the 1920s. Super compact lots, high density residential area, and abuts up to National Forest with trails and mountain recreation. It flows into a tight commercial core downtown. That flows into the State Beach which is a huge draw for tourism and a great asset for locals. There's mountain recreation, beach recreation, and then a high density community in between. Kings Beach is still one of the most affordable communities in the area.

If we were to go back and think about how to design a complete community today, we wouldn't change too many things. Kings Beach is set up for success. There's southerly aspect, the snow melts pretty quickly. There's a school, a mixed-use downtown, and fairly flat topography. Kings Beach should be Lake Tahoe's prime example of a vibrant walkable beach, mountain community and a magnet for tourism.

Public investment of around \$50 million that occurred about eight years ago for traffic calming, pedestrian, stormwater, American Disabilities Act, and frontage improvements. All the investment that they thought they needed to revitalize and catalyze investment in Kings Beach, and it hasn't happened. Sales tax revenue has been flat for over a decade. There are still about 30 vacant buildings and properties in a one mile radius. There's no simple answer, obviously there's economic and demographic headwinds some of which Ms. Holloway spoke about. While we have outdated policies that need an overhaul, they need more than policy changes, they need a shift in mindset to a different style of planning and thinking about implementation that moves the needle.

There's an organization called Strong Towns that has six guiding principles. The first one is a based resource from community prosperity is built and sustained. It must not be squandered. Tahoe doesn't have a lot of developable land. The development and business activities taking place on the land need to pay for themselves. They need to support the services that we need to keep that area vital. Every block or project can be thought of as either cash flow positive or negative. A simple way to encourage cash

Kings Beach Town Center Field Tour Introduction

flow positive development is to mandate density and to limit parking. In general, they've been doing the opposite in Tahoe for a long time. Every time we allow a cash flow negative development style to occur, we're setting ourselves up for failure and will not be able to do the maintenance that's needed to maintain that vitality. Things like replacing broken lights, snow plowing, and sidewalk maintenance, etc.

The next principle is job creation and economic growth are the results of a healthy local economy, not substitutes for one. An analogy is we do a lot of big game hunting, and we need to be doing a lot more economic gardening. We're looking to outside deep pocket project proponents to come into Tahoe to create hotel beds to create jobs. We have some of those happening and that's a blessing. We need to be looking for opportunities to plant seeds to grow local businesses. What is we focused staff resources on cultivating the growth of successful small businesses in Tahoe that can go and create jobs. The number one thing that needs to change is more boots on the ground and personal engagement from staff in the communities and not just Kings Beach but all of the communities.

The next principle is that government is a platform for citizens to collaboratively build a prosperous place. We need small scale bottom up actions more than we need top down systems which is the way we've been planning forever. Bottom up actions are incremental actions, small bets with a high return on investment and minimal risk of unintended consequences. There are tons of opportunities to take small actions that can move the needle. For example, maybe alleviate some public concern and then we can scale the successes that we can learn from the failures without catastrophic failures.

Ms. Regan said these principles and concepts have come up a lot in her conversations with the community. There is a disconnect, there is a feeling of overwhelm that isn't squaring with a declining population base. It's not a feeling of less traffic, there's a feeling of more traffic. The patterns are shifting and it's creating this desinence that she hopes these kinds of opportunities will allow us to get to the bottom of and continue to work through.

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

North Tahoe Events Center/Zoom

August 23, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

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

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

I. APPROVAL OF AGENDA

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

Mr. Hoenigman deemed the agenda approved as amended.

II. APPROVAL OF MINUTES

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

Motion carried.

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

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

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

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

Mr. Stockman, Stockham Consulting provided the presentation.

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

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

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

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

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

The Implementation Report was more refined and identified specific changes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Committee Comments & Questions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Stockham, Stockham Consulting said that is correct.

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

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

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

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

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

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

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

Mr. Marshall said that's correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comments & Questions

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

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

Committee Comments & Questions

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

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

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

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

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

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

Motions:

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

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

Motion carried.

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

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

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

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

Motion carried.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

August 23, 2023

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

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

Motion carried.

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

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

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

Public Comments & Questions

None.

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

- V. UPCOMING TOPICS

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

Public Comments & Questions

None.

- VI. COMMITTEE MEMBER REPORTS

No reports.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

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

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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



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STAFF REPORT

Date: September 20, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: August Financial Statements, Fiscal Year 2024

Summary and Staff Recommendation:

We are two months, or 17% of the way into fiscal year 2024. Many of the Accounts Payable checks written in July and August are accrued to the previous fiscal year distorting some of the expense numbers that will smooth out as the year goes on.

Staff recommends acceptance of the August Financial Statements for Fiscal Year 2024.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion based on the staff report:

- 1) A motion to accept the August 2023 Financial Statements

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

The first two months (17%) of the fiscal year are now complete. Revenues are 33% of the annual budget, and expenditures are 7% of the budget. Revenues appear larger than normal due to the Nevada annual funding being received in August. Planning Fees are slightly down compared to this time last year, but are consistent with the long term average.

YTD Revenues and Expenses

Revenues are 33% of the budget. TRPA recognizes revenue when billed, so the states' contributions are shown in their entirety. Expenditures over the rest of the fiscal year will offset the revenue received up front. The small amount remaining unbilled for State revenue is for a salary adjustment that is pending in California. Fees for services are slightly down compared to the three-year average. This includes Current Planning fees, AIS fees, and Shoreline fees. Current Planning Fees are 94% of the average for the prior 3 years and are at 17% of the budget. AIS fees are 38% of the budget. Shoreline fees are at 12% of budget.

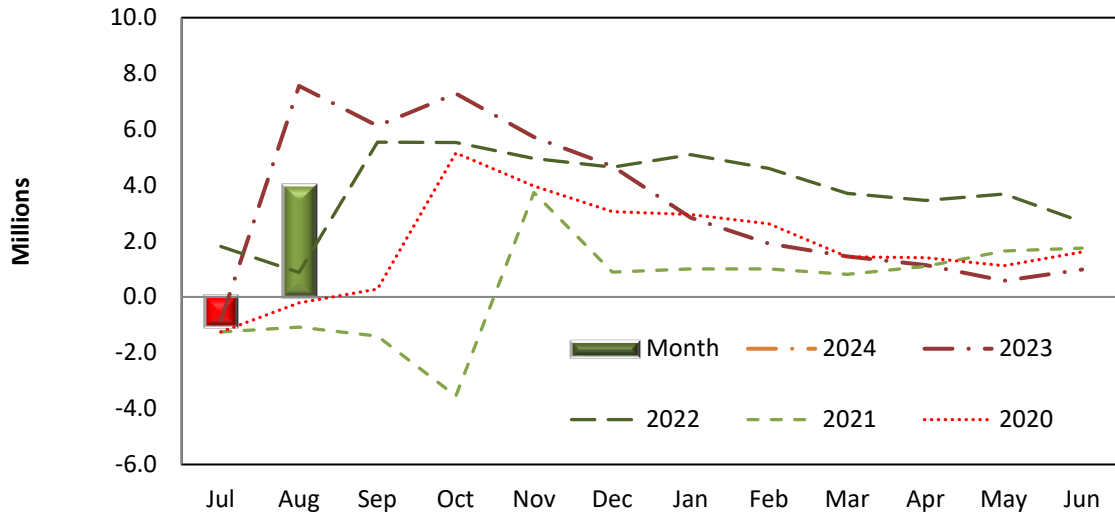
Expenditures are 7% of the budget. Compensation expenses are at 13% of the annual budget, which is expected with some payroll expenses being accrued to fiscal year 2023. Contract expenses are negligible at 3% with most payments being accrued to fiscal year 2023.

Revenue	State & Local	Fees	Grants	Total
Fees for Service		868,241		868,241
Grants	11,024	725	241,622	253,371
State Revenue	8,053,000			8,053,000
Local Revenue				
Rent Revenue		50,780		50,780
Other Revenue	40			40
TRPA Rent Revenue		114,830		114,830
Revenue Total	8,064,064	1,034,576	241,622	9,340,262
Expenses				
Compensation	673,340	317,492	162,861	1,153,692
Contracts	103,036	175,824	153,833	432,693
Financing	(245)	19,667		19,422
Other	178,661	25,371	53,566	257,598
Rent	121,595	5,602		127,197
A&O/Transfers	(248,129)	172,297	75,758	(74)
Expenses Total	828,257	716,253	446,018	1,990,528
Net	7,235,807	318,324	(204,396)	7,349,734

Cash Flow

Net Cash flow was a positive \$4M for the month. This is normal as we receive the state annual funding at the beginning of the fiscal year. Cash receipts included \$3.1M from the State of Nevada annual contribution, \$1.9M from Grants, \$0.1M annual local revenue, \$0.1M from boat inspection fees and \$0.6M from planning fees including mitigation and securities. Disbursements were \$1.8M, measuring within 6% deviation to the five-year average for this month.

Monthly/Cumulative Cash Flow



TRPA Balance Sheet

TRPA’s Balance Sheet remains strong due to billing both State’s contributions at the beginning of the fiscal year. The funds from Nevada were received in August. Receipt of the California funds will be shown on the financial statements for September. TRPA spends down the annual state funds throughout the fiscal year. Total assets decreased by \$1.2M since last month because of a combination of increased net cash totaling \$3.6M for payments from the state of Nevada and grant reimbursements, offset by a decrease of \$4.8M in Accounts Receivable from grant invoices being paid. Liabilities decreased by \$0.7M due to a decrease in Accounts Payable of \$1M from accruing AP invoices to fiscal year 2023, offset by an increase in mitigation balances of \$0.2M, and an increase in Securities of \$0.1M. Net Position decreased by \$0.5M.

	TRPA	Grants	Trust	Total
Cash & Invest	8,480,767	2,866,961	24,313,254	35,660,981
A/R	4,838,955	1,285,478	0	6,124,432
Current Assets	237,013	0	0	237,013
LT Assets	8,260,523	0	0	8,260,523
Total Assets	21,817,257	4,152,439	24,313,254	50,282,949

0

A/P	89,837	74,113	0	163,950
Benefits	762,138	0	0	762,138
Deferred Rev	115,810	72,045	0	187,855
Deposits	151,954	2,845	0	154,799
LT Debt	8,198,000	0	0	8,198,000
Mitigation	0	0	1,543,429	1,543,429
Securities	0	0	7,552,654	7,552,654
Total Liabilities	9,317,740	149,002	9,096,083	18,562,826

Net Position	12,499,517	4,003,437	15,217,170	31,720,124
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When reading the detailed reports (attached), be aware that fund balances may not be intuitive. Negative balances mean revenues exceeded expenses. Positive fund balance occurs when expenses exceed revenue. This reflects the formatting in our accounting system.

Contact Information:

For questions regarding this agenda item, please contact Kathy Salisbury at (775) 589-5279 or ksalisbury@trpa.gov. 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.

Attachment:

A. August Financial Statements

Attachment A
August Financial Statements

Tahoe Regional Planning Agency
Actuals vs. Budget by Program
Fiscal YTD August 2023

TRPA Totals	Ann Budget	YTD	Remaining	% Spent
Revenue				
State Revenue	8,479,456	8,053,000	426,456	95%
Grants	14,069,747	253,371	13,816,376	2%
Fees for Service	4,069,663	868,241	3,201,422	21%
Local Revenue	150,000		150,000	
Rent Revenue	329,623	50,780	278,842	15%
TRPA Rent Revenue	688,980	114,830	574,150	17%
Other Revenue	100,000	40	99,960	0%
Revenue Total	27,887,469	9,340,262	18,547,207	33%
Expenses				
Compensation	8,901,174	1,153,692	7,747,482	13%
Contracts	16,618,623	432,693	16,185,930	3%
Financing	620,260	19,422	600,837	3%
Rent	788,525	127,197	661,328	16%
Other	1,293,388	257,598	1,035,790	20%
A&O/Transfers	13,838	74	13,764	1%
Expenses Total	28,208,133	1,990,528	26,217,605	7%
TRPA Net	(320,664)	7,349,734	(7,670,398)	
Agency Mgmt				
Revenue				
Fees for Service				
Grants	50,000	125	49,875	0%
State Revenue	7,262,571	7,179,000	83,571	99%
Other Revenue	100,000	40	99,960	0%
Local Revenue	150,000		150,000	
Revenue Total	7,562,571	7,179,165	383,406	95%
Expenses				
Compensation	2,532,724	328,990	2,203,733	13%
Contracts	272,180	17,563	254,618	6%
Financing	74	225	299	-304%
Rent	2,249	86	2,163	4%
Other	270,138	20,733	249,405	8%
Expenses Total	3,077,365	367,147	2,710,218	12%
Agency Mgmt Net	4,485,206	6,812,018	(2,326,812)	152%

	Ann Budget	YTD	Remaining	
Current Planning				
Revenue				
Fees for Service	3,111,616	515,991	2,595,625	17%
Grants		600	600	
State Revenue	124,000	124,000		100%
Other Revenue				
Revenue Total	<u>3,235,616</u>	<u>640,591</u>	<u>2,595,025</u>	<u>20%</u>
Expenses				
Compensation	2,260,876	320,184	1,940,692	14%
Contracts	831,825	172,180	659,644	21%
Financing	57,611	12,555	45,056	22%
Other	96,392	3,994	92,397	4%
A&O/Transfers	1,230,030	165,272	1,064,758	13%
Expenses Total	<u>4,476,733</u>	<u>674,185</u>	<u>3,802,547</u>	<u>15%</u>
Curr Plan Net	(1,241,117)	(33,595)	(1,207,522)	
Envir. Imp.				
Revenue				
Fees for Service	958,047	352,250	605,797	37%
Grants	9,705,911	53,625	9,652,286	1%
State Revenue	750,000	750,000		100%
Revenue Total	<u>11,413,958</u>	<u>1,155,875</u>	<u>10,258,083</u>	<u>10%</u>
Expenses				
Compensation	1,247,248	179,409	1,067,839	14%
Contracts	10,253,453	136,516	10,116,938	1%
Financing	15,000	7,092	7,908	47%
Rent	94,769	7,129	87,641	8%
Other	180,795	12,266	168,529	7%
A&O/Transfers	247,529	26,548	220,982	11%
Expenses Total	<u>12,038,794</u>	<u>368,960</u>	<u>11,669,835</u>	<u>3%</u>
Env Imp Net	(624,836)	786,916	(1,411,752)	

	Ann Budget	YTD	Remaining	
L RTP				
Revenue				
Grants	3,515,979	187,997	3,327,982	5%
Fees for Service				
Other Revenue				
Revenue Total	3,515,979	187,997	3,327,982	5%
Expenses				
Compensation	1,458,098	157,378	1,300,720	11%
Contracts	2,305,702	1,816	2,303,886	0%
Rent	2,527		2,527	
Other	33,860	77,777	43,917	230%
A&O/Transfers	512,242	56,309	455,933	11%
Expenses Total	4,312,428	293,281	4,019,148	7%
L RTP Net	(796,449)	(105,284)	(691,166)	
R & A				
Revenue				
Grants	797,857	11,024	786,833	1%
State Revenue	342,885		342,885	
Revenue Total	1,140,742	11,024	1,129,718	1%
Expenses				
Compensation	1,157,439	153,654	1,003,784	13%
Contracts	2,328,603	62,641	2,265,962	3%
Other	16,165	1,654	14,511	10%
A&O/Transfers	2,001	74	2,075	-4%
Expenses Total	3,504,207	217,874	3,286,333	6%
R & A Net	(2,363,465)	(206,851)	(2,156,615)	

	Ann Budget	YTD	Remaining	
Infrastructure				
Revenue				
Other Revenue				
Rent Revenue	329,623	50,780	278,842	15%
TRPA Rent Revenue	688,980	114,830	574,150	17%
Revenue Total	<u>1,018,603</u>	<u>165,610</u>	<u>852,992</u>	<u>16%</u>
Expenses				
Compensation	101,607	14,076	87,531	14%
Contracts	626,860	41,978	584,883	7%
Financing	547,575		547,575	
Rent	688,980	114,830	574,150	17%
Other	555,859	141,175	414,684	25%
Expenses Total	<u>2,520,881</u>	<u>312,058</u>	<u>2,208,823</u>	<u>12%</u>
Infrastructure Net	(1,502,279)	(146,448)		

Other

Expenses			
A&O/Transfers	<u>2,005,640</u>	<u>248,129</u>	<u>1,757,511</u>
Expenses Total	<u>2,005,640</u>	<u>248,129</u>	<u>1,757,511</u>

TRPA Current Planning Fees

Fiscal Year-to-Date August 2023

	2021	2022	2023	2024	This year vs. Avg. Last 3
OTHER_REV	31,100	42,678	47,583	70,510	30,056
RESIDENTIAL	91,165	88,423	123,318	43,026	(57,943)
TREE_RMVL	25,986	21,097	23,799	26,384	2,757
ALLOCATION	19,188	18,565	20,481	24,445	5,034
FULL_SITE	12,412	13,780	22,320	23,737	7,567
RECR_PUBLIC	11,845	19,916	16,241	23,132	7,131
SHOREZONE	21,630	(637)	4,366	21,345	12,892
REVISIONS	19,234	9,867	33,027	21,113	404
SECURITIES	10,918	12,539	24,006	20,345	4,524
COMMERCL_TA	20,782	9,353	11,966	16,522	2,488
GENERAL	33,201	22,837	40,406	11,322	(20,826)
LAND_CHALL	32,696	18,085	14,939	8,552	(13,355)
LAND_CAP	2,750	1,701	5,970	8,540	5,067
VB_COVERAGE	3,141	1,044	3,631	6,272	3,667
SOILS_HYDRO	3,514	9,823	6,528	5,301	(1,321)
IPES	3,699	2,897	3,130	4,432	1,190
VB_USE	964		2,092	3,626	2,098
TEMP_USE				3,252	
SUBDIV_EXIST		981		2,999	2,018
STD2			562	2,486	1,924
MOORING	6,660	6,872	27,669	2,234	(11,500)
TRANS_DEV	6,390	2,997	2,370	1,668	(2,251)
PARTIAL_SITE	2,060	2,120	2,230	1,594	(543)
QUAL_EXEMPT	910	1,496	1,970	1,576	118
PRE-APP		1,311	2,370	1,539	(302)
LLADJ_ROW	1,285	4,248	6,970	1,510	(2,658)
QE SHOREZONE	1,236	1,590	335	1,452	398
CONSTR_EXT	678	738	340	1,117	532
ENFORCEMNT		1,939	2,681	1,001	(1,309)
GRADING	4,250	3,614	2,305	998	(2,392)
RES_DRIVE	600	206	217	705	364
SIGNS	1,062	1,168	1,731	388	(932)
CONVERSION				358	
STD	(592)	1,920	2,887	0	(1,405)
MONITORING			5,000		(5,000)
NOTE_APPEAL	2,976	1,022	3,152		(2,383)
LMTD_INCENT			388		(388)
UNDRGRD_TANK	407				(407)
Totals	372,147	324,191	466,980	363,481	(24,292)

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Agency Mgmt				
GF Revenue				
Revenue				
State Revenue	(7,262,571)	(7,179,000)	(83,571)	98.8%
Local Revenue	(150,000)	0	(150,000)	0.0%
Other Revenue	(100,000)	(40)	(99,960)	
Revenue Total	(7,512,571)	(7,179,040)	(333,531)	95.6%
GF Revenue Total	(7,512,571)	(7,179,040)	(333,531)	95.6%
Gov Board				
Expenses				
Contracts	-	150	(150)	
Other	26,038	860	25,178	3.3%
Rent	2,249	0	2,249	0.0%
Expenses Total	28,287	1,010	27,277	3.6%
Gov Board Total	28,287	1,010	27,277	3.6%
Executive				
Expenses				
Compensation	913,969	138,809	775,161	15.2%
Other	12,803	1,120	11,683	8.7%
Expenses Total	926,773	139,929	786,844	15.1%
Executive Total	926,773	139,929	786,844	15.1%
Legal				
Expenses				
Compensation	489,553	42,790	446,763	8.7%
Contracts	123,319	3,774	119,546	3.1%
Other	6,920	525	6,394	7.6%
Expenses Total	619,792	47,089	572,703	7.6%
Legal Total	619,792	47,089	572,703	7.6%
Communications				
Expenses				
Compensation	390,061	42,411	347,650	10.9%
Contracts	30,000	0	30,000	0.0%
Other	61,607	9,793	51,814	15.9%
Rent	-	86	(86)	
Expenses Total	481,668	52,290	429,378	10.9%

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Communications Total	481,668	52,290	429,378	10.9%
Finance				
Revenue				
Financing	(100)	(245)	145	
Revenue Total	(100)	(245)	145	
Expenses				
Compensation	461,504	70,303	391,201	15.2%
Contracts	54,115	0	54,115	0.0%
Other	3,259	24	3,235	0.7%
Expenses Total	518,878	70,327	448,551	13.6%
Finance Total	518,778	70,082	448,696	13.5%
HR				
Expenses				
Compensation	277,636	34,678	242,958	12.5%
Contracts	64,746	13,639	51,107	21.1%
Other	82,592	8,410	74,182	10.2%
Expenses Total	424,975	56,728	368,247	13.3%
HR Total	424,975	56,728	368,247	13.3%
Agency Mgmt Total	(4,512,299)	(6,811,913)	2,299,614	
Current Planning				
Current Planning				
Revenue				
Fees for Service	(2,415,068)	(402,591)	(2,012,477)	16.7%
Revenue Total	(2,415,068)	(402,591)	(2,012,477)	16.7%
Expenses				
Compensation	1,636,795	222,959	1,413,837	13.6%
Contracts	342,970	57,725	285,246	16.8%
Financing	49,087	10,677	38,410	21.8%
Other	5,485	0	5,485	0.0%
A&O/Transfers	912,022	124,232	787,790	13.6%
Expenses Total	2,946,358	415,592	2,530,766	14.1%
Current Planning Total	531,290	13,001	518,289	2.4%
Current Planning Reimbursed				
Revenue				

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Fees for Service	(200,000)	(52,846)	(147,154)	26.4%
Revenue Total	(200,000)	(52,846)	(147,154)	26.4%
Expenses				
Contracts	200,000	92,189	107,811	46.1%
Expenses Total	200,000	92,189	107,811	46.1%
Current Planning Reimbursed Total	-	39,343	(39,343)	
Code Enforcement				
Expenses				
Compensation	393,182	57,727	335,455	14.7%
Other	7,889	84	7,805	1.1%
A&O/Transfers	219,081	32,165	186,916	14.7%
Expenses Total	620,151	89,976	530,175	14.5%
Code Enforcement Total	620,151	89,976	530,175	14.5%
Boat Crew				
Revenue				
State Revenue	(124,000)	(124,000)	0	100.0%
Revenue Total	(124,000)	(124,000)	0	100.0%
Expenses				
Compensation	53,356	23,572	29,784	44.2%
Other	50,055	3,910	46,145	7.8%
Rent	-	2,413	(2,413)	
Expenses Total	103,411	29,896	73,515	28.9%
Boat Crew Total	(20,589)	(94,104)	73,515	
Settlements				
Revenue				
Fees for Service	(150,000)	0	(150,000)	0.0%
Grants	-	(600)	600	
Revenue Total	(150,000)	(600)	(149,400)	0.4%
Expenses				
Contracts	159,000	18,810	140,190	11.8%
Other	20,600	0	20,600	0.0%
Expenses Total	179,600	18,810	160,790	10.5%
Settlements Total	29,600	18,210	11,390	61.5%

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Legal - Direct or Disallowed				
Revenue				
Fees for Service	-	(15,409)	15,409	
Revenue Total	-	(15,409)	15,409	
Expenses				
Contracts	-	0	0	
Fees for Service	-	(4,666)	4,666	
Expenses Total	-	(4,666)	4,666	
Legal - Direct or Disallowed Total	-	(20,075)	20,075	
Shorezone				
Revenue				
Fees for Service	(346,548)	(40,478)	(306,070)	11.7%
Revenue Total	(346,548)	(40,478)	(306,070)	11.7%
Expenses				
Compensation	177,543	15,927	161,617	9.0%
Contracts	129,855	3,456	126,399	2.7%
Financing	8,524	1,878	6,646	22.0%
Other	12,363	0	12,363	0.0%
Rent	-	2,739	(2,739)	
A&O/Transfers	98,927	8,874	90,053	9.0%
Expenses Total	427,212	32,874	394,338	7.7%
Shorezone Total	80,664	(7,604)	88,268	-9.4%
Current Planning Total	1,241,117	38,747	1,202,370	3.1%
Envir. Imp.				
Env. Improv.				
Revenue				
State Revenue	-	0	0	
Revenue Total	-	0	0	
Expenses				
Compensation	649,229	105,165	544,064	16.2%
Contracts	21,855	0	21,855	0.0%
Other	14,131	183	13,948	1.3%
Expenses Total	685,215	105,348	579,867	15.4%
Env. Improv. Total	685,215	105,348	579,867	15.4%

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
CA Gen Fund AIS Prevention				
Revenue				
State Revenue	(375,000)	(375,000)	0	100.0%
Revenue Total	(375,000)	(375,000)	0	100.0%
Expenses				
Contracts	375,000	0	375,000	0.0%
Expenses Total	375,000	0	375,000	0.0%
CA Gen Fund AIS Prevention Total	-	(375,000)	375,000	
NV Gen Fund AIS Prevention & Control				
Expenses				
Compensation	35,212	8,552	26,660	24.3%
Expenses Total	35,212	8,552	26,660	24.3%
NV Gen Fund AIS Prevention & Control Tot	35,212	8,552	26,660	
USFS LTRA Ski Run Marina				
Revenue				
Grants	(194,816)	0	(194,816)	0.0%
Revenue Total	(194,816)	0	(194,816)	0.0%
Expenses				
Compensation	44,835	691	44,143	1.5%
Contracts	125,000	0	125,000	0.0%
A&O/Transfers	24,982	385	24,597	1.5%
Expenses Total	194,816	1,077	193,740	0.6%
USFS LTRA Ski Run Marina Total	0	1,077	(1,076)	
AIS Prevention (SNPLMA Rnd 12 Final)				
Revenue				
Grants	(891,158)	0	(891,158)	0.0%
Revenue Total	(891,158)	0	(891,158)	0.0%
Expenses				
Compensation	169,089	26,587	142,501	15.7%
Contracts	627,853	0	627,853	0.0%
A&O/Transfers	94,216	14,815	79,402	15.7%
Expenses Total	891,158	41,402	849,756	4.6%
AIS Prevention (SNPLMA Rnd 12 Final) Tota	(0)	41,402	(41,402)	

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
BMP Enforcement in NV (NV 319)				
Revenue				
Grants	(62,114)	0	(62,114)	0.0%
Revenue Total	(62,114)	0	(62,114)	0.0%
Expenses				
Compensation	1,566	345	1,221	22.0%
Contracts	60,000	0	60,000	0.0%
A&O/Transfers	548	121	427	22.0%
Expenses Total	62,114	466	61,649	0.7%
BMP Enforcement in NV (NV 319) Total	0	466	(465)	
Stormwater Planning Support				
Revenue				
Fees for Service	(61,100)	(10,824)	(50,276)	17.7%
Revenue Total	(61,100)	(10,824)	(50,276)	17.7%
Expenses				
Compensation	-	12,607	(12,607)	
Other	721	0	721	0.0%
A&O/Transfers	-	7,025	(7,025)	
Expenses Total	721	19,632	(18,911)	
Stormwater Planning Support Total	(60,379)	8,808	(69,187)	-14.6%
Lahontan Caldor Fire Monitoring				
Revenue				
Grants	(99,639)	0	(99,639)	0.0%
Revenue Total	(99,639)	0	(99,639)	0.0%
Expenses				
Compensation	2,305	281	2,024	12.2%
Contracts	97,333	0	97,333	0.0%
A&O/Transfers	-	0	0	
Expenses Total	99,639	281	99,358	0.3%
Lahontan Caldor Fire Monitoring Total	(0)	281	(281)	
USFS LTRA Forest Health				
Revenue				
Grants	(1,631,476)	0	(1,631,476)	0.0%
Revenue Total	(1,631,476)	0	(1,631,476)	0.0%

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Expenses				
Compensation	52,380	785	51,596	1.5%
Contracts	1,549,909	0	1,549,909	0.0%
A&O/Transfers	29,186	437	28,749	1.5%
Expenses Total	1,631,476	1,222	1,630,254	0.1%
USFS LTRA Forest Health Total	(0)	1,222	(1,222)	
USFS LTRA BMP				
Expenses				
Compensation	24,689	195	24,494	0.8%
Contracts	1,699,962	0	1,699,962	0.0%
Grants	(1,738,407)	0	(1,738,407)	0.0%
A&O/Transfers	13,757	109	13,648	0.8%
Expenses Total	0	304	(304)	
USFS LTRA BMP Total	0	304	(304)	
EPA Green Infrastructure Watershed				
Revenue				
Grants	(34,695)	0	(34,695)	0.0%
Revenue Total	(34,695)	0	(34,695)	0.0%
Expenses				
Compensation	9,437	220	9,217	2.3%
Contracts	20,000	0	20,000	0.0%
A&O/Transfers	5,258	122	5,136	2.3%
Expenses Total	34,695	342	34,353	1.0%
EPA Green Infrastructure Watershed Total	(0)	342	(342)	
Envir. Imp. Total	660,048	(207,198)	867,246	
L RTP				
Long Range & Transp. Planning				
Expenses				
Compensation	279,976	39,373	240,603	14.1%
Contracts	328,408	0	328,408	0.0%
Other	8,777	916	7,860	10.4%
Rent	2,527	0	2,527	
Expenses Total	619,687	40,289	579,397	6.5%
Long Range & Transp. Planning Total	619,687	40,289	579,397	6.5%

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
TMPO				
Expenses				
Contracts	155,729	207	155,522	0.1%
Other	21,034	23,294	(2,260)	110.7%
Expenses Total	176,763	23,501	153,262	13.3%
TMPO Total	176,763	23,501	153,262	13.3%
L RTP Total	796,450	63,790	732,660	8.0%
R & A				
Research & Analysis				
Expenses				
Compensation	1,112,391	151,774	960,616	13.6%
Contracts	1,237,942	42,733	1,195,209	3.5%
Other	13,133	1,174	11,960	8.9%
Expenses Total	2,363,466	195,681	2,167,785	8.3%
Research & Analysis Total	2,363,466	195,681	2,167,785	8.3%
Nearshore Trib Monitoring (Lahontan)				
Revenue				
Grants	(128,223)	0	(128,223)	0.0%
Revenue Total	(128,223)	0	(128,223)	0.0%
Expenses				
Compensation	2,305	318	1,988	13.8%
Contracts	125,918	0	125,918	0.0%
A&O/Transfers	-	0	0	
Expenses Total	128,223	318	127,906	0.2%
Nearshore Trib Monitoring (Lahontan) Total	0	318	(317)	
Lake Tahoe West GIS Support				
Revenue				
State Revenue	(201,422)	0	(201,422)	0.0%
Revenue Total	(201,422)	0	(201,422)	0.0%
Expenses				
Contracts	201,422	0	201,422	0.0%
Other	-	0	0	
Expenses Total	201,422	0	201,422	0.0%
Lake Tahoe West GIS Support Total	-	0	0	

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Lahontan Lakewide Survey				
Revenue				
Grants	(207,057)	0	(207,057)	0.0%
Revenue Total	(207,057)	0	(207,057)	0.0%
Expenses				
Compensation	3,590	207	3,382	5.8%
Contracts	204,752	0	204,752	0.0%
A&O/Transfers	(1,285)	(74)	(1,210)	5.8%
Expenses Total	207,057	133	206,924	0.1%
Lahontan Lakewide Survey Total	(0)	133	(133)	
Climate Impacts on Alpine Lake				
Revenue				
Grants	(48,000)	0	(48,000)	0.0%
Revenue Total	(48,000)	0	(48,000)	0.0%
Expenses				
Contracts	45,714	0	45,714	0.0%
A&O/Transfers	2,286	0	2,286	0.0%
Expenses Total	47,999	0	47,999	0.0%
Climate Impacts on Alpine Lake Total	(0)	0	(0)	0.0%
NDEP Nearshore Algal Monitoring				
Revenue				
Grants	(32,000)	0	(32,000)	0.0%
Revenue Total	(32,000)	0	(32,000)	0.0%
Expenses				
Contracts	32,000	0	32,000	0.0%
Expenses Total	32,000	0	32,000	0.0%
NDEP Nearshore Algal Monitoring Total	-	0	0	
R & A Total	2,363,466	196,132	2,167,334	8.3%
Infrastructure				
General Services				
Expenses				
Compensation	101,607	14,076	87,531	13.9%
Contracts	30,414	0	30,414	0.0%

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Other	181,208	78,526	102,682	43.3%
Rent	688,980	114,830	574,150	16.7%
Expenses Total	1,002,209	207,432	794,777	20.7%
General Services Total	1,002,209	207,432	794,777	20.7%
IT				
Expenses				
Contracts	280,000	38,333	241,667	13.7%
Other	213,586	49,445	164,141	23.1%
Expenses Total	493,586	87,778	405,808	17.8%
IT Total	493,586	87,778	405,808	17.8%
Building				
Revenue				
Rent Revenue	(325,943)	(50,780)	(275,162)	15.6%
TRPA Rent Revenue	(688,980)	(114,830)	(574,150)	16.7%
Revenue Total	(1,014,923)	(165,610)	(849,312)	16.3%
Expenses				
Contracts	316,447	3,644	312,802	1.2%
Financing	547,575	0	547,575	0.0%
Other	83,378	1,105	82,273	1.3%
Expenses Total	947,400	4,749	942,651	0.5%
Building Total	(67,523)	(160,861)	93,338	
CAM				
Revenue				
Rent Revenue	(3,680)	0	(3,680)	0.0%
Revenue Total	(3,680)	0	(3,680)	0.0%
Expenses				
Other	77,687	12,100	65,587	15.6%
Expenses Total	77,687	12,100	65,587	15.6%
CAM Total	74,007	12,100	61,907	16.3%
Infrastructure Total	1,502,279	146,448	1,355,831	9.7%
Other				
Expenses				

TRPA Detailed Financials
Fiscal YTD August 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Compensation	143,183	0	143,183	0.0%
Other	140,181	0	140,181	0.0%
A&O/Transfers	(2,005,640)	(248,129)	(1,757,511)	12.4%
Expenses Total	(1,722,276)	(248,129)	(1,474,147)	14.4%
Other Total	(1,722,276)	(248,129)	(1,474,147)	14.4%
Other Total	(1,722,276)	(248,129)	(1,474,147)	14.4%



STAFF REPORT

Date: September 20, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: Release of FY 2024 Nevada Funding to the Tahoe Transportation District

Summary and Staff Recommendation:

TRPA is seeking to release funds received from the State of Nevada to the Tahoe Transportation District (TTD) to support critical TTD operations in the amount of \$330,000 for fiscal year 2023-24. Staff recommends the Governing Board approve the release of \$330,000 to TTD.

Required Motion:

To approve the allocation of funds to TTD, the Board must make the following motion:

- 1) A motion to approve the release of \$330,000 to the Tahoe Transportation District from funds received by TRPA from the State of Nevada.

A simple majority affirmative vote of any eight board members is required for the motion to pass.

Project Description/Background:

TRPA, acting at the request of TTD and Governing Board members, included a request to augment TRPA’s Nevada contribution to support critical Tahoe Transportation District (TTD) operations. TTD has no dedicated baseline general revenue source to fund basic operations including management, legal, human resources, and finance. The augmentation would be passed through to the TTD to allow support of general operations and leverage other financial resources to implement priorities and achieve regional transportation goals of the Lake Tahoe Transportation Action Plan.

At its final meeting on August 31, 2022, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System voted unanimously to send a letter to the Governor expressing the Committee’s support for a State General Fund appropriation of \$330,000 for each fiscal year of the 2023–2025 Biennium for an augmentation to the TRPA’s budget to support TTD operations. The augmentation was included in the Governor’s modified proposed budget.

Discussion:

In May of 2023, the Nevada Legislature approved the TRPA budget, including the request for TTD support under account E380, for Safe and Livable Communities. The TRPA Nevada contribution, including TTD funding for FY 2024, has been received and is now available for release to TTD. The Nevada budget included biennium funding at \$330,000 for the first fiscal year (FY 2023-24), and

\$346,500 for the second fiscal year (FY 2024-25). TRPA staff will bring forward to the TRPA Governing Board the FY 2024-25 annual funding release to TTD at a future meeting in 2024.

Contact Information:

For questions regarding this agenda item, please contact Nick Haven, MPO Director, at (775) 589-5256 or nhaven@trpa.gov. 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.



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STAFF REPORT

Date: September 20, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: APC Membership Reappointment

Summary and Staff Recommendation:

Staff recommends Governing Board approve a two-year reappointment for the Advisory Planning Commission (APC) Douglas County lay member Garth Alling.

Required Motion:

In order to approve the proposed APC reappointment, the Board must make the following motion, based on the staff report:

- 1) A motion to reappoint to the Advisory Planning Commission lay member Garth Alling to a two-year term.

In order for motion to pass, an affirmative vote of any eight Board members is required.

Background:

The Tahoe Regional Planning Compact provides for a two-year term for appointments to the APC, which may be renewed. The Douglas County Board of Commissioners endorsed Garth Alling as its lay member and forwarded their recommendations to TRPA for action.

Contact Information:

For questions regarding this agenda item, please contact Julie Regan, Executive Director at (775) 589-5237 or jregan@trpa.gov. 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.

STAFF REPORT

Date: September 20, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: 2023 Tahoe: State of the Lake Report

Summary:

Dr. Geoffrey Schladow from the University of California Davis, Tahoe Environmental Research Center (TERC) will present a summary of the 2023 State of the Lake Report. The full report may be accessed at <https://tahoe.ucdavis.edu/stateofthelake>. TRPA is proud to be one of a group of partners that fund TERC's work and the development of the State of the Lake Report, and is grateful that Dr. Schladow has agreed to present the findings of the State of the Lake Report to the TRPA Governing Board. This item is informational only.

Background:

TERC has been continuously monitoring the water quality of Lake Tahoe since 1968. This long-term record provides a unique perspective on the current status and recent observations of the condition of Lake Tahoe. Continuous monitoring and reporting on clarity has been critical to raising public awareness and spurring management action to preserve water quality.

The 2023 Report found that average annual water clarity in 2022 was 71.7 ft (21.9 m). Secchi depths in 2022 had a trajectory of poor clarity for the first six months of the year. Then, in July 2022, earlier than when clarity often starts improving, the trend reversed, and clarity improved. The Report highlighted significant shifts in the algal communities of the Lake. The State of the Lake summarizes the results of the ongoing research and monitoring and provides important information that TRPA and its partners rely upon to inform policy decisions about the future of the Region.

Contact Information:

For questions regarding this item, please contact Dan Segan, Chief Science and Policy Advisor at dsegan@trpa.gov or 775.589.5233. 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.

Attachment:

- A. [2023 State of the Lake Report](#)

STAFF REPORT

Date: September 20, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Permitting Improvements Project Amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule.

Summary:

The TRPA Permitting Improvement Project Team requests that Governing Board approve and adopt amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule to the TRPA Governing Board. The amendments implement proposed recommendations within the TRPA Permitting Improvement [Action Plan](#) and [Implementation Report](#) as endorsed by the TRPA Governing Board in August 2022 and March 2023 respectively. Stockham Consulting, a consultant to the TRPA, has worked collaboratively with staff and stakeholders to prepare the proposed amendments.

Required Motions:

In order to recommend approval of the requested action, the Governing Board must make the following motion(s), based on this staff summary and provided attachments:

- 1) 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, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule to implement recommendations of the Permitting Improvement Project.
- 2) A motion to recommend approval and adoption of Ordinance 2023-__ (Attachment E), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; and Design Review Guidelines Appendix H to the TRPA Governing Board.
- 3) A motion to recommend approval and adoption of Resolution 2023-__ (Attachment E), amending the Fee Schedule to the TRPA Governing Board.

An affirmative majority vote of each state's delegation is required for the motion to pass.

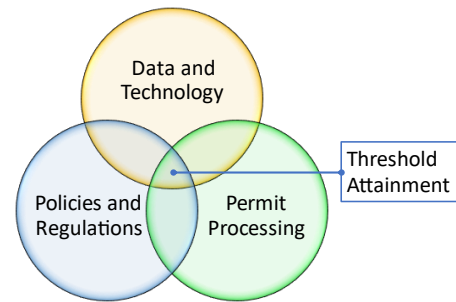
Project Description/Background:

In August 2022, staff presented the *Digital First: Innovation Strategic Initiative*, including high-level permitting improvement recommendations detailed in the TRPA Governing Board endorsed [Action Plan](#).

The *Digital First: Innovation Strategic Initiative* involves significantly improving the ability of the agency to provide services in a “digital first” way by rethinking processes, updating policies and code, and using new technology to maintain and attain the agency’s compact-mandated threshold standards. This is achieved when all three of these are aligned and work together.

- Development and review of policies and regulations require accurate information on the previous and expected effectiveness and impact of those policies; to measure and adjust policies and regulations, those policies and regulations must clearly identify expected outcomes and include a mechanism for their ongoing measurement.
- Policies and regulations must be clear to be useful for creating effective permitting processes; permitting processes must accurately reflect the intent of adopted policies and regulations.
- Effective and efficient processes rely on accurate information and technology to make them accessible; technology and information can only be used effectively when processes are clear and consistent.

TRPA has been working to achieve this synergy between policies and regulations, data and technology, and permit processing (e.g., updating the threshold standard, policies, code, and mitigation fees) and will continue to do so as part of the adaptive management approach. That is the foundational concept underlying the Innovation Initiative.



TRPA Permitting Improvement Project:

TRPA started a permitting system improvement project in early 2022 to evaluate and improve TRPA’s processes and ordinances. These improvements are paired with significant investments in the Accela permitting software and other technologies to streamline and improve TRPA’s application processing, reduce review times, and operate more efficiently and effectively.

TRPA selected Stockham Consulting to assist with this project. Arlo Stockham, the principal and project manager, has extensive planning and community development experience in the Reno/Tahoe area, including prior employment with TRPA as manager for the 2012 Regional Plan Update. Mr. Stockham is also reviewing project applications for TRPA under a separate contract, bringing additional perspective to this project. Finally, the contract is unique; it includes working with staff to implement the endorsed permitting process improvements.

Since April 2022, Mr. Stockham has worked collaboratively with staff and stakeholders to assess the TRPA permitting system and recommend improvements. In August 2022, the Governing Board reviewed the TRPA Permitting Improvement [Action Plan](#) prepared by the consultant, provided comments, and endorsed the document. The Action Plan outlines a strategy and work program to improve the TRPA permitting system.

Implementation Recommendations for the Permitting Improvement Action Plan:

The [Implementation Report](#) endorsed by the TRPA Governing Board in March 2023 expanded upon the Action Plan by detailing the specific recommendations for the initial suite of permitting program improvements. Recommendations were reviewed, discussed, and refined in coordination with the TRPA staff team and a variety of stakeholders. The recommended changes should significantly improve permitting operations for applicants and staff.

The attached memo from Stockham Consulting, consultant for the project, provides additional detail regarding deliverables of the project, stakeholder outreach, and anticipated next phase of the project. (Attachment A)

Tasks and deliverables (i.e. recommendations) of the Permitting Improvement Project include both (1) proposed amendments to the TRPA Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule, and (2) other administrative improvements.

The proposed amendments included in this packet require adoption by ordinance and resolution by the TRPA Governing Board and are analyzed further within this packet for any potential environmental impact. A summary table of all proposed amendments is included as Attachment B. The environmental analysis and required findings for the proposed amendments is included in Attachment C and D. Draft ordinances and a resolution that would be provided to the Governing Board is included in Attachment E for reference. Full versions of the Code of Ordinances, Rules of Procedures, Design Review Guidelines, and Fee Schedule with redline proposed amendments are available [online](https://www.trpa.gov/permitting-improvement-project/) at <https://www.trpa.gov/permitting-improvement-project/>.

Staff and the consultant are also developing other administrative improvements as part of the project and to help implement recommendations, including: a new Procedural Manual with standard operating procedures, permitting staff guidance, and standardized templates to aid streamlined and consistent project review; staff reorganization with dedicated project review teams and customer service team; new appointment system to meet with a planner; revised project applications; improved customer service navigation at TRPA.gov; and a permitting cost recovery monitoring strategy. These administrative deliverables are still under development and do not require Governing Board action.

Staff tentatively plans to bring forward additional deliverables and improvements for the Permitting Improvement Project in March 2024.

More information on the project and its progress are publicly available online at <https://www.trpa.gov/permitting-improvement-project/>.

Approval Process:

Staff requests that the Governing Board discuss, provide feedback, and approve and adopt the proposed amendments.

The proposed amendments were presented and discussed with the Regional Plan Implementation Committee (RPIC), a group of Governing Board members, at their August 23, 2023 meeting and to the Advisory Planning Commission at their September 13, 2023 meeting. RPIC and APC unanimously passed the three motions presented within this packet to recommend approval of the amendments to the TRPA Governing Board. RPIC member Shelly Aldean requested the following minor grammatical corrections to the packet which were included in the motion:

1. Code of Ordinances, Section 2.3.2.H.3, typographical correction to eliminate an unnecessary “be”
2. Code of Ordinances, Section 2.3.3.P, typographical correction to add a “be” to “shall not be internally illuminated”
3. Code of Ordinances, Section 30.4.2.A.4, typographical correction to eliminate the use of multiple “exemptions”
4. Rules of Procedures, Section 16.8.3, typographical correction to remove a redundant “for”

Following the RPIC meeting, TRPA staff found and drafted the following amendments for correction or clarification. These amendments do not change or alter the policy direction and recommended approval provided by RPIC:

5. Code of Ordinances, Section 30.6 introduction, typographical correction to clarify that certain Qualified Exempt activities shall comply with the excess coverage mitigation program
6. Code of Ordinances, Section 2.3.6.A.8., typographical correction to clarify application requirements which accommodate digital submittals and information requests
7. Code of Ordinances, Section 2.3.6.A.1 and 2.3.6.A.2, typographical correction to correct references.
8. Rules of Procedure section 5.3, added language to clarify that the Minor application procedural changes are intended for TRPA permitting operations and that MOU partners with delegated permitting authority are not obligated to the new minor application review times.
9. Rules of Procedure section 5.3 and 5.4, added language to clarify that the Minor application procedural changes are intended for TRPA permitting operations and that MOU partners with delegated permitting authority are not obligated to the new minor application review times.
10. Rules of Procedure section 5.5, added language to clarify that the bundled application procedural changes are intended for TRPA permitting operations and that MOU partners with delegated permitting authority are not obligated to the new bundled application procedural changes.
11. Rules of Procedure Section 5.6, 5.7, 5.22.5, 6.8.1, 10.6.1, and 16.4.5.A to updated out-of-date or incorrect Code of Ordinances or Rules of Procedure section number references.

These amendments were included within the APC’s recommended approval packet.

If approved and adopted by the Governing Board, the amendments would go into effect 60 days following adoption (or November 26, 2023). Training sessions regarding the amendments for TRPA staff, partner agencies, and applicant representatives will be held prior to the effective date.

Contact Information:

For questions regarding this agenda item, please contact Jennifer Self at 775-589-5261 or jself@trpa.gov. 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.

Attachments:

- A. Stockham Consulting Memorandum
- B. Table of Amendments

- C. IEC
- D. Findings and FONSE
- E. Adopting Ordinances & Resolution
- F. [Code of Ordinance \(Full Document with Redline Changes Available Online\)](#)
- G. [Rules of Procedure \(Full Document with Redline Changes Available Online\)](#)
- H. [Design Review Guidelines, Appendix H \(Full Document with Redline Changes Available Online\)](#)
- I. [Fee Schedule \(\(Full Document with Redline Changes Available Online\)](#)

Attachment A
Stockham Consulting Memorandum

Date: September 20, 2023
To: TRPA Governing Board
From: Arlo Stockham, AICP

Subject: TRPA PERMITTING IMPROVEMENT PROJECT: Proposed Amendments to the Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule

Summary: I am pleased to present the next phase of work from the Tahoe Regional Planning Agency (TRPA) permitting improvement team. This is a priority project to improve TRPA permitting operations.

Project information and deliverables are publicly available online at the <https://www.trpa.gov/permitting-improvement-project/>.

This memo outlines draft changes to the *TRPA Code of Ordinances (the “Code”), Rules of Procedure (the “Rules”), Design Review Guidelines Appendix H (the “DRG”) and Fee Schedule (the “Fees”)*. The proposed changes are consistent with the *TRPA Permitting Improvement Action Plan (the “Action Plan”)* and the *Implementation Report for TRPA Permitting Improvements (the “Implementation Report”)*.

The *Action Plan* is a strategy and 18-month work program to improve the TRPA permitting system. It was developed through a participatory process and was endorsed by the TRPA Governing Board in August 2022. The *Action Plan* directed staff to pursue process improvements and code amendments focused on the following priority topics:

- *Establish more efficient, consistent, and predictable application review processes.*
- *Simplify and shorten review processes for minor applications and sequential approvals.*
- *Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.*
- *Prioritize public communication and customer services.*
- *Expand tools for staff development and training.*
- *Maintain adequate and dependable funding to support quality application reviews.*

The *Implementation Report* is a technical memo detailing specific recommendations to implement the *Action Plan*. It was also developed with extensive stakeholder participation and was endorsed by the TRPA Governing Board in March 2023.

Since March, I have worked with staff and stakeholders to prepare and refine complete implementation documents (*Code, Rules, DRG, and Fees*). Draft amendments are available in redline format. The August 24 drafts reflect refinements made following public distribution and review of prior drafts by stakeholders and the Regional Plan Implementation Committee (RPIC).

Attachment B was prepared as a reference document for reviewers. It is a comprehensive table identifying each of the proposed *Code, Rules, DRG, and Fees* changes (in chronological order).

The table references action items from the *Implementation Report* and notes implementation details. Please review the [Implementation Report](#) for additional supporting information.

Full versions of the Code, Rules, DRG, and Fees with redline changes are publicly available at <https://www.trpa.gov/permitting-improvement-project/>.

Recommendations: Tasks and deliverables (i.e. recommendations) of the Permitting Improvement Project include both (1) proposed amendments to the TRPA Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule, and (2) other administrative improvements.

The proposed amendments to the *Code, Rules, DRG, and Fees* are broadly summarized below. The amendments were reviewed, discussed, and refined in coordination with the TRPA staff team for permitting improvements, and with other staff members. Additional refinements were made following stakeholder review and comment.

Proposed changes include:

Priority #1: Establish more efficient, consistent, and predictable application review processes.

Administrative improvements are being made together with changes to *Code, Rules, DRG, and Fees*. Central to this effort is a comprehensive administrative *Procedure Manual* outlining standard practices for project reviews and other department functions. Establishing written process guidelines should improve the consistency and quality of permitting operations. The *Procedure Manual* will also serve as a staff training and evaluation tool, and as a publicly available resource. The *Procedure Manual* will be refined and expanded over time.

The department has 21 full time staff members and is now organized with three staff teams plus special project staff. The staff teams manage routine operations, with team leaders providing mentoring and consistent guidance for their teams.

Staff is also working to standardize the materials used for application reviews. Shared permit templates and a consolidated list of standard conditions are being assembled. Application forms and the Accela permitting system are also being updated.

The application documents and standard review procedures will be enhanced during Phase 3.

Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.

- Minor Applications: A new “Minor Application” process will be established for less complex project applications. Minor Applications will have shorter review timelines (15 + 40 days), simplified reviews, and a dedicated review team. Procedures are detailed in new section 5.4 in the Rules of Procedure, including the list of qualifying projects. These changes are specific to TRPA permitting operations. Memorandum of Understanding (MOU) partners with delegated permitting authority are not obligated to meet the new requirements for minor applications.

- Bundled and Concurrent Applications: Changes will allow frequently-related applications to be processed concurrently and in a coordinated manner. This should improve the review process, while reducing the combined processing time for projects that also involve development right transfers, lot line adjustments, or historic resource determinations. See new section 5.5 in the Rules of Procedure. These changes are specific to TRPA permitting operations. Memorandum of Understanding (MOU) partners with delegated permitting authority are not obligated to meet the new requirements for bundled applications.
- Exempt and Qualified Exempt Activities: The Qualified Exempt (QE) declaration process is being simplified consistent with existing Code language. Additional minor improvements are also moved from the QE list to the fully Exempt list. See changes in Code section 2.3.
- Historic Resource Protection: Changes authorize streamlined historic resource determination procedures and staff-level approval of projects involving potential historic resources. Procedures for designated historic resources will not change. Routine project-level consultations with state historic preservation offices will be handled by TRPA staff, consistent with a request from the California office and with concurrence of the Nevada office. See Code subparagraph 2.2.2.A.2.c and Chapter 67.
- Additional Staff-Level Decisions: Staff-level approval procedures are proposed for additional routine determinations, including certain underground utility replacement and Environmental Improvement Projects. Bonus Units will no longer require a different and sometimes more intensive review process than the projects for which they are being used. Many routine shorezone applications, including new and expanded piers, will be reviewed at the staff level – however noticing requirements and appeal provisions are retained for the shorezone applications. See Code section 2.2.2.

Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.

- Code Interpretations and Clarifications: A suite of code clarifications are proposed, consistent with past interpretations and ongoing practices. Additional language is added in numerous sections to clarify the approval criteria for basic regulations. This should help project applicants understand key development limitations, while providing a framework for more consistent and improved reviews. Topics addressed include:
 - Land coverage for public safety and access of the disabled (Code sec 30.4.2)
 - Land coverage transfers between Bailey and IPES lots (Code sec 30.4.3)
 - Land coverage exemptions – non-permanent coverage, pervious coverage, pervious decks. Changes also include new provisions for small utility installations including utility boxes, generators, HVAC pads, EV chargers, solar, etc (Code sec 30.4.6)
 - Off-site coverage (Code sec 30.4.7)
 - Heights for buildings with multiple roof pitches (Code sec 37.3.4)
 - Height standards for segmented buildings on slopes (Code sec 37.4.2)

- Standards for reflectivity and glare outside the shorezone/shoreland (Code sec 66.1.6)
- Shorezone boulder relocation (qualified exempt) vs dredging (Code sec 82.5.8)
- Rules for Rounding (Code sec 90.1.14). Rounding rules are also added in the Shoreland Visual Assessment Tool (Design Review Guidelines Appendix H).
- Definitions (Code sec 90.2)
 - Active Solar Energy System
 - Deck
 - Electric Vehicle Charger
 - Electric Vehicle Charging Station
 - Expansion (addresses expansion vs modification for shorezone structures)
 - Land Coverage (addresses minor site improvements)
 - Walkway
- Focus Staff Time on High-Value Work: Procedure ordinances are updated to reduce audit frequency for single family permits and to only conduct the “below the IPES line” drawing if there is insufficient supply in the Residential Allocation Incentive Pool. Changes will significantly reduce staff work without impacting outcomes. See Code sec 50.5.2 (A and E).
- Organize Code Reference Documents: Documents and datasets that are “adopted by reference” in the TRPA Code have been compiled in a list with convenient links to each document. This will be included in the procedure manual and posted online.

Priority #4: Prioritize public communication and customer services.

Customer service improvements are being implemented, including dedicated customer service staff, a customer service policy for staff, and additional online resources for applicants. Customers will also benefit from more consistent and efficient project reviews.

Priority #5: Expand tools for staff development and training.

The *procedure manual* and project review teams provide a framework for enhanced staff guidance/training and increased delegation of work to lower level positions. Future efforts will include staff training and increasing opportunities and responsibilities for lower level positions.

Priority #6: Maintain adequate and dependable funding to support quality application reviews.

In recent years, TRPA applications have increased rapidly – both in volume and complexity. Increases in complex shoreland and shorezone applications have been most notable. Staff have struggled to keep up with permit reviews, but funding is limited for additional staff increases.

The *Implementation Report* focused on efficiency improvements, but also identified targeted fee changes to better reflect the cost of reviews. These changes are now addressed in the Fee Schedule amendments. Moving forward, additional expense monitoring systems and reports are being developed. These can be used when evaluating operating costs and considering future fee changes.

Most application fees remain unchanged, including for all residential and commercial projects outside the shoreland/shorezone. The changes proposed address fees that are clearly out of alignment with the complexity of reviews.

The fee multiplier sheet is updated to better reflect review time requirements. The 25 percent increase in special planning areas is eliminated and replaced with a new 25 percent multiplier for projects that can be approved at the staff level, but require public noticing.

In aggregate, application fees for development in the shoreland and shorezone currently fall well short of the associated administrative costs.

Shoreland scenic review fees are proposed to increase to reflect the time required for these reviews. This will impact projects that are located in the shoreland or shorezone and are visible from Lake Tahoe. The current \$629 added application fee is increased to \$1,000 or \$2,000, depending on the review process type/complexity. Several shorezone fees are also increased, including for buoys, mooring lottery eligibility reviews, and pier expansions.

The expanded staff-level approval authorities (with noticing) provides fee reductions that offset the increases for some applications. Net fee changes for common applications are noted in the table below. These amounts are better aligned with typical project review costs.

<u>Application Type</u>	<u>Total Fee (Existing)</u>	<u>Total Fee (Proposed)</u>
<i>Single Family Remodel/Addition (Lakefront, 4,000 sf, High Scenic)</i>	<i>\$7,799</i>	<i>\$9,170</i>
<i>New Pier – multiple use (High Scenic)</i>	<i>\$11,809</i>	<i>\$9,852 (no GB review)</i>
<i>New Pier – single use (High Scenic)</i>	<i>\$9,389</i>	<i>\$9,852 (no HO review)</i>
<i>Pier Expansion (High Scenic)</i>	<i>\$3,944</i>	<i>\$9,852</i>
<i>Pier Modification (No Scenic)</i>	<i>\$3,315</i>	<i>\$3,315</i>
<i>One New Buoy (No Scenic)</i>	<i>\$787</i>	<i>\$1,500</i>

In other areas, targeted changes are proposed with no significant change to total fee revenue. Day care fees are decreased. Lodging fees are increased consistent with fees for multi-family projects. Modest fees are applied to certain “no-fee” submittals, including additional Qualified Exempt declarations (some pay now), repeat acknowledgement (final approval) of approved permits, and parcel consolidation deed restrictions.

Fee-related provisions in the *Code, Rules, and Fee Schedule* are also reorganized to simplify administrative processes. Procedures for fees are moved to a new chapter 16 in the *Rules*. Fee amounts are all listed in the *Fee Schedule* and are not repeated elsewhere. References in various sections are updated to reflect this approach. Language is also changed to consistently use the Western States CPI for fee indexing (where applicable) and to discontinue use of other inflation indexes.

Please see Attachment B for a detailed list of amendments to the *Code, Rules, DRG, and Fee Schedule*.

Summary of Requested Action by Project Task:

TASKS & DELIVERABLES	REQUESTED ACTION
<i>Priority #1: Establish more efficient, consistent, and predictable application review processes</i>	
Procedural Manual Standardized Forms, Templates, and Conditions of Approval Dedicated Project Review Teams	These improvements are administrative and operational in nature (e.g. provides procedural guidance). No action requested. Deliverables are under development. Comments welcomed.
<i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i>	
Minor Applications Bundled Applications	These improvements are administrative and operational in nature (e.g. provides procedural guidance). <i>Procedures are detailed in new section 5.4 and 5.5 in the TRPA Rules of Procedure, including a list of qualifying projects.</i> Requested action of APC to recommend adoption of amendments to the Rules of Procedures.
QE Declaration Process Simplification	The existing Qualified Exempt (QE) declaration procedures are being clarified consistent with <u>existing</u> code language. These improvements are administrative and operational in nature. (e.g. provides procedural guidance) Clarifications regarding the QE procedure will be included in the Procedural Manual and TRPA applications. No action requested. Deliverables will be available at TRPA.gov November 2023. Comments welcomed.
Expand Exempt Activities List	The proposed amendments include moving select minor activities from the QE list to the fully Exempt list in TRPA Code 2.3. These are consistent in scale and scope of existing exempt activities. Requested action of APC to recommend adoption of amendments to the Code of Ordinances.
Historic Resource Process Simplification	Amendments include streamlined historic resource determination procedures and staff-

	<p>level approval of projects involving potential historic resources.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p>
Additional Staff Level Delegation	<p>Staff-level approval procedures are proposed for additional determinations.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p>
<i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i>	
Code Interpretations and Clarifications	<p>A suite of amendments is proposed, consistent with past code interpretations and ongoing practices. The amendments clarify the approval criteria for common regulations, such as land coverage and height. The amendments help project applicants better understand development limitations and considerations, while providing a framework for more consistent and improved reviews.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p>
Reduce Audit Volumes	<p>Procedural ordinances are updated to reduce audit frequency for single family permits and to only conduct the “below the IPES line” drawing if there is insufficient supply in the Residential Allocation Incentive Pool.</p> <p>Requested action of APC to recommend adoption of amendments to the Code of Ordinances.</p>
Reduce “Below the IPES Line” Drawings	
Organize and Publicize Code Reference Documents	<p>This improvement is administrative and operational in nature. (e.g. provides procedural guidance and references important documents)</p> <p>No action requested. Deliverables will be available at TRPA.gov November 2023. Comments welcomed.</p>

Priority #4: Prioritize public communication and customer service.	
<i>See tasks and deliverable for Priority #1.</i>	
Priority #5: Expand tools for staff development and training.	
<i>See tasks and deliverable for Priority #1.</i>	
Priority #6: Maintain adequate and dependable funding to support quality application reviews.	
Updates Select Fees and TRPA Fee Schedule	Requested action of APC to recommend adoption of amendments to the Fee Schedule.
Cost Recovery Monitoring Program	<p>These improvements are administrative and operational in nature. Program is intended to better understand required resources and staffing necessary to review applications and expenses incurred.</p> <p>No action requested. Deliverables are under development. Comments welcomed.</p>

“Phase-3” Projects: The next 6-month phase of this permitting improvement project will focus on TRPA’s application requirements and forms, project review procedures, online navigation to permitting tools and resources, and administrative systems. The team has been discussing opportunities to simplify application requirements, operate more efficiently, and automate certain permitting functions.

Attachment B
Table of Amendments

Attachment B

Draft Amendments to the Code of Ordinances, Rules of Procedure, Design Review Guidelines, and Fee Schedule

Table 1: Code of Ordinance Amendments

Updated September 12, 2023

<i>Section</i>	<i>Topic</i>	<i>Implementation Item / Explanation</i>	<i>Proposed Amendment</i>
CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES			
Code 2.2.2.A.2.c	Project Review: Historic Resources	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Historic Resource Protection:</i></p> <p><i>Authorize staff approval of additions, reconstruction, or demolition of eligible historic resources. This would retain Hearings Officer reviews for modifications to designated historic resources. Code amendments will be required.</i></p>	<p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>A. General Projects or Matters</p> <p>2. Hearings Officer Review</p> <p>The following projects or matters require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> c. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: Historic Resource Protection);

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.2.2.A.2.d	Project Review: Underground Utility Replacement	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions:</i></p> <p><i>Expand exemptions for hearings officer review of SEZ disturbances to permit staff approval for underground utility replacement projects.</i></p>	<p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>A. General Projects or Matters</p> <p>2. Hearings Officer Review</p> <p>The following projects or matters require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> d. Modification to SEZs, excluding modifications for residential projects <u>and underground utility replacement projects</u> in accordance with subparagraph 30.5.2.A and erosion control and other environmentally oriented projects and facilities in accordance with subparagraph 30.5.2.D;

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.2.2.B	Project Review: Award of Bonus Units	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p>This is an additional process improvement for projects using bonus units.</p> <p>Code outlines separate approval authorities for housing projects and for bonus units that may be used.</p> <p>Projects that use bonus units – often affordable or moderate income housing - sometimes require a more intensive review process than would be required for market rate housing or timeshares.</p> <p>Chapter 52 has clear standards for the assignment of bonus units. Projects either qualify or they don't.</p> <p>Proposed amendments eliminate the separate review requirements for the allocation of bonus units.</p> <p>Bonus units will be assigned as an administrative action following approval of qualifying projects by the applicable decision making body.</p> <p>Significant code amendments for housing are also in development. This targeted process improvement supports TRPA's broader housing initiative.</p>	<p>B. Residential Projects</p> <p>1. Governing Board Review</p> <p>Residential projects involving the following require review and approval by the Governing Board:</p> <ul style="list-style-type: none"> a. Allocation of ten or more residential bonus units for income-restricted housing; and b-a. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses. <p>2. Hearings Officer</p> <p>Residential projects involving the following require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> a. Multi-residential and employee housing greater than four units; and b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and c. Allocation of more than two, but less than ten, residential bonus units for income-restricted housing.

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.2.2.D.1.a	Project Review: Public Service EIP Projects	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions:</i></p> <p><i>Permit staff approval of added land coverage for qualifying transportation improvements</i></p> <p>Note this was broadened to include Transportation and Recreation EIP projects with up to 15,000 square feet of land coverage.</p>	<p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>D. Public Service Projects</p> <p>1. Governing Board Review</p> <p>Public service projects involving the following require review and approval by the Governing Board:</p> <p>a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage, <u>except Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square feet of land coverage</u>; and</p>
Code 2.2.2.E.1.a	Project Review: Recreation EIP Projects	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions:</i></p> <p><i>Permit staff approval of added land coverage for qualifying transportation improvements</i></p> <p>Note this was broadened to include Transportation and Recreation EIP projects with up to 15,000 square feet of land coverage.</p>	<p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>E. Recreation Projects</p> <p>1. Governing Board Review</p> <p>Recreation projects involving the following require review and approval by the Governing Board:</p> <p>a. _____ New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage, <u>with the following exceptions:</u></p> <p><u>(1) _____ (except Rrecreational trails); and</u></p> <p><u>(1) (2) Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square feet of land coverage.</u></p>

Code 2.2.2.F	Project Review: Shorezone Projects	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions in the Shorezone:</i></p> <p><i>Allow staff-level decisions with noticing / appeal process.</i></p> <ul style="list-style-type: none"> • <i>New multiple parcel/multiple use piers, which are currently considered by the Governing Board.</i> • <i>New single parcel piers, which are currently considered by the Hearings Officer.</i> • <i>Existing buoy field expansions, which are currently considered by the Hearings Officer.</i> <p>Note refinements to:</p> <ul style="list-style-type: none"> • Not change special use requirements for shoreline revetments and stabilization; and • Allow staff-level decisions for minor improvements listed as allowed (not special) uses in section 84.8. 	<p>2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer</p> <p>F. Shorezone Projects</p> <p>1. Governing Board Review</p> <p>Shorezone projects involving the following require review and approval by the Governing Board:</p> <ul style="list-style-type: none"> a. Tour boat operations (new or expansion); b. Waterborne transit (new or expansion); c. Seaplane operation (new or expansion); d. Marinas (new or expansion); e. Boat launching facilities (new or expansion); f. Recognition of multiple-use facilities (Section 84.4), <u>except recognition of new multiple parcel/use piers and buoy field expansions</u>; and <p>2. Hearings Officer</p> <p>Shorezone projects involving the following require review and approval by the Hearings Officer:</p> <ul style="list-style-type: none"> a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and b. New structures (except those identified for Governing Board review), <u>with the following exceptions:</u> <ul style="list-style-type: none"> (1) and n <u>New mooring buoys and piers</u> for eligible private, single-family littoral parcels}. (2) <u>Buoy field expansions.</u> (3) <u>Other structures that are identified in Section 84.8 and are not special uses.</u>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.2.A (was 2.3.6.A.1 Qualified Exempt)	Exempt Activities: Structural Repair	<p><i>[Moved from 2.3.6 Qualified Exempt]</i></p> <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>1. <i>Structural repairs under \$50,000 (increased from \$21,000)</i></p> <p>Language shown in green text is relocated from 2.3.6 (Qualified Exempt). The maximum improvement value is increased to generally adjust for inflation and material costs of the same type of activities. The current structural repair amount (\$21,00) has not been updated in 12 or more years. Larger remodels and additions remain as QE with requirements for BMPs and Excess Coverage Mitigation.</p>	<p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.2 General Activities</p> <p><u>1.A. Structural Repair</u></p> <p><u>Exterior Structural repair of existing structures of less than \$50,000<u>\$21,000</u> per year, provided there is:</u></p> <ol style="list-style-type: none"> <u>1. No excavation, filling, or backfilling in excess of that exempted by subparagraph E-A.6 below;</u> <u>2. No increase in the dimensions of a structure;</u> <u>3. No intensification or change in use;</u> <u>4. No increase in commercial floor area, and</u> <u>5. No increase in density.</u> <p><u>This amount shall be calculated on an objective market valuation of the materials involved.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.2.E	Exempt Activities: Excavation	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>3. <i>Additional grading on non-sensitive land (increased from 3 cu. yards to 10 cu. yards).</i></p> <p>Language maintains the current general exemption for up to 3 cy of grading. The exemption amount is increased to 10 cy for grading on non-sensitive land during the grading season. This code section maintains protections for drainage patterns and natural grade.</p>	<p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.2 General Activities</p> <p><u>D, E.</u> Excavation, Filling, or Backfilling</p> <p>Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. <u>Excavation, filling, or backfilling for a volume up to ten cubic yards is exempt on non-sensitive land only and provided the activity occurs during the grading season (May 1 to October 15) and the excavation site is stabilized within 48 hours to prevent erosion. Changes to existing grade shall not exceed two vertical feet in any location and shall not alter existing drainage patterns except as needed to implement water quality BMPs.</u> This exemption shall not be construed to exempt a series of excavations, filling, or backfilling that collectively would constitute a project.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
<p>Code 2.3.2.H (was 2.3.6.A.9 Qualified Exempt)</p>	<p>Exempt Activities: Seasonal Outdoor Retail Sales</p>	<p><i>[Moved from 2.3.6 Qualified Exempt]</i></p> <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>4. Seasonal Outdoor Retail Sales Use</p> <p>Language shown in green text is relocated from 2.3.6 (Qualified Exempt) and modified to use a list format, to allow the use in mixed-use districts, and to include new limitations 4 and 5 for noise and land disturbances.</p> <p>The proposed amendment retains protections to vegetation, water quality, and soils by limiting parking and where this type of activity can occur. The proposed amendment adds further mitigation to ensure environmental protection. The activity would not create or relocate land coverage, any disturbed area would be revegetated and stabilized, and no excess noise is created beyond the limits of the Code. This section does not relate to Outdoor Retail Sales within the Shorezone.</p>	<p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.2 General Activities</p> <p><u>9.H. Seasonal Outdoor Retail Sales Use</u></p> <p><u>An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use:</u></p> <ol style="list-style-type: none"> <u>1. Does shall not cause parking on unpaved areas;</u> <u>2. Does not operate for more than six consecutive weeks in a 12-month period, and;</u> <u>3. Is is located in a plan area designated mixed-use, commercial, public service, or tourist;</u> <u>4. Does not create noise in excess of the limits in Chapter 68: Noise Limitations; and</u> <u>5. Does not create permanent land coverage or disturbance. Any disturbed area shall be revegetated and stabilized to prevent erosion.</u>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.3.P & Q (was 2.3.6.B Qualified Exempt)	Exempt Activities: Signs	<p><i>[Moved from 2.3.6 Qualified Exempt]</i></p> <p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <ul style="list-style-type: none"> • <i>Subdivision Identification Signs</i> • <i>Replacement of Approved Sign Faces</i> <p>Language shown in green text is relocated from 2.3.6 (Qualified Exempt). No changes.</p> <p>This activity is consistent in scale and scope to other sign activities that are currently exempt including identification signs (Sec 2.3.3.D) and residential property identification signs (Sec 2.3.3.I). Section 2.3.3.Q, are signs that have previously been approved by TRPA and found in conformance within the Code. Only replacement in-kind would qualify under this section.</p>	<p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.3. Sign Activities</p> <p><u>1.P. Subdivision Identification Signs</u></p> <p><u>Installation or replacement of subdivision identification names or letters, provided the name or lettering shall be installed on an existing wall or similar structure, shall be not be over 12 inches high, and shall not be internally illuminated; and</u></p> <p><u>2.Q. Replacement of Approved Sign Faces</u></p> <p><u>Replacement of sign faces on signs approved by TRPA pursuant to Chapter 38: Signs, provided the new sign face remains in compliance with Chapter 38.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.4.A	Code References	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Organize Code Reference Documents:</i></p> <p><i>Code amendments should be processed to reduce the number of different documents that need to be referenced during the Project application process.</i></p> <p>The referenced mail delivery program is not known to staff.</p>	<p>EXEMPT ACTIVITIES</p> <p>2.3.4. Mail Delivery Activities</p> <p>The mail delivery activities listed below are exempt.</p> <p>A. Mail delivery receptacles that are designed and installed in accordance with design standards that are part of a TRPA approved area wide mail delivery program.</p> <p>B.A. Mail delivery receptacles and support structures that comply with the following standards:</p> <ol style="list-style-type: none"> 1. A maximum of one mail box shall be allowed for each parcel or project area provided that: <ol style="list-style-type: none"> a. Complies with all U.S. Postal Service standards; b. Is located in a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and c. If located within a scenic highway corridor pursuant to Section 66.2, is colored using dark shades of earthtone colors and matte finish. 2. One set of cluster boxes shall be allowed provided that the number of boxes is equal to the number of parcels or project areas being served and the set meets the design and scenic standards listed in subparagraph 1 above.

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.6.A.1 (now 2.3.2.A exempt)	Exempt Activities: Qualified Exempt	Moved to 2.3.2.A Exempt General Activities	<p>2.3 EXEMPT ACTIVITIES</p> <p>2.3.6. Qualified Exempt Activities</p> <p>A. General Activities</p> <p>Structural Repair</p> <p>Exterior Structural repair of existing structures of less than \$21,000 per year, provided there is:</p> <ul style="list-style-type: none"> a. No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below; b. No increase in the dimensions of a structure; c. No intensification or change in use; d. No increase in commercial floor area, and e. No increase in density. <p>This amount shall be calculated on an objective market valuation of the materials involved.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.6.A.6 (now 2.2.2.E exempt)	Exempt Activities: Qualified Exempt	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Exempt and Qualified Exempt Activities:</i></p> <p><i>The least significant QE activities should be made fully exempt from TRPA review. include:</i></p> <p>3. <i>Additional grading on non-sensitive land (increased from 3 cu. yards to 10 cu. yards).</i></p> <p>Grading up to 10 cy during the grading season on non-sensitive land is proposed to be exempt.</p>	<p>2.3.6. Qualified Exempt Activities</p> <p>A. General Activities</p> <p>6. Excavation, Filling, or Backfilling</p> <p>Excavation, filling, or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations that viewed as a whole would constitute a project.</p>
Code 2.3.6.A.9 (now 2.3.2.H exempt)	Exempt Activities: Qualified Exempt	Moved to 2.3.2 Exempt General Activities	<p>2.3.6. Qualified Exempt Activities</p> <p>A. General Activities</p> <p>9. Seasonal Outdoor Retail Sales Use</p> <p>An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use shall not cause parking on unpaved areas, does not operate for more than six consecutive weeks in a 12-month period, and is located in a plan area designated commercial, public service, or tourist.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 2.3.6.A.11 (now 8)	Exempt Activities: Qualified Exempt	Clean up amendment to reflect ongoing practice.	<p>11. 8. Replacement of Existing Roof with Metal Roof</p> <p>Replacement of an existing roof with a metal roof that is composed of non-glare earthtone colors. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. The applicant shall provide submit color and material information samples to TRPA with their qualified exempt form.</p>
Code 2.3.6.B (Now 2.3.3.P & Q exempt)	Exempt Activities: Qualified Exempt	Moved to 2.3.3 Exempt Sign Activities	<p>2.3.6. Qualified Exempt Activities</p> <p>B. Sign Activities</p> <p>The following sign activities are qualified exempt:</p> <p>1. Subdivision Identification Signs</p> <p>Installation or replacement of subdivision identification names or letters, provided the name or lettering shall be installed on an existing wall or similar structure, shall be not over 12 inches high, and shall not internally illuminated; and</p> <p>2. Replacement of Approved Sign Faces</p> <p>Replacement of sign faces on signs approved by TRPA pursuant to Chapter 38: Signs, provided the new sign face remains in compliance with Chapter 38.</p>

<i>Section</i>	<i>Topic</i>	<i>Implementation Item / Explanation</i>	<i>Proposed Amendment</i>
CHAPTER 30: LAND COVERAGE			

<p>Code 30.4.2.A.4</p>	<p>Land Coverage Limitations: Transferred Land Coverage</p>	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>This section applies when existing developed properties require improvements for public safety or access of the disabled, do not have coverage available to use, and do not qualify for coverage exemptions.</p> <p>Coverage must be transferred from a comparable or more sensitive property, providing significant mitigation.</p> <p>Language is added and clarified consistent with the established administrative decision making considerations. Changes clarify what is considered coverage, what improvements can be exempted, and when this transfer provision can be used.</p> <p>Further, the amendment would limit the applicability and minimize the installation footprint of such facilities by putting into place safeguards for sensitive land that is not clear with the existing code language. These clarifications reduce the risk that the provisions for necessary and important health and safety needs may be taken</p>	<p>4. Facilities for Public Safety and Access of the Disabled</p> <p><u>Facilities legally existing on the effective date of the Regional Plan: TFor receiving parcels with legally existing development and insufficient available or banked coverage, t</u> transfers of land coverage may be permitted for the addition of facilities for access of disabled persons for compliance with the American Disabilities Act (ADA) and other public safety requirements that do not qualify for a coverage exemption under subparagraph 30.4.6-C.</p> <p>a. <u>Transfer Standards</u></p> <p>The maximum land coverage <u>transferred</u> shall be <u>consistent with the following standards:</u></p> <ol style="list-style-type: none"> <u>(1) Transferred coverage shall be</u> the minimum amount necessary to meet the public safety and access requirements; <u>(2) Coverage shall not be transferred to sensitive land unless there is no feasible alternative on the receiving parcel.</u> <u>(3) Pervious decking shall be used where feasible.</u> <u>(4) Receiving parcels shall have installed and maintained BMPs meeting TRPA requirements and the transferred coverage shall also have BMPs installed and maintained to meet TRPA requirements.</u> <u>(5) This provision shall not be used in conjunction with any project that adds coverage for purposes not related to public safety or access of the disabled.</u> <u>(6) When feasible alternatives exist, TRPA may require the relocation of on-site coverage for some or all of the coverage needed. On-site coverage relocation is appropriate for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without significant structural modifications or significant impacts to the usability of the parcel. This subparagraph shall not be interpreted to require the removal of existing living area, garage space, vehicle access routes, pedestrian</u>
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		<p>advantage of or provided to parcels where other reasonable alternatives may exist.</p> <p>This is part of a broader clarification of the overall framework for land coverage. Amendments are made to the land coverage definition, coverage exemptions in section 30.4.6, and this transfer provision.</p>	<p><u>access routes, the first 1,000 square feet of driveway or the first 1,000 square feet of decking/patio space on each parcel.</u></p> <p>b. <u>Eligible Improvements</u></p> <p><u>Eligible improvements include:</u></p> <ul style="list-style-type: none"> <u>(1) Facilities for access of disabled persons for compliance with the American Disabilities Act (ADA).</u> <u>(2) Utility improvements including boxes, vaults, poles and electric vehicle chargers.</u> <u>(3) The minimum driveway necessary to provide two off-site parking spaces for each residential parcel.</u> <u>(4) Other property improvements that the executive director determines are necessary for public safety or access of the disabled.</u> <p>c. <u>Land coverage transferred for public safety and access shall be classified exempt in accordance with subparagraph 30.4.6.H.</u></p>
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<p>Code 30.4.3.B.3 & 4</p>	<p>Land Coverage Limitations: Method of Transferring Land Coverage</p>	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings.</i></p> <p>This text and table 30.4.3-2 below implement code interpretations 1989-3 (Sensitivity Coverage Transfers Land Capability) and 1989-4 (Potential Base Coverage Transfer Bailey IPES), both dated 1989-10-28, and are consistent with ongoing practice.</p> <p>This amendment provides procedural guidance regarding how to calculate and determine the amount of coverage that can be transferred between a Baileys land capability and IPES parcel. The amendment does not alter land growth management controls or increase development potential within the Region.</p>	<p>30.4 Land Coverage Limitations</p> <p>3. Base Land Coverage</p> <p>Unused allowable base land coverage (i.e., potential coverage) referred to in subsection 30.4.1 may be transferred in all cases, except for transfers relating to commercial, mixed-use, or tourist accommodation uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial, mixed-use, and tourist accommodation projects shall be existing hard coverage except as provided in subparagraph 2 above.</p> <p>a. <u>General Rule for Transfer Amounts</u></p> <p><u>The amount of coverage that may be transferred from a parcel having an IPES score shall be the amount of potential base coverage allowed under IPES. Potential base coverage under the Bailey system may be transferred only when an IPES score has not been established for the sending parcel.</u></p> <p>b. <u>Exceptions to the General Rule:</u></p> <p><u>Bailey coverage, not IPES coverage, shall be used to determine the amount of potential coverage to be transferred in the following situations:</u></p> <p><u>(1) When an IPES score has been assigned to a sending parcel that is subsequently developed under the Bailey system; or</u></p> <p><u>(2) When the sending parcel has a current TRPA approval under the Bailey system.</u></p> <p>4. Land Coverage for Single-Family House</p> <p>Land coverage transferred for a single-family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as or more environmentally sensitive than the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the</p>
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			other does not, TRPA shall determine sensitivity <u>sensitivity shall be determined based on Table 30.4.3-2.</u>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment							
			Table 30.4.3-2 Potential Coverage Transfers Between Bailey and IPES Lots							
			Receiving Parcel							
			Bailey Land Classifications					IPES Score		
			<u>1a, 1b, 1c, 2, 3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>Above 725</u>	<u>At or Below 725</u>	
Sending Parcel	IPES Score	<u>At or Below 725</u>	<u>N</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>See Subparagraph 30.4.3.B.3</u>		
		<u>Above 725</u>	<u>N</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>			
	Bailey Classification	<u>7</u>	<u>See Subparagraph 30.4.3.B.3</u>					<u>E</u>	<u>N</u>	
		<u>6</u>						<u>E</u>	<u>N</u>	
		<u>5</u>						<u>E</u>	<u>N</u>	
		<u>4</u>						<u>E</u>	<u>N</u>	
		<u>3</u>						<u>E</u>	<u>E</u>	
		<u>2</u>						<u>E</u>	<u>E</u>	
		<u>1c</u>						<u>E</u>	<u>E</u>	
		<u>1b</u>						<u>E</u>	<u>E</u>	
<u>1a</u>	<u>E</u>	<u>E</u>								
		<u>E – Eligible for Transfer</u>								
		<u>N – Not Eligible for Transfer</u>								
		<u>* - New coverage is generally not allowed on residential lots with Bailey classifications 1-3. Exceptions shall be consistent with the TRPA Code of Ordinances.</u>								

<p>Code 30.4.6.A</p>	<p>Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Non-Permanent Structures and Small Utility Installations</p>	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>Additionally, this language proposes new allowances for up to 30 square feet of small utility installations in lieu of an equivalent non-permanent structure exemption. This will address ongoing challenges for parcels without available coverage and will support the installation of solar energy and EV charging infrastructure. New exemptions do not extend into sensitive lands.</p> <p>Additional climate smart code amendments are being separately developed and are expected to include additional climate-smart codes that extend beyond the procedural nature of these amendments.</p>	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>A. Exemption for Non-Permanent Structures <u>and Small Utility Installations</u></p> <p><u>Up to 120 square feet of</u> land coverage underlying non-permanent structures <u>and small utility installations</u> are exempt from the calculation of land coverage, <u>subject to the following limitations:-</u></p> <ol style="list-style-type: none"> 1. For purposes of this provision only, non-permanent structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size, are located on non-sensitive lands, do not exceed two percent of the total amount of non-sensitive land on a parcel, and do not require a permit from TRPA. <u>Non-permanent structures may include emergency power generators, hot tubs, sheds, greenhouses, and similar improvements when installed without a permanent foundation. Non-permanent structures with sanitary sewer service do not qualify</u> 2. <u>For purposes of this provision only, small utility installations may include up to 30 square feet of coverage for any combination of the improvements listed below.</u> <ol style="list-style-type: none"> a. <u>Emergency power generators;</u> b. <u>HVAC installations;</u> c. <u>Electric vehicle chargers; and</u> d. <u>Active solar energy systems with panel reflectivity ratings of 11 percent or less; and</u> e. <u>Utility improvements including boxes, vaults, and poles that are included in the definition of land coverage.</u> 3. <u>Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.</u>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p><u>4.</u> In addition, the following limitations apply:</p> <p><u>a.</u> <u>Exempted installations shall be on non-sensitive land;</u></p> <p><u>b.</u> <u>Exempted installations shall not exceed two percent of the total amount of non-sensitive land on a parcel.</u></p> <p><u>c.</u> This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements and the exempted non-permanent coverage shall also have BMPs installed and maintained to meet TRPA requirements; and</p> <p><u>d.</u> This exemption shall not apply to structures or facilities used for access, parking, or storage of motorized vehicles.</p> <p><u>e.</u> <u>Total coverage exempted for non-permanent structures and small utility installations may not exceed 120 square feet total.</u></p>

<p>Code 30.4.6.D.1.e</p>	<p>Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Pervious Coverage</p>	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>New language provides a standard accepted design for pervious coverage (e(i) & (ii)), allows demonstration of pervious design consistent with standard condition of approval language (e(iii)), and clarifies how existing verified coverage is handled.</p> <p>The standard design is for pervious “walkways” (a new defined term). Pervious “driveways” will continue to require design details and maintenance plans.</p>	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>1. Pervious Coverage</p> <p>For pervious coverage on non-sensitive lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements:</p> <ol style="list-style-type: none"> a. The coverage shall comply with all applicable BMPs, including those relating to installation and maintenance. b. Pervious asphalt is not eligible for credit under this provision. c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements. d. This exemption shall apply only to locations with low sediment loads (e.g., locations that do not receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place. <p><u>e. Applications to use pervious land coverage shall be consistent with one of the following design options to be approved:</u></p> <ol style="list-style-type: none"> <u>(i) UngROUTED stone or paver walkways meeting all of the following criteria shall be considered pervious:</u> <ol style="list-style-type: none"> <u>(1) Individual stones or pavers do not exceed 1 foot in width and three feet in length;</u> <u>(2) 10 percent minimum open surface;</u> <u>(3) 4 inch minimum layer of well-draining base material; and</u> <u>(4) Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.</u> <u>(ii) UngROUTED metal grates and similar hard surface walkways meeting all of the following criteria shall be considered pervious:</u>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p>(1) <u>Perforations spaced no more than 8 inches apart;</u> (2) <u>10 percent minimum open surface;</u> (3) <u>4 inch minimum layer of well-draining base material; and</u> (4) <u>Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.</u></p> <p>(iii) <u>Plans for alternative pervious coverage installations shall include details of the proposed pervious coverage (pavers or concrete), including the manufacturer’s instructions for installation and maintenance to ensure the installation allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.</u></p> <p>f. <u>Any existing pervious coverage that was legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.</u></p>

<p>Code 30.4.6.D.2.E</p>	<p>Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Pervious Decks</p>	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>New language provides a measurable standard for gaps in pervious decks (e(1)-(5)), and clarifies how existing verified coverage is handled.</p> <p>This works together with the new definition of “Deck”. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.</p>	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>2. Pervious Decks</p> <p>a. Partial exemption from the calculation of land coverage is available for new residential pervious decks on non-sensitive lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.</p> <p>b. The following exemptions are available:</p> <p>Applicable to the first 500 square feet of decking: 100 percent exemption</p> <p>Applicable to decking above the first 500 square feet:</p> <ul style="list-style-type: none"> (1) 1 – 125 square feet decking: 80 percent exemption (2) 126 – 250 square feet decking: 60 percent exemption (3) 251 – 375 square feet decking: 40 percent exemption (4) 376 – 500 square feet decking: 20 percent exemption <p>c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall only qualify for this partial exemption if consistent with all approval criteria.</p> <p>d. This exemption shall apply only to residential parcels with installed and maintained BMPs meeting TRPA requirements.</p> <p>e. A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion consistent with the criteria below to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.</p> <p>(1) Decks surfaced with dimensional boards shall use boards not exceeding 8 inches in width installed with ¼ inch minimum gaps between each board.</p>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p>(2) <u>Decks surfaced with metal grates or similar hard surfaces shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.</u></p> <p>(3) <u>Decks surfaced with dimensional blocks shall use blocks not exceeding 8 inches in width installed with ¼ inch minimum gaps between each block.</u></p> <p>(4) <u>Decks surfaced with other materials shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.</u></p> <p>(5) <u>Any deck covering (roofing, trellis, etc) shall meet the same standards for gaps that allow water to pass freely, except for those areas that are excluded from coverage in accordance with the overhang allowance in subparagraph 30.4.6.B.</u></p> <p>f. This exemption shall not exempt more than five percent of the total amount of non-sensitive land on a parcel or project area, or 750 square feet per parcel, whichever is less, provided that the pervious deck meets BMP requirements and is located on non-sensitive land.</p> <p>g. If decking qualifies for a partial exemption, applicants may determine which portion of the deck is exempt and which portion is not.</p> <p><u>h. Any existing decks that were legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 30.4.6.E	Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage Limit on Aggregate Exemption	Reference Code sec 30.4.6.A. Small Utility Installations are included in the aggregate exemption limit (ten percent of non-sensitive land).	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p>E. Limit on Aggregate of Coverage Exemptions and Credits on Parcels or Project Areas</p> <p>The total amount of coverage exemptions and credits on parcels or project areas applies only to non-permanent structures, pervious decks, and pervious coverage, <u>and small utility installations</u> and shall not exceed in aggregate ten percent of the total amount of non-sensitive land on a parcel.</p>
Code 30.4.6.G	Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Qualifying criteria for coverage exemptions should be clarified, consistent with prior interpretations.</i></p> <p>Note: Consistent with ongoing practice, gravel groundcover used for defensible space is exempted from the calculation of land coverage.</p>	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p><u>G. Fire Defensible Space</u></p> <p><u>Gravel and similar pervious non-flammable groundcover that is used for defensible space within 5 feet of a structure is exempt from the calculation of land coverage. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 30.4.6.H	Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage	Reference Code sec 30.4.2.A.4. Consistent with ongoing practice, coverage transferred for public safety and access of the disabled is exempted from land coverage calculations. Qualifying standards are listed in sec 30.4.2.A.4.	30.4 Land Coverage Limitations 30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage H. Facilities for Public Safety and Access of the Disabled Coverage transferred to a parcel for public safety and access facilities in accordance with subparagraph 30.4.2.A.4 shall be exempted from calculations of land coverage.
Code 30.4.6.I	Land Coverage Limitations: Exemptions and Partial Exemptions from Calculation of Land Coverage	<i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i> <i>Code Interpretations and Clarifications:</i> <i>Clarify when land coverage is "Available" vs "Banked".</i> This clarifies that coverage is banked after the application of coverage exemptions if the coverage is not used in other project locations.	30.4 Land Coverage Limitations 30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage I. Relocating or Banking Exempted Coverage When TRPA authorizes exemptions for existing verified coverage, the exempted coverage may be relocated onsite or banked for future use or transfer in accordance with Chapter 51.

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 30.4.7	Land Coverage Limitations	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p>This new text implements the code interpretation memo dated 2001-11-27 (Offsite Coverage as Excess Coverage) and is consistent with ongoing practice.</p> <p>As discussed within the IEC, this amendment may result in additional coverage within the Region; however, all off-site coverage is required to be fully mitigated by paying an excess coverage mitigation fee and therefore would result in a less-than-significant impact to water quality and pollutant run-off. Excess coverage mitigation fees are paid by project proponents and provided by TRPA to the California and Nevada land banks that use those funds to retire development and development potential on sensitive or remote lands.</p>	<p>30.4 Land Coverage Limitations</p> <p><u>30.4.7. Off-Site Land Coverage</u></p> <p><u>For purposes of this section, off-site coverage is coverage that is located in the public right-of way, but used for private purposes. Most developed properties have off-site driveway coverage.</u></p> <p><u>A. General Standards</u></p> <ol style="list-style-type: none"> <u>1. Off-site driveway coverage shall be the minimum necessary to provide safe property access.</u> <u>2. Off-site walkway coverage is allowed for connections between on-site walkways and sidewalks, trails or roads.</u> <u>3. When projects decrease off-site coverage, the off-site coverage shall be retired.</u> <u>4. When projects increase off-site coverage, the additional coverage shall be fully mitigated in accordance with the applicable Hydrologic Area Mitigation fee listed in the fee schedule.</u>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 30.6 Introduction	Excess Coverage Mitigation - Applicability	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p>Applicability language added for certain qualified exempt activities, consistent with Section 2.3.6 and ongoing practice. Excess coverage mitigation is required for: “Structural Remodeling or Additions” and for “Non-Permanent Structures” meeting coverage exemption criteria in Section 30.4.6.A.</p>	<p>30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM</p> <p>INTRODUCTION (Applicability)</p> <p>This section applies to projects and certain qualified exempt activities pursuant to subsection 2.3.6 where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 30.6.1.C.2	Fees	This is a revised reference to the fee schedule.	<p>30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM</p> <p>C. Determination of Excess Land Coverage Mitigation</p> <p>2. Excess Land Coverage Mitigation Fee</p> <p>The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff using an Annual Percentage Growth Rate (APGR) calculation (or best available alternate methodology) based on the best available residential sales information for the Tahoe Region. The APGR shall be calculated regularly, at least every 4 years. The fee shall be updated utilizing the most recently calculated APGR. Fee adjustments are limited to increases, even in instances when the APGR calculation may result in a negative percentage growth, to preserve the intent of the Excess Land Coverage Mitigation Fee program, and maintain consistency with the land bank's cost to acquire and restore land coverage under this program. The current excess land coverage fee shall be included within the fee schedule provided in the Rules of Procedure in subsection 10.8.5.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 37: HEIGHT			
Code 37.3.4	Height Standards for Buildings	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p><i>Clarify how Building Height is measured.</i></p> <p>This new text implements the code interpretation memo dated 1993-12-22 (Clarification of Height Policy) and is consistent with ongoing practice.</p>	<p>37.3 Definitions</p> <p><u>37.3.4. Roof Pitch</u></p> <p><u>A. Buildings with a single roof pitch shall not exceed the maximum height permitted in Section 37.4.</u></p> <p><u>B. For buildings with multiple roof pitches, maximum height shall be determined as follows:</u></p> <ol style="list-style-type: none"> <u>1. A roof pitch that constitutes more than 50 percent of the total roof area shall be the majority roof pitch used to determine maximum height in accordance with Section 37.4. The remaining roofs, if of a shallower pitch, may be constructed up to the maximum height based on the majority roof pitch. Portions of the roof which have a steeper pitch than the majority roof pitch, may be constructed up to the maximum height permitted for that roof pitch.</u> <u>2. When no roof pitch constitutes more than 50 percent of the total roof area, all roofs must independently conform to the maximum height for that roof pitch in accordance with Section 37.4.</u> <p><u>C. Height measurements for each roof pitch shall be taken from the same lowest natural ground elevation for the building; or for each building segment established in accordance with Section 37.4.2.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 37.4.2	Height Definitions	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p><i>Clarify how Building Height is measured.</i></p> <p>This new text clarifies design requirements for “segmented” buildings on slopes.</p>	<p>37.4 Height Standards for Buildings</p> <p>37.4.2. Maximum Height for Buildings on Slopes</p> <p>For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the provisions of subsection 37.4.1 may be modified as follows:</p> <p>A. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);</p> <p>B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, except that the ground floor segment (the building segment closest to the street providing primary access to the building) shall not exceed 28 feet in height, including any additional height approved under Section 37.5; and</p> <p>C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.</p> <p><u>D. When building segments are used for maximum height calculations, the ground slope and roof pitch calculations shall be completed separately for each building segment as if it was a separate building.</u></p> <p><u>E. Building segments shall be consistent with all of the following standards.</u></p> <ol style="list-style-type: none"> <u>1. Segment boundaries shall correspond with structural elements of the building such as support walls or distinct roof planes.</u> <u>2. Segments shall have 120 square feet or more covered by a roof.</u> <u>3. Segments shall be at least one story in height.</u>

<i>Section</i>	<i>Topic</i>	<i>Implementation Item / Explanation</i>	<i>Proposed Amendment</i>
CHAPTER 50: ALLOCATION OF DEVELOPMENT			

<p>Code 50.5.2.A</p>	<p>Allocation of Additional Residential Uses</p>	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Focus Staff Time on High-Value Work</i></p> <p><i>IPES Parcels with scores “below the line” are addressed with redundant programs.</i></p> <p><i>Section 50.5.2.A requires procedures for an annual “below the IPES line drawing”. This is a labor-intensive process.</i></p> <p><i>A newer program allows a below the IPES line parcel to retire a sensitive lot in exchange for an allocation from the Residential Allocation Incentive Pool (Section 50.5.1.D.1).</i></p> <p><i>Programs should be consolidated under the Residential Allocation Incentive Program.</i></p> <p>Text specifies that a “below the IPES line drawing” is only required if there is insufficient supply in the Residential Allocation Incentive Pool.</p>	<p>50.5 Allocation of Additional Residential Units</p> <p>50.5.2. Distribution and Administration of Residential Allocations</p> <p>Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.</p> <p>A. Reserved Allocations</p> <p>Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.</p> <p>1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line.</p> <p><u>2. In the event there are sufficient allocations in the Residential Allocation Incentive Pool to accommodate all applications to retire a parcel below the Individual Parcel Evaluation System (IPES) line, the following process applies:</u></p> <p><u>a. TRPA shall assign allocations from the residential allocation incentive pool to parcels provided the recipient retires a parcel below the Individual Parcel Evaluation System (IPES) line; and</u></p> <p><u>b. TRPA shall issue the reserved allocations to jurisdiction of origin.</u></p> <p><u>3. In the event there are insufficient allocations in the Residential Allocation Incentive Pool to accommodate all applications to retire a parcel below the Individual Parcel Evaluation System (IPES) line, the following process applies:</u></p> <p>a. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.</p>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<ul style="list-style-type: none"> <li data-bbox="1108 233 1934 402">b. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance. <li data-bbox="1108 435 1934 532">c. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 50.5.2.E.3	Allocation of Additional Residential Uses	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Focus Staff Time on High-Value Work</i></p> <p><i>Reduce single family audit requirements from 10 percent to 5 percent</i></p> <p>Language reduces audit frequency, while maintaining the sample size for annual audits.</p>	<p>50.5 Allocation of Additional Residential Units</p> <p>50.5.2. Distribution and Administration of Residential Allocations</p> <p>E. Performance Review System</p> <p>3. Permit Monitoring and Compliance</p> <p>By October 1 of each year, TRPA shall conduct a representative sample audit of not less than five <u>ten</u> percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the <u>combined score of the two most recent annual audits</u>, as follows:</p> <ul style="list-style-type: none"> a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.
CHAPTER 60: WATER QUALITY			
Code 60.2.4	Fees	This is a revised reference to the fee schedule.	<p>60.2.4. Fee Required</p> <p>A fee shall be assessed for each square foot of additional land coverage created. The amount of contribution shall be established <u>and periodically updated by Resolution of the Board and recorded in a fee schedule in the Rules of Procedure.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 65: AIR QUALITY/TRANSPORTATION			
Code 65.1.4.A.2	Air Quality Combustions Appliances	Clean up amendment to reflect ongoing practice.	<p>2. List of Approved Heaters</p> <p>TRPA shall maintain a list of standards for gas heaters that are in compliance with the air quality standards in subparagraph 65.1.4.A.1. The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with subparagraph 65.1.4.A.1.</p>
Code 65.2.4.D	Fees	This is a revised reference to the fee schedule and removal of alternative inflation index. Western States CPI will be applied annually.	<p>65.2.4. Requirements for New Development</p> <p>D. Fee Schedule</p> <p>The mobility mitigation fee shall be assessed in accordance with the mitigation fee schedule in the Rules of Procedure. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region. Fee adjustments are limited to increases, even in instances when the calculation may result in a negative percentage growth, to preserve the intent of the mobility mitigation fee and maintain consistency with the costs to implement VMT reduction measures. The current mobility mitigation fee shall be included within the schedule provided in the Article 16 in the Rules of Procedures subsection 10.8.5.</p>
Code 65.2.6	Fees	This is a revised reference to Rules of Procedure for fees.	<p>65.2.6. Revision of Fee Schedules</p> <p>TRPA shall review the fee schedules in accordance with Article 16 subsection 10.7 in the Rules of Procedure.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 66: SCENIC QUALITY			
Code 66.1.6	Scenic Quality Reflectivity and Glare	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>The criteria for rating scenic quality and assessing potential impacts could be clarified for projects outside the shorezone/shoreland regulatory areas.</i></p> <p>Text clarifies locations and standards to limit building reflectivity outside the shoreland and shorezone. This amendment serves to improve the consistency of implementation of existing scenic protection standards. Due to the inconsistency of reflectivity provisions in the past, adding this clarification will likely result in increased attainment to scenic thresholds over time.</p>	<p><u>66.1.6. Reflectivity and Glare</u></p> <p><u>Structure planes (roofs, walls, etc) that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area are subject to the following standards:</u></p> <p><u>A. Reflectivity for Windows and Glass Railings</u></p> <p><u>Reflectivity shall not exceed 11 percent on all unscreened glass or glass-like windows, railings and other building features that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area.</u></p> <p><u>B. Reflectivity for Metal and Other Low-Texture Building Surfaces</u></p> <p><u>Metal, plastic, composite, and other low texture building surfaces that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area shall be constructed with non-glare finishes that minimize reflectivity.</u></p> <p><u>C. Screening and Orientation</u></p> <p><u>Projects with vegetation screening and/or surface plane orientations preventing sunlight glare from directly reflecting onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area are exempt from these Reflectivity and Glare standards.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 67: HISTORIC RESOURCE PROTECTION			
Code 67.4		<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <ul style="list-style-type: none"> • <i>Establish a more efficient process for Historic Resource Determinations</i> • <i>Pursue development of MOUs with State Historic Preservation Offices to comply with the TRPA Code of Ordinances and limit when consultation is warranted.</i> <p>Language here and in 67.7.3 below is consistent with a request from the California State Historic Preservation Office (SHPO) and is also supported by the Nevada SHPO and TRPA staff.</p> <p>SHPO staff desire to stop to this type of consultation, noting concerns regarding proper authorities and insufficient staff time available to serve in such a manner.</p>	<p>67.4. DISCOVERY OF ELIGIBLE RESOURCES</p> <p>Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO), and with the Washoe Tribe if it is a Washoe site. If the resource initially is determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Sections 67.6 and 67.5.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 67.7.3	<p>Historic Resource Protection</p> <p>Projects Relating to Historic Resources</p>	Change associated with 67.4 above.	<p>67.7. PROJECTS RELATING TO HISTORIC RESOURCES</p> <p>67.7.3. Demolition</p> <p>Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:</p> <p>A. The action will not be detrimental to the historic significance of the resource;</p> <p>B. The action is pursuant to a TRPA-approved recovery plan approved by the applicable state historic preservation officer; or</p> <p>C. It is the only feasible alternative to protect the health and safety of the public.</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES [SHOREZONE]			
Code 82.5.8	Shorezone Existing Structures and Exempt Activities Qualified Exempt Activities (Shorezone)	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Boulder relocation standards should be clarified in relation to dredging.</i></p> <p>Text implements a recent code interpretation clarifying the distinction between boulder relocation (qualified exempt) and dredging (not exempt).</p> <p>This amendment mitigates potential impacts by limiting such activity and placing measurable requirements on such activities.</p>	<p>82.5. QUALIFIED EXEMPT ACTIVITIES [SHOREZONE]</p> <p>82.5.8. Relocation of boulders for navigational purposes provided that the character and habitat function throughout the project area is maintained and the relocation is consistent with Chapter 67. This provision does not apply to removal, modification, or destruction of boulders. Up to six boulders, or three cubic yards of boulders, whichever is more limiting, may be relocated if they are directly impeding watercraft access to an existing boatlift or catwalk. Relocations of boulders may also be allowed in conjunction with a pier expansion if the expansion will bring a con-conforming pier completely into conformance with the applicable development standards in TRPA Code of Ordinances Chapter 84. A qualified exempt boulder relocation must comply with the all of the following requirements:</p> <ol style="list-style-type: none"> 1. No more than 6 boulders, or a total of 3 cubic yards of boulders, whichever is more limiting, may be relocated under a Qualified Exempt Declaration. 2. A boulder is an object that is greater than 10 inches in diameter 3. Boulders to be relocated shall not be buried or partially buried beneath the substrate. The declarant shall demonstrate that a boulder can be plucked off the top of the substrate rather than pulled out from the substrate so that lake bottom disturbance is minimized. 4. A boulder shall not be relocated if the only way to move the boulder is to drag it across the lake bottom.

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE			
Code 84.3.2.G	Fees	This is a revised reference to the fee schedule.	G. Mooring Registration Fee. All existing and additional moorings shall be subject to an annual TRPA mooring registration fee, as set forth in Article 106 of the TRPA Rules of Procedure and fee schedule .
Code 84.3.3.C	Fees	This is a revised reference to the fee schedule.	C. Buoy Scenic Mitigation Fee. All existing and additional buoys shall be subject to an annual TRPA buoy scenic mitigation fee in addition to the annual mooring registration fee, as set forth in Article 106 of the TRPA Rules of Procedure and fee schedule .
Code Figure 84.3.3-2	Shorezone Development Standards Mooring Structures	<i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i> <i>Code Interpretations and Clarifications:</i> <i>Possible clarifications to buoy standards.</i> This modifies text associates with the buoy field graphic to be consistent with the language in code.	<div style="border: 1px solid black; padding: 5px;"> <p>A) TOTAL NUMBER OF BUOYS IN BUOY FIELD SHALL NOT EXCEED THE CAPACITY, THE AREA FOR WHICH IS DEFINED BY THE LAKE FRONTAGE, NOT INCLUDING SETBACKS, MULTIPLIED BY 300'</p> <p>B) BUOYS SHALL BE LOCATED AT LEAST 50' FROM LEGALLY EXISTING BUOYS</p> <p>C) BUOYS SHALL BE NO GREATER THAN 600' LAKEWARD FROM 6,220 LTD</p> <p>D) BUOYS SHALL BE LOCATED AT LEAST 20' FROM ADJACENT LITTORAL PARCEL BOUNDARY PROJECTION LINES</p> </div>
Code 84.11.2.E.	Fees	This is a revised reference to the fee schedule.	84.11. MITIGATION 84.11.2. Mitigation Required To assist in providing funds for restoration of fish habitat and providing public access to Lake Tahoe, all new construction and the expansion of piers, boat ramps, and marinas, regardless of fish habitat type, shall pay a mitigation fee, set forth in Article 160 of the TRPA Rules of Procedure and fee schedule .

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 90: DEFINITIONS			
Code 90.1.14	Definitions Rules of Interpretation and Construction Rounding	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Rounding standards should be addressed for TRPA's key development limitations.</i></p> <p>New text specifies rounding rules and is consistent with ongoing practice.</p>	<p>90.1.14. Rounding</p> <p><u>A. Unless otherwise specified, numbers shall be rounded to the nearest whole number. Fractional numbers .5 or greater are rounded up. Fractional numbers less than .5 are rounded down.</u></p> <p><u>B. Unless otherwise specified, when standards specify a minimum or maximum limit, those limits shall be the actual limit. The fractional number rounded to the nearest whole number shall not exceed the maximum limit or be less than the minimum limit.</u></p> <p><u>C. The following rules of rounding apply to land coverage:</u></p> <ol style="list-style-type: none"> <u>1. Round each distinct land coverage category to the nearest square foot.</u> <u>2. Round disconnected areas of the same land coverage category to the nearest square foot before totaling.</u> <p><u>D. The following rules of rounding apply to height:</u></p> <ol style="list-style-type: none"> <u>1. Calculate natural ground elevation to the nearest inch.</u> <u>2. Calculate building height to the nearest inch.</u> <p><u>E. The following rules of rounding apply to development rights and units of use for conversions, banking, etc:</u></p> <ol style="list-style-type: none"> <u>1. CFA shall be rounded to the nearest whole number in square feet.</u> <u>2. All other units of use shall be rounded to the nearest one one-hundredth of a unit (0.01).</u>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 90.2	Definitions Active Solar Energy System	Definition relates to coverage exemptions for small utility installations (30.4.6.A).	<p>90.2. OTHER TERMS DEFINED</p> <p><u>Active Solar Energy System</u></p> <p><u>A solar energy system with a primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.</u></p>
Code 90.2	Definitions Deck	Definition relates to coverage exemptions for pervious decks (30.4.6.D.2).	<p>90.2. OTHER TERMS DEFINED</p> <p><u>Deck</u></p> <p><u>An elevated structure or element of a structure, designed or used as a floor for the support of persons, animals, or property in an outdoor setting. Decks are typically surfaced with dimensional lumber, composite boards, blocks, or metal grates. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.</u></p>
Code 90.2	Definitions Electric Vehicle Charger Electric Vehicle Charging Station	Definitions relate to coverage exemptions for small utility installations (30.4.6.A).	<p>90.2. OTHER TERMS DEFINED</p> <p><u>Electric Vehicle Charger</u></p> <p><u>Off-board charging equipment used to charge an electric vehicle. A “universal” EV charger means an electric vehicle charger that is compatible with multiple types and models of electric vehicles, regardless of make, brand, or input.</u></p> <p><u>Electric Vehicle Charging Station</u></p> <p><u>One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.</u></p>

Code 90.2	Definitions Expansion (Shorezone)	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>Pier expansion criteria should be clarified in relation to boatlifts, hand railing for safety purposes, etc.</i></p> <p>New text clarifies the distinction between pier modifications and pier expansions.</p>	<p>90.2. OTHER TERMS DEFINED</p> <p>Expansion</p> <p>Outside of the shorezone, “expansion” means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.</p> <p><u>The following are modifications to existing piers that do not constitute an expansion of a pier:</u></p> <ul style="list-style-type: none"> <u>A. Placement of bumpers on piers.</u> <u>B. Removal of non-conforming structures (i.e. rock cribbing).</u> <u>C. Handrails.</u> <u>D. Swim ladders.</u> <u>E. Pier deck height if there is a net decrease in the total visible mass of the pier.</u> <u>F. Addition of a catwalk if taking the place of existing pier footprint and not creating additional visible mass.</u> <p><u>The following are modifications to existing piers that do constitute an expansion of a pier:</u></p> <ul style="list-style-type: none"> <u>A. Additional pier width.</u> <u>B. Additional pier length.</u> <u>C. Addition of a boatlift.</u> <u>D. Additional visible mass except for the additional visible mass created by the addition of structures/edifices/accessories listed above.</u>
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Code 90.2	Definitions Land Coverage	<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p> <p><i>Code Interpretations and Clarifications:</i></p> <p><i>TRPA should process code amendments to address prior interpretations and understandings</i></p> <p><i>The definition of land coverage should be clarified for accessory site improvements such as post foundations, masonry walls, elevated metal grates, utility lids, ungrouted stone walks, placed rocks or boulders, and BMP installations.</i></p> <p>New text clarifies the dimension standards for small site improvements that are not land coverage. This is generally consistent with past interpretations and ongoing practice. Numeric standards will assist with consistent outcomes.</p> <p>The governing board previously approved a code interpretation of non-coverage for bear resistant garbage enclosure elevated 18 inches or more. The proposed height limit is reduced to 6 inches. Language is also added to limit the maximum size. This does not apply to larger dumpsters.</p>	<p>90.2. OTHER TERMS DEFINED</p> <p>Land Coverage</p> <p>A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also “Potential Land Coverage.” Common terms related to land coverage are:</p> <ul style="list-style-type: none"> A. Hard Coverage—man-made structures as defined above. B. Soft Coverage—compacted areas without structures as defined above. <p><u>The following improvements are not land coverage:</u></p> <ul style="list-style-type: none"> <u>A. Post foundations that are 12 inches or less in width and length at ground level.</u> <u>B. Walls and other impervious improvements that are 12 inches or less in width at ground level and in aggregate do not exceed one percent of the project area.</u> <u>C. Utility improvements including boxes, vaults, and poles that are required for utility services (including water, sewer, electricity including undergrounding, natural gas, and telecommunications), are surrounded by pervious surfaces, and do not individually exceed 6 square feet in size. This provision does not extend to</u>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p>additional discretionary utility improvements such as generators and HVAC installations.</p> <p>D. Bear resistant garbage enclosures not exceeding 3 feet in depth that are installed on one or more posts and have an enclosure elevated 6 inches or more above ground level.</p> <p>E. Land coverage associated with BMP installations may be excluded from land coverage calculations if such improvements are necessary for a properly functioning BMP installation.</p> <p>F. Natural rocks used in landscaping, slope retention, and for aesthetic purposes are not land coverage if the rocks are in their natural location or are surrounded by pervious surfaces, are not designed to serve as a walkway or gathering area.</p>
Code 90.2	Definitions Walkway	Definition relates to coverage exemptions for pervious coverage (30.4.6.D.1).	<p>90.2. OTHER TERMS DEFINED</p> <p><u>Walkway</u></p> <p>A clearly identifiable gathering area or access path for pedestrians. Walkways are separated from Driveways and Roads with curbing, railings, landscaping, rocks or similar barriers. Walkways include paved and unpaved patios, sidewalks, trails, and paths. Walkways are generally located on the ground but may have elevated sections or bridges</p>

Table 2: Rule of Procedure Amendments

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 5.3	Completeness Reviews	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Establish a Minor Application process with shorter deadlines, less complex applications, simplified reviews, and a dedicated application review team</i></p> <p>New procedures split minor from regular applications upon submittal. Other text is updated to reflect digital applications and current practices. Added language clarifies procedural amendments for minor applications are applicable to TRPA permitting operations. MOU partners with delegated permitting authority are not obligated to meet these requirements.</p>	<p>5.3. DETERMINATION OF COMPLETE APPLICATION TYPE AND <u>COMPLETENESS</u></p> <p>Upon receipt submittal of an application, the application <u>processing</u> shall begin. be stamped “Received — TRPA,” dated, and signed by the TRPA employee authorized to receive it. If the application has been submitted to TRPA as a minor application, it shall be routed for expedited processing in accordance with Section 5.4. Minor application procedures do not apply to permitting that has been delegated to another agency pursuant to a Memorandum of Understanding (MOU). If the application has not been acted upon within 30 calendar days of submittal <u>the “Received — TRPA” date</u>, then TRPA shall notify the applicant, in writing, of the information required prior to a TRPA determination that the application is “complete” for purposes of commencing review of the application. The notice shall comply with the requirements of Section 5.75-9. Upon receipt of the requested information, TRPA shall deem the application complete and shall notify the applicant of such.</p>

<p>Rules 5.4</p>	<p>Minor Applications</p>	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Establish a Minor Application process with shorter deadlines, less complex applications, simplified reviews, and a dedicated application review team</i></p> <p>Subparagraph 1 is the list of projects that qualify for minor application processing.</p> <p>Subparagraph 2 established the expedited 15 + 40 days review process.</p> <p>Added language clarifies procedural amendments for minor applications are applicable to TRPA permitting operations. MOU partners with delegated permitting authority are not obligated to meet these requirements.</p>	<p><u>5.4. MINOR APPLICATIONS</u></p> <p><u>Applicants may request expedited processing of certain minor applications. Minor application procedures do not apply to permitting that has been delegated to another agency pursuant to a Memorandum of Understanding (MOU).</u></p> <p><u>1. Qualifying Applications</u></p> <p><u>The following applications may be submitted to TRPA as minor applications:</u></p> <ul style="list-style-type: none"> <u>A. Development Right Banking</u> <u>B. Conversions and Transfers of Banked Development Rights</u> <u>C. Coverage Banking from Non-Sensitive Land</u> <u>D. Transfers of Banked Coverage from Non-Sensitive Land</u> <u>E. Historic Resource determinations</u> <u>F. Lot Line Adjustments meeting all the following criteria:</u> <ul style="list-style-type: none"> <u>1. The adjustment is between two parcels.</u> <u>2. The adjustment is an equal area exchange, with existing parcel areas maintained to the nearest square foot.</u> <u>3. The exchanged areas do not include any land coverage.</u> <u>4. The exchanged areas have the same Land Capability Classification.</u> <u>5. The project area is located entirely outside of the shorezone/shoreland.</u> <u>G. Minor Site or Building Improvements meeting all the following criteria:</u> <ul style="list-style-type: none"> <u>1. The project is a single parcel application.</u> <u>2. The project area is classified as Residential, Mixed-Use, or Tourist Land Use.</u> <u>3. The project area is located entirely outside of the shorezone/shoreland.</u>
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			<p><u>4. The project does not propose any new or relocated coverage on sensitive land.</u></p> <p><u>5. The parcel has an existing BMP certificate; except revisions to approved permits may be Minor with a BMP certificate to be issued with project completion.</u></p> <p><u>6. The project will not add “additional building height” (above 26 feet).</u></p> <p><u>7. The project does not involve a non-conforming use or structure.</u></p> <p><u>H. Establishment of up to two Accessory Dwelling Units, as long as the project does not exceed other limitations for Minor Applications.</u></p> <p><u>I. Grading not exceeding 10 cu. yards on sensitive land and 50 cu. yards total.</u></p> <p><u>J. Sign permits for projects having no more than two signs with sizes not exceeding 40 sf each.</u></p> <p><u>K. Linear Public Facility repair or reconstruction projects resulting in no new coverage and no significant changes to finished grades.</u></p> <p><u>L. Public Health and Safety Facilities; unless staff determines that the project scale or complexity warrants regular project review.</u></p> <p><u>M. Fire mitigation projects for pipelines and power transmission facilities, if outside scenic areas; unless staff determines that the project scale or complexity warrants regular project review.</u></p> <p><u>2. Minor Application Review Process:</u></p> <p><u>The following revised procedures apply to minor applications:</u></p> <p><u>A. The application completeness review described in Section 5.3 shall be expedited to 15 days. Minor applications that are determined to not qualify in accordance with subsection 1 above shall be processed as regular applications with all required application material.</u></p>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			B. The application processing procedures described in Section 5.7 shall be expedited to 40 days.
Rules 5.5	Bundled Applications	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Procedures should be implemented to review and approve certain “bundled” applications in a combined and coordinated manner</i></p> <p>Text list applications that may be bundled. Added language clarifies procedural amendments for bundled applications are applicable to TRPA permitting operations and do not apply to MOU partners with delegated permitting authority.</p>	<p>5.5. BUNDLED APPLICATIONS</p> <p>Applicants may request coordinated and concurrent processing of associated applications for the same project area. Review timelines for the longest of the bundled applications shall apply to all bundled applications. Bundled application procedures do not apply to permitting that has been delegated to another agency pursuant to a Memorandum of Understanding (MOU).</p> <p>1. Qualifying Applications</p> <p>A. Development right transfers and conversions associated with project applications.</p> <p>B. Coverage transfers to enable project applications.</p> <p>C. Lot Line Adjustments to enable project applications.</p> <p>D. Historic Resource determinations with project applications.</p>
Rules 5.6	Cross-Reference Modification	Updated references to other Rules of Procedure or Code of Ordinances sections as necessary.	Changed reference to section 5.5 to 5.7.
Rules 5.7	Cross-Reference Modification	Updated references to other Rules of Procedure or Code of Ordinances sections as necessary.	Changed reference to section 5.4 to 5.6.

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 5.8	Fee Schedule	Reorganize content in new Article 16 (Fees). Retain a reference.	<p>5.6. FEE SCHEDULE</p> <p>TRPA may fix and collect reasonable fees for project review services. to <u>recover costs associated with permit reviews and other services and to mitigate impacts associated with permitted development.</u> The Board shall adopt, by resolution, an application fee schedule. Fees shall not be charged for inquiries and requests preceding the filing of an application, except as otherwise required by the fee schedule. <u>See Article 16 Fees.</u></p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment																
Rules 5.10	Application Refund	Reorganize to new Article 16 (Fees)	<p>5.10. APPLICATION REFUND</p> <p>5.10.1. If the application is withdrawn by written request by the applicant or by TRPA in accordance with Section 5.7, the Executive Director shall refund the application fee according to the schedule below. APPLICATION REFUND SCHEDULE</p> <table border="1" data-bbox="1066 467 1967 1084"> <thead> <tr> <th colspan="2" data-bbox="1066 467 1967 537">APPLICATION REFUND SCHEDULE</th> </tr> <tr> <th data-bbox="1066 537 1761 591">Task Completed</th> <th data-bbox="1761 537 1967 591">Refund Amount</th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 591 1761 719">If there are no actions other than the application is stamped "Received—TRPA," dated, and signed by the TRPA employee authorized to receive it pursuant to Section 5.3</td> <td data-bbox="1761 591 1967 719">90%</td> </tr> <tr> <td data-bbox="1066 719 1761 760">30-day review complete per Section 5.3</td> <td data-bbox="1761 719 1967 760">75%</td> </tr> <tr> <td data-bbox="1066 760 1761 867">If an "incomplete" application is made "complete," or more than one incomplete letter or time extension is issued</td> <td data-bbox="1761 760 1967 867">65% (less 10% additional income or time extension)</td> </tr> <tr> <td data-bbox="1066 867 1761 943">If TRPA review of a "complete" application is less than 50% finished</td> <td data-bbox="1761 867 1967 943">45%, (but no more amount calculated)</td> </tr> <tr> <td data-bbox="1066 943 1761 1019">If TRPA review of a "complete" application is more than 50% finished</td> <td data-bbox="1761 943 1967 1019">10%</td> </tr> <tr> <td data-bbox="1066 1019 1761 1084">If final action is taken on a "complete" application by TRPA (other than withdrawal)</td> <td data-bbox="1761 1019 1967 1084">No refund</td> </tr> </tbody> </table> <p>5.10.2. An application fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is withdrawn.</p>	APPLICATION REFUND SCHEDULE		Task Completed	Refund Amount	If there are no actions other than the application is stamped "Received—TRPA," dated, and signed by the TRPA employee authorized to receive it pursuant to Section 5.3	90%	30-day review complete per Section 5.3	75%	If an "incomplete" application is made "complete," or more than one incomplete letter or time extension is issued	65% (less 10% additional income or time extension)	If TRPA review of a "complete" application is less than 50% finished	45%, (but no more amount calculated)	If TRPA review of a "complete" application is more than 50% finished	10%	If final action is taken on a "complete" application by TRPA (other than withdrawal)	No refund
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 5.13	Notice	Adds language requiring notice for projects reviewed by the Governing Board, consistent with language for Hearings Officer reviews and ongoing practice.	<p><u>5.13. NOTICE</u></p> <p><u>All projects or matters reviewed by the Governing Board shall require notice to affected property owners. The proponent of the project or matter shall submit a list to TRPA of the names and addresses of the persons who own property, or a portion thereof, within 300 feet of the project area boundaries. The list shall be compiled from the current county assessor’s rolls and shall be verified by the applicant. The proponent also shall provide addressed envelopes and postage prepaid to the persons listed. Notice shall be given to such persons by TRPA. The notice shall be given no later than 14 calendar days before the hearing, shall state the date, time, and place of the hearing and the opportunity to be heard.</u></p>

Rules 5.22	Refund of Mitigation Fees	Reorganize to new Article 16 (Fees)	<p>5.22.5.23. REFUNDS OF MITIGATION FEES</p> <p>Mitigation fees may be refunded as provided by the applicable Code provision and subject to the following limitations:</p> <ol style="list-style-type: none"> 1. Mitigation fees paid on or before July 1, 1987, shall not be refundable. A written request for a refund for mitigation fees paid after July 1, 1987, shall be received by TRPA no later than seven years minus one day from the date of final action by the Agency. In accordance with Article VI(p) of the Compact, in computing the above time periods, any time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of the project shall not be counted. If the request for refund is made by a person other than the owner of the parcel, the request shall include authorization from the owner to refund the fee. 2. TRPA verifies that no site disturbance or construction has occurred, beyond what would normally be allowed as an exempt or qualified exempt activity in the Code, or that no use has commenced, as applicable, under the subject permit. The permittee shall also pass a final inspection and be eligible for a security return in accordance with Chapter 4: Compliance of the TRPA Code, and shall submit evidence that notice to all other affected jurisdictions has been given in accordance with subsection 5.22.3, below. Site disturbance includes, but is not limited to, tree cutting, vegetation removal, grading, or excavation. Partial refunds shall not be permitted. 3. The permittee consents, in writing, to the cancellation of the subject permit and to all rights there under. Notice of cancellation of a TRPA permit shall be given to all other local, state, or federal jurisdictions also having jurisdiction over the matter such notice is the responsibility of the permittee. Cancelled TRPA permits shall not be renewable. 4. Refunds shall be made only to the extent funds are available in the applicable city or county mitigation fund. In the event there are insufficient funds in a particular account, TRPA shall pay the balance of the refund as funds become available in that account. Priority for refunds shall be determined based on the date the refund request was received. Refund of the mitigation fee shall not include any interest earned on the fee. The amount of a refund shall be in accordance with the following schedule
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Section	Topic	Implementation Item / Explanation	Proposed Amendment										
			<p>(calculated from the date of project approval and not the date a mitigation fee was paid to TRPA):</p> <table border="1" data-bbox="1289 337 1711 558"> <thead> <tr> <th data-bbox="1289 337 1556 391">Year</th> <th data-bbox="1556 337 1711 391">Percent</th> </tr> </thead> <tbody> <tr> <td data-bbox="1289 391 1556 435">Years 1 through 4</td> <td data-bbox="1556 391 1711 435">100%</td> </tr> <tr> <td data-bbox="1289 435 1556 479">Year 5</td> <td data-bbox="1556 435 1711 479">75%</td> </tr> <tr> <td data-bbox="1289 479 1556 522">Year 6</td> <td data-bbox="1556 479 1711 522">50%</td> </tr> <tr> <td data-bbox="1289 522 1556 558">Year 7 and afterward</td> <td data-bbox="1556 522 1711 558">No Refund</td> </tr> </tbody> </table> <p>5. The Executive Director shall maintain the necessary accounts and fund balances to implement the above policies.</p>	Year	Percent	Years 1 through 4	100%	Year 5	75%	Year 6	50%	Year 7 and afterward	No Refund
Year	Percent												
Years 1 through 4	100%												
Year 5	75%												
Year 6	50%												
Year 7 and afterward	No Refund												
Rules 5.22.5	Cross-Reference Modification	Updated references to other Rules of Procedure or Code of Ordinances sections as necessary.	Changed three references to from "subsections 5.20.2, 5.20.3, and 2.20.4" to "subsections 5.22.2, 5.22.3, and 2.22.4."										
Rules 6.8.1	Cross-Reference Modification	Updated references to other Rules of Procedure or Code of Ordinances sections as necessary.	Changed reference of Section 5.16 to Section 5.18.										
Rules 10.6.1	Cross-Reference Modification	Updated references to other Rules of Procedure or Code of Ordinances sections as necessary.	Changed reference of Section 5.21 to Section 5.23.										

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 10.7	Fees for Service	Reorganize to new Article 16 (Fees)	<p>10.7. FEES FOR SERVICES</p> <p>1. Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.</p> <p>2. The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.</p>

Rules 10.8	Fees for Reviews	Reorganize to new Article 16 (Fees)	<p>10.8.— FEES FOR REVIEWS</p> <p>1.— Basic Fees</p> <p>Fee schedules for project review and preparation of environmental documents shall be set by resolution of the Body.</p> <p>2.— Consultant Fees</p> <p>Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section 6.6.</p> <p>3.— Exception</p> <p>Whenever, in the opinion of the chairman or executive officer, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the chairman or executive officer may increase the basic fee or the consultant fee by an amount not exceeding 50 percent of the amount indicated.</p> <p>4.— Calculation of Fees</p> <p>Project review fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used.</p> <p>5.— Mitigation Fees</p> <p>A.— Mobility Mitigation Fee</p> <p>1.— TRPA shall assess a mobility mitigation fee according to the following schedule:</p> <p>a.— For new residential units—\$196.20/average daily Vehicle Mile Travelled.</p> <p>b.— For new tourist accommodation units—\$196.20/average daily Vehicle Mile Travelled.</p> <p>c.— For new campground site or recreational vehicle site—\$196.20/average daily Vehicle Mile Travelled.</p>
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- d. For new commercial floor area—\$21.80/average daily Vehicle Mile Travelled.
- e. For all other development—\$21.80/average daily Vehicle Mile Travelled.

2. TRPA shall review the fee schedules in this subsection in light of the costs of needed improvements and the funds available to support those improvements and recommend adjustments to the fee schedules as appropriate.

3. Refund: Mobility mitigation fees may be refunded, under certain conditions, in accordance with these Rules.

B. Rental Car Mitigation Fee

Beginning January 1, 2002, the rental car mitigation fee shall be \$4.75 for EACH DAY of the rental transaction. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental car outside the Tahoe region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region, rounded to the nearest quarter-dollar. Any adjustment to the fee shall be reviewed and approved by the Tahoe Transportation District.

C. Excess Land Coverage Mitigation Fee

The excess land coverage fee shall be calculated according to the schedule below:

EXCESS LAND COVERAGE MITIGATION FEE	
Hydrologic Transfer Area	Fee Per Sq. Ft.
Area 1—Incline	\$20.00
Area 2—Marlette	\$12.00
Area 3—Cave Rock	\$25.00
Area 4—South Stateline (Nevada side)	\$15.00
Area 4—South Stateline (California side)	\$8.50

			<table border="1"> <tr> <td>Area 5—Upper Truckee</td> <td>\$8.50</td> </tr> <tr> <td>Area 6—Emerald Bay</td> <td>\$8.50</td> </tr> <tr> <td>Area 7—McKinney Bay</td> <td>\$8.50</td> </tr> <tr> <td>Area 8—Tahoe City</td> <td>\$8.50</td> </tr> <tr> <td>Area 9—Agate Bay (California side)</td> <td>\$8.50</td> </tr> <tr> <td>Area 9—Agate Bay (Nevada side)</td> <td>\$18.00</td> </tr> </table> <p>D.——Water Quality Mitigation Fee</p> <p>The current fee of \$1.54 per square foot shall be increased to \$1.86 per square foot.</p> <p>1.——Mitigation Fee Credit</p> <p>If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:</p> <p>a.——The prior project approval was granted within the same project area as the project approval for which a credit is sought;</p> <p>b.——The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and</p> <p>c.——A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.</p> <p>2.——Mitigation Fee Refunds</p> <p>Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.</p> <p>A.——Shorezone Fees</p> <p>1.——Mooring Fee</p> <p>The owner of every mooring on, or with access to, Lake Tahoe shall pay a fee to TRPA of \$43 per year.</p> <p>2.——Buoy Scenic Mitigation Fee</p>	Area 5—Upper Truckee	\$8.50	Area 6—Emerald Bay	\$8.50	Area 7—McKinney Bay	\$8.50	Area 8—Tahoe City	\$8.50	Area 9—Agate Bay (California side)	\$8.50	Area 9—Agate Bay (Nevada side)	\$18.00
Area 5—Upper Truckee	\$8.50														
Area 6—Emerald Bay	\$8.50														
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Area 8—Tahoe City	\$8.50														
Area 9—Agate Bay (California side)	\$8.50														
Area 9—Agate Bay (Nevada side)	\$18.00														

			<p>All buoys shall be assessed a scenic mitigation fee of \$47 per year.</p> <p>3. Motorized Boat Rental Concession Fee</p> <p>Concessionaires shall pay the following fees to TRPA annually for every motorized boat subject to rental:</p> <ul style="list-style-type: none"> a. For every boat with an EPA 3-Star or better rating: \$75 per year; b. For every boat with an EPA 2-Star or worse rating: \$150 per year. <p>4. New Construction and Expansions:</p> <ul style="list-style-type: none"> a. Piers. New pier construction and the expansion of the existing piers shall be assessed mitigation fees as follows: <ul style="list-style-type: none"> i. New pier—\$60 per lineal foot ii. Additional length to an existing pier—\$60 per lineal foot iii. Other additions—\$600 per application b. Boat Ramps. Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees as follows: <ul style="list-style-type: none"> i. New boat ramp—\$60 per lineal foot ii. Additional length to an existing ramp—\$60 per lineal foot iii. Additional width to an existing ramp—\$200 per lineal foot c. Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees as follows: <ul style="list-style-type: none"> i. New boat slip—\$200 per slip ii. New mooring buoy—\$200 per buoy Other additions—\$500 per application <p>2. Monitoring Fees</p> <p>A. Allocation Monitoring Fees</p> <ul style="list-style-type: none"> 1. The allocation monitoring fee shall be \$100 per allocation issued by a local jurisdiction.
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 12.14.7	Notice to Affected Property Owners	<p><i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i></p> <p><i>Staff-Level Decisions in the Shorezone:</i></p> <p><i>Allow staff-level decisions with noticing / appeal process.</i></p> <ul style="list-style-type: none"> • <i>New multiple parcel/multiple use piers, which are currently considered by the Governing Board.</i> • <i>New single parcel piers, which are currently considered by the Hearings Officer.</i> • <i>Existing buoy field expansions, which are currently considered by the Hearings Officer.</i> <p>Related to Code sec 2.2.2.F. Retains noticing for projects no longer requiring governing board or hearings officer review.</p>	<p>12.14. PROJECT OR MATTER REQUIRING NOTICE TO AFFECTED PROPERTY OWNERS</p> <p>7. Shorezone* (new and expansions)</p> <p>A. Marinas</p> <p>B. Recognition of multiple parcel/use piers (Section 84.4)</p> <p>C. Single parcel piers</p> <p>D. Buoy fields</p> <p>B-E. Structures (except for two buoys per littoral parcel [52.6.A(1)] and navigational and safety devises on existing structures)</p>
Rules Article 16	Fees	<p><i>Simplify organizational documents related to fees.</i></p> <p>Content is mostly reorganized existing language. Changes are noted.</p>	<p>ARTICLE 16: FEES</p>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 16.1	Purpose and Scope	New purpose statement.	<p><u>16.1. PURPOSE & SCOPE</u></p> <p><u>This article sets forth the procedures for recording, collecting, updating fees. Fees are applied to recover costs associated with permit reviews and other services and to mitigate impacts associated with permitted development. This article addresses fees for services, project review fees, mitigation fees, monitoring fees, administrative fees, and shorezone fees.</u></p>
Rules 16.2	Fee Schedule	Content reorganized from section 5.6. New language added to use the Western States CPI index for all indexed fees. This is a change for the indexing of Mobility Mitigation fees, (indexing removed from code section 65.2.4.D.) and rental car mitigation fees (indexing removed from ROP fee language).	<p><u>16.2. FEE SCHEDULE</u></p> <p><u>Unless otherwise stated in this article, all fees shall be recorded in a fee schedule. Unless otherwise stated in these rules of procedure or in the Code of Ordinances, the fee schedule shall be updated annually based on the Western States Consumer Price Index. The Agency shall keep a current version of the fee schedule posted to the TRPA website.</u></p>
Rules 16.3	Service Fees	From Section 10.7. No substantive change.	<p><u>16.3. SERVICE FEES</u></p> <p><u>1. Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.</u></p> <p><u>2. The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.</u></p>

Rules 16.4	Project Review Fees	1-4 are from section 10.8. 5 is from section 5.10. No substantive change.	<p><u>16.4 PROJECT REVIEW FEES</u></p> <p><u>1. Basic Fees</u></p> <p><u>Fees for project review and preparation of environmental documents shall be identified in the fee schedule.</u></p> <p><u>2. Consultant Fee</u></p> <p><u>Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section 6.10.</u></p> <p><u>3. Exception</u></p> <p><u>Whenever, in the opinion of the Executive Director, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the Executive Director may increase the basic fee or the consultant fee by an amount not exceeding 50 percent of the amount indicated.</u></p> <p><u>4. Calculation of Fees</u></p> <p><u>Project review fees shall be in accordance with the adopted fee schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used. Bundled applications shall be subject to all applicable fees for all activities being proposed or required as part of the project.</u></p> <p><u>5. Refund of Fees</u></p> <p><u>A. If the application is withdrawn by written request by the applicant or by TRPA in accordance with Section 5.7, the Executive Director shall refund the application fee according to the schedule below.</u></p> <table border="1" data-bbox="1066 1282 1965 1404"> <thead> <tr> <th colspan="2" data-bbox="1066 1282 1965 1356"><u>APPLICATION REFUND SCHEDULE</u></th> </tr> <tr> <th data-bbox="1066 1356 1564 1404"><u>Task Completed</u></th> <th data-bbox="1564 1356 1965 1404"><u>Refund Amount Due</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 1404 1564 1416"></td> <td data-bbox="1564 1404 1965 1416"></td> </tr> </tbody> </table>	<u>APPLICATION REFUND SCHEDULE</u>		<u>Task Completed</u>	<u>Refund Amount Due</u>		
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Section	Topic	Implementation Item / Explanation	Proposed Amendment														
			<table border="1"> <tr> <td data-bbox="1066 250 1564 444"> <u>If there are no actions other than the application is stamped “Received – TRPA,” dated, and signed by the TRPA employee authorized to receive it pursuant to Section Error! Reference source not found.</u> </td> <td data-bbox="1564 250 1942 444"> <u>90%</u> </td> </tr> <tr> <td data-bbox="1066 444 1564 509"> <u>30-day review complete per Section Error! Reference source not found.</u> </td> <td data-bbox="1564 444 1942 509"> <u>75%</u> </td> </tr> <tr> <td data-bbox="1066 509 1564 618"> <u>If an “incomplete” application is made “complete,” or more than one incomplete letter or time extension is issued</u> </td> <td data-bbox="1564 509 1942 618"> <u>65% (less 10% for each additional incomplete letter or time extension issued)</u> </td> </tr> <tr> <td data-bbox="1066 618 1564 688"> <u>If TRPA review of a “complete” application is less than 50% finished</u> </td> <td data-bbox="1564 618 1942 688"> <u>45%, (but no more than the amount calculated above)</u> </td> </tr> <tr> <td data-bbox="1066 688 1564 758"> <u>If TRPA review of a “complete” application is more than 50% finished</u> </td> <td data-bbox="1564 688 1942 758"> <u>10%</u> </td> </tr> <tr> <td data-bbox="1066 758 1564 862"> <u>If final action is taken on a “complete” application by TRPA (other than withdrawal)</u> </td> <td data-bbox="1564 758 1942 862"> <u>No refund</u> </td> </tr> <tr> <td colspan="2" data-bbox="1066 862 1942 992"> <u>B. An application fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is withdrawn.</u> </td> </tr> </table>	<u>If there are no actions other than the application is stamped “Received – TRPA,” dated, and signed by the TRPA employee authorized to receive it pursuant to Section Error! Reference source not found.</u>	<u>90%</u>	<u>30-day review complete per Section Error! Reference source not found.</u>	<u>75%</u>	<u>If an “incomplete” application is made “complete,” or more than one incomplete letter or time extension is issued</u>	<u>65% (less 10% for each additional incomplete letter or time extension issued)</u>	<u>If TRPA review of a “complete” application is less than 50% finished</u>	<u>45%, (but no more than the amount calculated above)</u>	<u>If TRPA review of a “complete” application is more than 50% finished</u>	<u>10%</u>	<u>If final action is taken on a “complete” application by TRPA (other than withdrawal)</u>	<u>No refund</u>	<u>B. An application fee shall be forfeited if a refund is not requested in writing by the applicant within one year from the date the application is withdrawn.</u>	
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Rules 16.4.5.A	Cross-Reference Modification	Updated references to other Rules of Procedure or Code of Ordinances sections as necessary.	This is relocated text on fee refunds. Changed reference to Section 5.7 to Section 5.11 in the introduction. Changed reference to Section 5.2 to Section 5.3 in line 2 of the table.														

<p>Rules 16.5</p>	<p>Mitigation Fees</p>	<p>1, 2, 3 and 5 are from 10.8.5. 6 is from section 5.22. 4 is new and recognizes off-site mitigation practices and code amendments. Indexing language (San Francisco CPI) is removed from 1 and 2. Standard indexing per Western States CPI will apply. TTD review and approval of fees is also removed from 2. New language in 3-5 clarifying that these mitigation fees are not indexed annually. Fee amounts replaced with references to the Fee Schedule.</p>	<p><u>16.5. MITIGATION FEES</u></p> <p><u>1. Air Quality, Greenhouse Gas Reduction, and Mobility Mitigation Fee</u></p> <p><u>A. TRPA shall assess an air quality, greenhouse gas reduction, and mobility mitigation fee consistent with Code section 65.2.</u></p> <p><u>B. Refund: Mobility mitigation fees may be refunded, under certain conditions, in accordance with these Rules.</u></p> <p><u>2. Rental Vehicle Mitigation Fee</u></p> <p><u>TRPA shall assess a rental vehicle mitigation fee consistent with Code section 65.4. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental vehicle outside the Tahoe region shall not be cause for exemption from payment of the fee.</u></p> <p><u>3. Excess Land Coverage Mitigation Fee</u></p> <p><u>TRPA shall assess an excess land coverage mitigation fee consistent with Code section 30.6. Excess coverage mitigation fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>4. Off-Site Land Coverage Mitigation Fee</u></p> <p><u>TRPA shall assess an off-site land coverage mitigation fee consistent with Code section 30.7. Excess coverage mitigation fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>5. Water Quality Mitigation Fee</u></p> <p><u>TRPA shall assess a water quality mitigation fee consistent with Code section 60.2. Water quality mitigation fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>A. Mitigation Fee Credit</u></p> <p><u>If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to</u></p>
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			<p><u>require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:</u></p> <ol style="list-style-type: none"> <u>1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;</u> <u>2. The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and</u> <u>3. A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.</u> <p><u>6. Refund of Mitigation Fees</u></p> <p><u>Mitigation fees may be refunded as provided by the applicable Code provision and subject to the following limitations:</u></p> <ol style="list-style-type: none"> <u>A. Mitigation fees paid on or before July 1, 1987, shall not be refundable. A written request for a refund for mitigation fees paid after July 1, 1987, shall be received by TRPA no later than seven years minus one day from the date of final action by the Agency. In accordance with Article VI(p) of the Compact, in computing the above time periods, any time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of the project shall not be counted. If the request for refund is made by a person other than the owner of the parcel, the request shall include authorization from the owner to refund the fee.</u> <u>B. TRPA verifies that no site disturbance or construction has occurred, beyond what would normally be allowed as an exempt or qualified exempt activity in the Code, or that no use has commenced, as applicable, under the subject permit. The permittee shall also pass a final inspection and be eligible for a security return in accordance with Chapter 4: Compliance of the TRPA Code, and shall submit evidence that notice to all other affected jurisdictions has been given in accordance with subsection C, below. Site disturbance includes, but is not limited</u>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment										
			<p><u>to, tree cutting, vegetation removal, grading, or excavation. Partial refunds shall not be permitted.</u></p> <p><u>C. The permittee consents, in writing, to the cancellation of the subject permit and to all rights there under. Notice of cancellation of a TRPA permit shall be given to all other local, state, or federal jurisdictions also having jurisdiction over the matter such notice is the responsibility of the permittee. Cancelled TRPA permits shall not be renewable.</u></p> <p><u>D. Refunds shall be made only to the extent funds are available in the applicable city or county mitigation fund. In the event there are insufficient funds in a particular account, TRPA shall pay the balance of the refund as funds become available in that account. Priority for refunds shall be determined based on the date the refund request was received. Refund of the mitigation fee shall not include any interest earned on the fee. The amount of a refund shall be in accordance with the following schedule (calculated from the date of project approval and not the date a mitigation fee was paid to TRPA):</u></p> <table border="1" data-bbox="1289 951 1713 1166"> <thead> <tr> <th><u>Year</u></th> <th><u>Percent</u></th> </tr> </thead> <tbody> <tr> <td><u>Years 1 through 4</u></td> <td><u>100%</u></td> </tr> <tr> <td><u>Year 5</u></td> <td><u>75%</u></td> </tr> <tr> <td><u>Year 6</u></td> <td><u>50%</u></td> </tr> <tr> <td><u>Year 7 and afterward</u></td> <td><u>No Refund</u></td> </tr> </tbody> </table> <p><u>E. The Executive Director shall maintain the necessary accounts and fund balances to implement the above policies.</u></p>	<u>Year</u>	<u>Percent</u>	<u>Years 1 through 4</u>	<u>100%</u>	<u>Year 5</u>	<u>75%</u>	<u>Year 6</u>	<u>50%</u>	<u>Year 7 and afterward</u>	<u>No Refund</u>
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<u>Year 5</u>	<u>75%</u>												
<u>Year 6</u>	<u>50%</u>												
<u>Year 7 and afterward</u>	<u>No Refund</u>												

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 16.6	Monitoring Fees	From 10.8.6. Fee amounts replaced with references to the Fee Schedule.	<p><u>16.6. MONITORING FEES</u></p> <p><u>1. Allocation Monitoring Fee</u></p> <p><u>An allocation monitoring fee for each allocation issued by a local jurisdiction shall be identified in the monitoring fee schedule.</u></p>
Rules 16.7	Administrative Fees	New language recognizing administrative fee practices.	<p><u>16.7. ADMINISTRATIVE FEES</u></p> <p><u>TRPA shall assess administrative fees for the implementation of project securities. Administrative fees shall be identified in the fee schedule.</u></p>

Rules 16.8	Shorezone Fees	<p>From 10.8.5.E.</p> <p>New language in the introduction clarifying fees that shorezone fees are not indexed annually.</p> <p>Fee amounts replaced with references to the Fee Schedule.</p>	<p><u>16.8. SHOREZONE FEES</u></p> <p><u>TRPA shall assess the following shorezone fees. Shorezone fees are adjusted by specific action and are not indexed annually.</u></p> <p><u>1. Mooring Fees</u></p> <p><u>The owner of every mooring on, or with access to, Lake Tahoe shall pay a mooring fee to TRPA.</u></p> <p><u>2. Buoy Scenic Mitigation Fee</u></p> <p><u>All buoys shall be assessed a scenic mitigation fee consistent with Code section 84.11.</u></p> <p><u>3. Motorized Boat Rental Concession Fee</u></p> <p><u>Concessionaires shall pay a mitigation fee to TRPA annually for every motorized boat subject to rental. The mitigation fee schedule shall assess a separate fee:</u></p> <p style="padding-left: 40px;"><u>A. For every boat with an EPA 3-Star or better rating; and</u></p> <p style="padding-left: 40px;"><u>B. For every boat with an EPA 2-Star or worse rating.</u></p> <p><u>4. Fees for New Construction and Expansion</u></p> <p style="padding-left: 20px;"><u>A. Piers. New pier construction and the expansion of existing piers shall be assessed mitigation fees consistent with Code section 84.11 as follows:</u></p> <p style="padding-left: 60px;"><u>1. Fee for new pier</u></p> <p style="padding-left: 60px;"><u>2. Fee for additional length to an existing pier</u></p> <p style="padding-left: 60px;"><u>3. Fee for other additions to an existing pier</u></p> <p style="padding-left: 20px;"><u>B. Boat Ramps. Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees consistent with Code section 84.11 as follows:</u></p> <p style="padding-left: 60px;"><u>1. Fee for new boat ramp</u></p> <p style="padding-left: 60px;"><u>2. Fee for additional length to an existing ramp</u></p>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p data-bbox="1142 250 1759 282">3. Fee for additional width to an existing ramp</p> <p data-bbox="1121 310 1915 410">C. Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees consistent with Code section 84.11 as follows:</p> <p data-bbox="1142 438 1491 467">1. Fee for new boat slip</p> <p data-bbox="1142 472 1556 501">2. Fee for new mooring buoy</p> <p data-bbox="1142 506 1514 535">3. Fee for other additions</p>

Table 4: Amendments to Design Review Guidelines Appendix H (Visual Assessment for Scenic Review)

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Step 1	Rounding	<i>Clarify standards for rounding</i>	Step 1: Determine the square footage of differing surfaces (i.e., roof, windows, shingle, stone) by direct measurement of the buildings/structures on the project area from elevation views. Measure square footage to the nearest square foot or with greater precision.
Step 2	Rounding	<i>Clarify standards for rounding</i>	Step 2: Determine the percentage of each differing surface in relation to the overall square footage of the façade facing the lake. Round the percentage to the nearest 0.1 percent.
Step 3	Rounding	<i>Clarify standards for rounding</i>	Step 3: Utilize the Color Matrix below to determine the rating for each differing surface except glass (which is rated in step 4). Use the percentage of each differing surface and multiply by the appropriate rating. Round the result for each surface to the nearest 0.1. The sum of these results is your Color Score . For unique site conditions where the dominant color in the background is gray or green, the Brown to Black category may be used for scoring.
Step 4	Rounding	<i>Clarify standards for rounding</i>	Step 4: Utilize the Glass Matrix below to determine the rating for all glass surfaces facing the lake. Determine the Visible Light Reflectance/Reflection Value provided by the glass manufacturer and determine the appropriate rating. Multiply the rating and the percentage of glass facing the lake derived in Step 2 above. Round the result to the nearest 0.1. This is your Reflectance Score . Steps 3 and 4 combined are your color and reflectance score. <i>[also see table below]</i>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Step 8	Rounding	<i>Clarify standards for rounding</i>	Step 8: Add the three scores (Color & Reflectance Score, Perimeter Score, and Surface/Texture Score) and round up to the next to the nearest whole number. This is the <u>CONTRAST RATING</u> .
Step 9	Rounding	<i>Clarify standards for rounding</i>	Step 9: Repeat Steps 1-8 for each visible building/structure in the project area. Each will have a separate contrast rating score. Multiply each buildings/structure's contrast rating by its percentage of the overall lakefront façade and sum the results. Round up the next whole number . This is the <u>Composite Contrast Rating</u> for the project area.
Step 11	Rounding	<i>Clarify standards for rounding</i>	Step 11: Determine the existing visible area of the structures in the project area. Round to the nearest square foot .

Table 4: Fee Schedule Amendments

Section	Topic	Implementation Item / Explanation	Proposed Amendment	
Fees: Fee Multipliers	Enhanced Staff Review	<i>Apply a 25 percent fee multiplier for enhanced staff-level reviews.</i>	Enhanced Staff Level Review Projects with noticing requirements per the TRPA Rules of Procedure that do not require Hearings Officer or Governing Board Review.	1.25
Fees: Fee Multipliers	Special Planning Areas	<i>Eliminate the 25 percent fee multiplier for special planning areas.</i>	SPECIAL PLANNING AREAS For projects located in an adopted community plan area, or subject to an adopted redevelopment, specific, or master plan.	-
Fees: Throughout	Shoreland scenic review	<i>Increase shoreland scenic review fees from \$629 to recover project review costs. Apply higher scenic review fees for more complex reviews, with a modest increase for minor improvements: \$1,000 for "Level 3" reviews and "Level 6" reviews. \$2,000 for all other reviews.</i>	Shoreland Scenic Review Fee ¹ \$629 <u>\$1,000 or \$2,000</u> ¹ <u>Shoreland Scenic Review fee only applies to littoral parcels. Level 3 and 6 \$1,000, all other reviews \$2,000. See TRPA Code of Ordinances Chapter 66: Scenic Quality.</u>	
Fees: Line 11	Tourist Accommodations (new)	<i>Increase the base fee for new lodging projects and the per-unit fee for all lodging projects to match fees for multi-family units.</i>	\$2,644-\$3,195 + \$47 per unit <u>\$59 per unit</u>	
Fees: Line 12	Tourist Accommodation Additions	<i>Increase the base fee for new lodging projects and the per-unit fee for all lodging projects to match fees for multi-family units.</i>	\$2,644 + \$47 per unit <u>\$59 per unit</u>	

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Fees: Line 25	Day Care new	<i>Establish an intentional fee subsidy. Reduce application fees to \$800.</i>	\$2,782 min. fee, deposit account <u>\$800</u>
Fees: Line 25	Day Care additions	<i>Establish an intentional fee subsidy. Reduce application fees to \$800.</i>	\$2,782 min. fee, deposit account <u>\$800</u>
Fees: Line 62.A	Buoys, Floating Platforms, and Low-Water Blocks (new)	<i>The fee should be increased to about \$1,500 per buoy. This is a cost recovery estimate.</i>	\$787 per buoy, floating platform, or low-water block (for first 3) plus \$393 per additional item <u>\$1,500 each</u>
Fees: Line 62.B	Recognition of Existing Buoys, Mooring Lottery Eligibility Review	<i>The fee should be increased to about \$350. This is a cost recovery estimate.</i>	\$71 <u>\$350</u>
Fees: Line 66	Buoys, Floating Platforms, and Low-Water Blocks (additions)	<i>The fee should be increased to about \$1,500 per buoy. This is a cost recovery estimate.</i>	\$629 per buoy, floating platform, or low-water block (for first 3) plus \$315 per additional item <u>\$1,500 each</u>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Fees: Line 67	Piers Modifications (no expansion) , Water Intake Lines ⁴	<i>Fee should remain for pier modifications</i>	\$3,025 min. fee, deposit account
Fees: Line 132	Pier Expansions⁴	<i>Pier expansions should have the same base fee as for new piers.</i>	\$6,050 min. fee, deposit account
Fees: Line 108.A	Qualified Exempt (structural addition/modification not in the shorezone)	<i>The current fee for some QE Declarations should apply to all QE Declarations</i>	\$213
Fees: Line 131	Parcel Consolidation Deed Restrictions	<i>Apply a \$200 fee to recover review costs.</i>	\$200
Fees: Line 132	Repeat Permit Acknowledgment	<i>Apply a \$200 fee to recover review costs.</i>	\$200

Fees: Mitigation Fee Table	Mitigation Fees (all)	Mitigation fees are listed here. Fee amounts are removed from the <i>Code</i> and the <i>Rules</i> . No substantive changes except recognition of off-site mitigation fees.	See fee table below:
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MITIGATION FEES	
Fee Category	Fee
Water Quality Mitigation	\$1.86 per square foot
Mobility Mitigation Fee	Per Average Daily Vehicle Miles Travelled (VMT)
Residential	\$196.20 per VMT
Commercial	\$21.80 per VMT
Tourist Accommodation Unit	\$196.20 per VMT
Campsites & RV sites	\$196.20 per VMT
Other	\$21.80 per VMT
Off-Site Coverage Mitigation	See Excess Coverage Mitigation
Excess Coverage Mitigation Fees by Hydrologic Area	See Map
Incline	\$20 per square foot
Marlette	\$12 per square foot
Cave Rock	\$25 per square foot
South Stateline (Nevada side)	\$15 per square foot
South Stateline (California side)	\$8.50 per square foot
Upper Truckee	\$8.50 per square foot
Emeral Bay	\$8.50 per square foot
McKinney Bay	\$8.50 per square foot
Tahoe City	\$8.50 per square foot
Agate Bay (California side)	\$8.50 per square foot
Agate Bay (Nevada side)	\$18 per square foot
Rental Vehicle Mitigation	\$4.75 for EACH DAY of the rental transaction

Fees: Shorezone Mitigation Fees	Shorezone Mitigation Fees (all)	Shorezone mitigation fees are listed here. Fee amounts are removed from Code and the Rules. No substantive changes.	See fee table below
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SHOREZONE MITIGATION FEES	
Fee Category	Fee
Mooring	\$43.00 per year
Buoy Scenic Mitigation	\$47.00 per year
Motorized Boat Rental Concession	\$75.00 per year for every boat with an EPA 3-star or better rating \$150.00 per year for every boat with an EPA 2-star or better rating
Mitigation Fees	\$60.00 per linear foot, new pier \$60.00 per linear foot, additional length to an existing pier \$600.00 per application, other additions
New Boat Ramp Construction or Expansion	\$60.00 per linear foot, new boat ramp \$60.00 per linear foot, additional length to an existing boat ramp \$200.00 per linear foot, additional width to an existing boat ramp
New Marina Construction or Expansion	\$200.00 per slip, new boat slip \$200.00 per buoy, new mooring buoy \$500.00 per application, other additions

[end]

Attachment C
IEC

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name: Permitting Improvement Project

Project Description:

This Initial Environmental Checklist (IEC) considers and analyzes the potential environmental impact of draft amendments to the Tahoe Regional Planning Agency’s (TRPA) Code of Ordinances (the “Code”), Rules of Procedure (the “Rules”), Design Review Guidelines (“DRG”), and Fee Schedule (the “Fees”) as part of TRPA’s Permitting Improvement Project. The proposed amendments are necessary to implement the [TRPA Permitting Improvement Action Plan](#) (the “Action Plan”) and the [Permitting Improvement Implementation Report](#) (the “Implementation Report”).

The Action Plan is a strategy and 18-month work program to improve TRPA permitting operations. It was developed through a participatory process and was endorsed by the TRPA Governing Board in August 2022. The Action Plan directed staff to pursue process improvements and code amendments focused on the following priority topics:

- Establish more efficient, consistent, and predictable application review processes.
- Simplify and shorten review processes for minor applications and sequential approvals.
- Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.
- Prioritize public communication and customer services.
- Expand tools for staff development and training.
- Maintain adequate and dependable funding to support quality application reviews.

The Implementation Report is a technical memo detailing specific recommendations to implement the Action Plan. It was also developed with stakeholder participation and was endorsed by the TRPA Governing Board in March 2023.

The proposed amendments to the Code, Rules, DRG, and Fees are summarized within the packet staff summary and Table of Amendments (Attachment B). The amendments were reviewed, discussed, and refined in coordination with TRPA staff, including legal counsel, and a variety of stakeholders as summarized in the staff summary and consultant memo (Attachment A).

Implementation of the permitting improvement and operations recommendations would require amending the following:

- **TRPA Code of Ordinances Chapters:**
 - Chapter 2: Applicability of the Code of Ordinances
 - Chapter 30: Land Coverage

- Chapter 37: Height
- Chapter 50: Allocation of Development
- Chapter 60: Water Quality
- Chapter 65: Air Quality/Transportation
- Chapter 66: Scenic Quality
- Chapter 67: Historic Resource Protection
- Chapter 82: Existing Structures and Exempt Activities [Shorezone]
- Chapter 84: Development Standards Lakeward of High Water in the Shorezone and Lakezone
- Chapter 90: Definitions
- **TRPA Rules of Procedure Articles:**
 - Article 5: Project Review
 - Article 10: Miscellaneous
 - Article 12: Notice
 - Article 16: Fees (*NEW, a consolidation of fee related items*)
- **TRPA Design Review Guidelines, Appendix H.**
- **TRPA Fee Schedule Sections:**
 - Introduction
 - Fee Multipliers
 - Schedules A-J
 - Mitigation Fees
 - Shorezone Mitigation Fees

The Permitting Improvement Project also includes administrative improvements such as a Procedural Manual with standard operating procedures, permitting staff guidance, and standardized templates to aid in streamlined and consistent project review; staff reorganization and dedicated project review teams; revised project applications; improved customer service navigation at TRPA.gov; and a permitting cost recovery monitoring strategy that are under development.

Environmental Review:

Pursuant to TRPA Code of Ordinances Section 3.3, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter, with the exception of planning matters and ordinary administrative and operational functions of TRPA which do not require a determination of need to prepare an environmental impact statement.

This Initial Environmental Checklist (IEC) is a program-level environmental document. No specific land use or development projects are proposed at this time or analyzed herein. All future projects will be subject to project-level environmental review and permitting by TRPA and/or a local jurisdiction pursuant to an adopted MOU, with the permitting agency determined based on the scope and location of the project. Project-level environmental analysis would require identification of, and mitigation for, any site-specific potentially significant environmental impacts.

This IEC is tiered from the TRPA 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS) in accordance to section 6.12 of the TRPA Rules of Procedure.¹ The RPU and Regional Transportation Plan (RTP) are comprehensive land use and transportation plans that guide physical development within the Lake Tahoe Region through 2035. The RPU EIS and RTP EIR/EIS are program-level environmental documents that include a regional scale analysis and a framework of mitigation measures and provide a foundation for subsequent environmental review. These documents serve as first-tier documents for the TRPA review of the proposed recommendations. Meaning, the RPU EIS and RTP EIR/EIS analyzed total development potential of the two plans.

The Permitting Improvement Project, as discussed in Attachment A, developed recommendations that generally fall into three categories: (1) codification of existing policies (e.g. code interpretations), (2) clarification of existing regulations (e.g. land coverage, height, etc.), and (3) streamlining of procedures to increase the effectiveness and efficiency of permitting operations. The proposed amendments included in the provided packet are necessary to implement these recommendations. These amendments are primarily intended to provide further clarification of existing environmentally beneficial regulations as opposed to the creation or removal of regulations. Where criteria have been expanded (e.g. new exempt activities or expanding permissible coverage exemptions), the amendments are consistent in scale and scope of similar activities found within the applicable sections of the code and maintain specific project requirements to further threshold attainment (such as installation of stormwater systems and compliance with design and development guidelines).

To the extent that the project's recommendations are consistent with the RPU and the RTP, for which the program EISs were prepared, the amendments were found to be within the scope of the program EISs, or in the context of tiering. By tiering from the RPU EIS and RTP EIR/EIS, this Initial Environmental Checklist relies on those analyses for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-management regulations; and
- assessment of the land coverage system, projects and matters requiring TRPA review and approval, height standards, and scenic and historic protective regulations.

Under the proposed amendments, the background, overall development caps, growth control programs, and environmental thresholds (e.g. air and water quality, wildlife conservation, etc.) as analyzed in the RPU and RTP remain in place with no changes. The Permitting Improvement Project amendments are intended to streamline the permitting operations of the RPU.

Amendments to the Code of Ordinances, Rules of Procedure, DRG, and Fee Schedule which require adoption by ordinance and resolution by the TRPA Governing Board are included within this IEC and analysis. Other administrative and operational improvements (e.g. providing procedural guidance) of the Permitting Improvement Project as described above are not included within this IEC. See Attachment B for a detailed list of amendments to the Code, Rules, and Fee Schedule.

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

The table below provides an overview of the environmental impact considerations of each task and deliverables being implemented as part of the project:

TABLE 1: Overview of Environmental Impact Considerations per Project Task ²

TASKS & DELIVERABLES	ENVIRONMENTAL IMPACT CONSIDERATION & DISCUSSION
<i>Priority #1: Establish more efficient, consistent, and predictable application review processes</i>	
Procedural Manual Standardized Forms, Templates, and Conditions of Approval Dedicated Project Review Teams	These improvements are administrative and operational in nature (e.g. provides procedural guidance). Environmental protections, regulations, and requirements would not be altered by these tasks and deliverables.
<i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i>	
Minor Applications Bundled Applications	These improvements are administrative and operational in nature (e.g. provides procedural guidance). Environmental protections and regulations would not be altered by these tasks and deliverables. <i>Procedures are detailed in new section 5.4 and 5.5 in the TRPA Rules of Procedure, including a list of qualifying projects.</i>
QE Declaration Process Simplification	The existing Qualified Exempt (QE) declaration procedures are being clarified consistent with <u>existing</u> code language. These improvements are administrative and operational in nature. (e.g. provides procedural guidance) Clarifications regarding the QE procedure will be included in the Procedural Manual and TRPA applications. Environmental protections and regulations would not be altered by these tasks and deliverables.
Expand Exempt Activities List	The proposed amendments include moving select minor activities from the QE list to the fully Exempt list in TRPA Code 2.3. These are consistent in scale and scope of existing exempt activities. Qualified Exempt activities as described within TRPA Code section 2.3 are a subset of Exempt Activities. Exempt activities, including QEs, are not TRPA actions or approvals and are not required to be reviewed by staff per the existing TRPA code. The difference between a fully exempt activity and a QE is largely procedural. A QE requires notice of the

² The Permitting Improvement Project tasks and recommendations are described in more detail within Attachment A: Consultant Memo of the packet.

	<p>property owner or project proponent prior to activity commencement. A QE declaration is filed by a project proponent on a TRPA provided form.</p> <p>The proposed changes will remove the requirement for notice to TRPA for certain activities that are similar in scale and scope to existing fully exempt activities.</p> <p>Exempt activities, like all activities and projects, are still subject to compliance enforcement and action should the activity be inconsistent with the TRPA Code or cause harmful environmental impacts.</p> <p>Activities proposed to be included on the Exempt list include:</p> <ol style="list-style-type: none"> 1. Structural repair less than \$50,000 (<i>Sec 2.3.2.A</i>) -moved from QE section and amount increased 2. Excavation, filling, or backfilling less than 10 cubic yards (<i>Sec 2.3.2.D</i>) -moved from QE section and amount increased 3. Seasonal Outdoor Retail Sales Use (<i>Sec 2.3.2.H</i>) -moved from QE section 4. Subdivision Identification Signs (<i>Sec 2.3.3.P</i>) -moved from QE section 5. Replacement of Approved Sign Faces (<i>Sec 2.3.3.Q</i>) -moved from QE section <p><i>See amendments in Code section 2.3.2 and 2.3.3.</i></p> <p>These amendments are discussed in more detail within the IEC.</p>
<p>Historic Resource Process Simplification</p>	<p>These improvements are administrative and operational in nature. (e.g. provides procedural guidance) There are no environmental threshold standards for historic resources; however, the Bi-State Compact does list “historical facilities” as a conservation plan component.</p> <p>Amendments include streamlined historic resource determination procedures and staff-level approval of projects involving potential historic resources. Routine project-level consultation with the State Historic Preservation Offices is being discontinued, consistent with a request from the California office and concurrence with the Nevada office. Regulations for the identification, designation, and protection of</p>

	<p>historic and cultural resources are retained within the TRPA Code.</p> <p><i>See amendments in Code section 2.2.2.A.2.c and Chapter 67.</i></p>
<p>Additional Staff Level Delegation</p>	<p>These changes are administrative and operational in nature. The requirements for findings and Environmental protections and regulations would not be altered.</p> <p>Several amendments related to recommendations for certain project types that currently require review and approval by a Hearings Officer or Governing Board to be delegation for review and approval at staff level. These are projects that generally routine in nature and have clearly defined requirements within the Code and in some cases have disproportionally higher level of scrutiny than similar projects (e.g. Projects that use residential bonus units require a more intensive review process than would be required for market rate housing or timeshares.)</p> <p>Noticing requirements and appeal provisions are retained for shorezone applications and Article 11: <i>Appeals</i> of the TRPA Rules of Procedure.</p> <p><i>See amendments in Code section 2.2.2.F.</i></p>
<p><i>Priority #3: Update code standards that are difficult to interpret, do not add value, or are unduly cumbersome.</i></p>	
<p>Code Interpretations and Clarifications</p>	<p>A suite of amendments is proposed codifying past code interpretations and existing practices. The amendments are not intended to significantly change or lessen land use regulations or environmental protections. Added code language within the amendments <i>clarify</i> the approval criteria for common regulations, such as land coverage and height. The amendments help project applicants and stakeholders better understand development limitations and considerations, while providing a framework for more consistent and improved reviews.</p> <p>Topics addressed with the suite of amendments include:</p> <ol style="list-style-type: none"> 1. Land coverage for public safety and access of the disabled (<i>Code sec 30.4.2</i>) 2. Land coverage transfers between Bailey and IPES lots (<i>Code sec 30.4.3</i>)

	<ol style="list-style-type: none"> 3. Land coverage exemptions – non-permanent coverage, pervious coverage, pervious decks. Changes also include new provisions for small utility installations including utility boxes, generators, HVAC pads, EV chargers, solar, etc <i>(Code sec 30.4.6)</i> 4. Off-site coverage <i>(Code sec 30.4.7)</i> 5. Heights for buildings with multiple roof pitches <i>(Code sec 37.3.4)</i> 6. Height standards for segmented buildings on slopes <i>(Code sec 37.4.2)</i> 7. Standards for reflectivity and glare outside the shorezone/shoreland <i>(Code sec 66.1.6)</i> 8. Shorezone boulder relocation (qualified exempt) vs dredging <i>(Code sec 82.5.8)</i> 9. Rules for Rounding <i>(Code sec 90.1.14)</i> 10. Definitions <i>(Code sec 90.2)</i> <ul style="list-style-type: none"> ▪ Active Solar Energy System ▪ Deck ▪ Electric Vehicle Charger ▪ Electric Vehicle Charging Station ▪ Expansion (addresses expansion vs modification for shorezone structures) ▪ Land Coverage (addresses minor site improvements) ▪ Walkway <p>These amendments are discussed in more detail within the IEC.</p>
<p>Reduce Audit Volumes</p> <p>Reduce “Below the IPES Line” Drawings</p>	<p>Procedural ordinances are updated to reduce audit frequency for single family permits and to only conduct the “below the IPES line” drawing if there is insufficient supply in the Residential Allocation Incentive Pool. In recent years, TRPA and the local agencies have focused more on education and coordination. Auditing has show high levels of compliance, with jurisdictions regularly receiving a score of 90 or better with a few exceptions. TRPA staff and local agencies believe that audits of five percent would be adequate for program purposes and would continue to flag permitting issues.</p> <p>These improvements are administrative and operational in nature. (e.g. provides procedural guidance) Environmental protections and safeguards would not be altered by these tasks and deliverables. Procedural changes to the “below the IPES line” drawing would only change the process for how</p>

	<p>allocations could be acquired for undevelopable parcels. It would not change access to allocations or development potential within the region.</p> <p>Changes will significantly reduce staff work without impacting outcomes.</p> <p><i>See Code sec 50.5.2.A and E.</i></p>
Organize and Publicize Code Reference Documents	This improvement is administrative and operational in nature. (e.g. provides procedural guidance and references important documents) Environmental protections, regulations, and requirements would not be altered by these tasks and deliverables.
Priority #4: Prioritize public communication and customer service.	
<i>See tasks and deliverable for Priority #1.</i>	
Priority #5: Expand tools for staff development and training.	
<i>See tasks and deliverable for Priority #1.</i>	
Priority #6: Maintain adequate and dependable funding to support quality application reviews.	
Updates Select Fees and TRPA Fee Schedule	These improvements are administrative and operational in nature. Environmental protections and regulations would not be altered by these tasks and deliverables.
Cost Recovery Monitoring Program	

Determination:

The purpose of this IEC is to disclose to the public and decision makers the environmental considerations of implementing the proposed Code, Rules, DRG and Fee amendments as part of the Permitting Improvement Implementation Plan.

Based on findings discussed within this IEC, it is anticipated that TRPA will be able to make the findings pursuant to Section 3.3.2.A of the TRPA Code that the proposed amendments would not have a significant effect on the environment and that a finding of no significant effect (FONSE) will be prepared in accordance with Section 6.6 of the TRPA’s Rules of Procedure.



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The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information and reference the question number and letter. If more space is required for additional information, please attached separate sheets and reference the question number and letter.

For information on the status of TRPA environmental thresholds click on the links to the Threshold Dashboard.

I. Environmental Impacts

1. Land

Current and historic status of soil conservation standards can be found at the links below:

- [Impervious Cover](#)
- [Stream Environment Zone](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

1. Land (Continuation Page)

Discussion:

Amendments to Section 30.4.2 and 30.4.6.H “Facilities for Public Safety and Access of the Disabled” clarifies that coverage transferred to a parcel for public safety and access facilities may be exempted from land coverage calculations. This provision is consistent with Section 30.4.6.C for the exemption of coverage for Americans with Disabilities Act (ADA) related facilities. The 2012 Regional Plan EIS concluded that an ADA coverage exemption would result in a less-than-significant impacts related to stormwater runoff and pollutant loads based on the required implementation of stormwater systems (i.e. BMPs), design guidelines, and coverage limits of the Bailey land capability system.

Permissible coverage exemptions under the subject code sections does not create “new coverage”. The amendments provide limited applicability for health and safety facilities and access where coverage is unavailable or limited. To take advantage of such exemptions, a project proponent would be required to transfer in coverage from an equally sensitive or more sensitive parcel, and thus limiting the development potential on the sending site. This transfer of coverage is a requirement and serves as a coverage relocation (i.e. no net increase in coverage on sensitive lands).

The proposed amendments maintain the same implementation mitigation measures as Section 30.4.6.C related to ADA facilities. Parcels eligible for the coverage exemptions must have a BMP certificate and comply with applicable design guidelines (e.g. home landscaping guide, fire defensible space, and Design Guidelines for any new structure or facilities), as well as the transfer of coverage as discussed above. The amendments retain and do not alter Sections 30.4.6.E and 30.5 that limit the aggregate of coverage exemptions permissible on a parcel or project area and that prohibit additional land coverage on sensitive lands with some exceptions.

Additional amendments to Section 30.4.6 “Exemptions and Partial Exemptions from Calculation of Land Coverage” clarify the type of object or structure that may be eligible and clarify by way of measurable criteria the material or structures eligible under this section.

The 2012 Regional Plan EIS concluded that partial or full coverage exemptions could result in additional coverage in the Region; however, coverage exemptions would result in less-than-significant impacts related to stormwater runoff and pollutant loads based on the implementation of requirements such as project compliance with design and development guidelines, installation of stormwater systems (i.e. BMPs), and coverage limits of the Bailey land capability system. In order to be eligible for coverage exemptions, the parcel or project area is required to have a BMP certificate and install BMPs.

To take advantage of coverage exemptions, project proponents must install BMPs and fully mitigate all excess coverage at the time of project approval which is typically through a mitigation fee.

These mitigation fees are held by TRPA and disbursed to the local land banks to help fund important restoration projects and legacy development acquisitions to further threshold attainment.

The proposed amendments do not increase development potential beyond what the Code currently allows as analyzed in the 2012 Regional Plan EIS. The amendments retain and do not alter Sections 30.4.6.E and 30.5 that limit the aggregate of coverage exemption permissible on a parcel or project area and that prohibit additional land coverage on sensitive lands with some exceptions.

Amendment to Section 30.4.7 “Off-Site Land Coverage” codifies a code interpretation from 2001. Specifically, the amendment defines off-site coverage and prescribes general standards consistent with existing practices. This amendment is limited in applicability because it relates to coverage, such as parking or walkways, only within the right-of-way. The proposed language may result in additional coverage within the Region; however, all off-site coverage is required to be fully mitigated by paying an excess coverage mitigation fee and therefore would result in a less-than-significant impact to water quality and pollutant run-off. Excess coverage mitigation fees, as discussed above, are paid by project proponents and held by TRPA to be disbursed to the local land banks for environmentally beneficial restorations and site acquisitions.



2. Air Quality

Current and historic status of air quality standards can be found at the links below:

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion



3. Water Quality

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-yearflood waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

3. Water Quality (Continuation Page)

Discussion:

Amendments to Section 2.3 “Exempt Activities” include moving select minor activities from the Qualified Exempt activity list to a fully Exempt activity. These are activities that are consistent in scale and scope of existing exempt activities.

The difference between an Exempt activity and a QE is largely procedural. A QE is a declaration filed by a project proponent on a TRPA provided form. QEs are not TRPA actions or approvals and are not required to be reviewed by staff per the existing TRPA code. Fully exempt activities do not require review, approval or any documentation submittal to TRPA. Exempt activities, like all activities and projects, are still subject to compliance enforcement and action should the activity be inconsistent with the TRPA Code or cause harmful environmental impacts.

The activities that would result in land coverage or permanent land disturbance, disturbance to natural grade or drainage patterns or absorption rates, require stormwater systems (i.e. BMPs), or require mitigation fees are not included in the amendment package.

Amendment to Sec 82.5.8 serves to codify Code Interpretation 2023-01 “Shorezone Boulder Relocation”. In 2018, TRPA added to the Code a qualified exempt (QE) activity for boulder relocation in the shorezone to enhance navigational safety. A QE activity is an activity that does not have the potential to have a substantial effect on the land, air, water, space, or any other natural resource in the region. The boulder relocation QE, however, provides no limitation on the number of boulders that can be relocated. Moreover, in order to protect lake clarity, TRPA strictly limits new dredging (which includes boulder relocation) to marinas and public facilities and only when certain findings can be made. Recently, TRPA has received boulder relocation QEs for substantial numbers of boulders that both individually and cumulatively present risk of negative environmental impacts beyond those anticipated for this QE category. Boulder relocation can adversely impact water quality depending on lake bottom substrate, the degree of sedimental disturbance, whether and to what extent a boulder is buried, the technique used to relocate the boulder, and implementation of best construction management practices. This amendment mitigates those impacts to less than significant by limiting such activity and placing measurable requirements on such activities.

Amendments to Section 30.4.2 “Facilities for Public Safety and Access of the Disabled” and 30.4.6 “Exemptions and Partial Exemptions from Calculation of Land Coverage” clarify the type of object or structure that may be eligible and clarify by way of measurable criteria the material or structures eligible under this section.

The 2012 Regional Plan EIS concluded that an ADA coverage exemption would result in a less-than-significant impacts related to stormwater runoff and pollutant loads based on the required implementation of stormwater systems (i.e. BMPs), design guidelines, and coverage limits of the Bailey land capability system. The proposed amendments maintain the same implementation mitigation



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measures as Section 30.4.6.C related to ADA facilities. Parcels eligible for the coverage exemptions must have a BMP certificate and comply with applicable design guidelines (e.g. home landscaping guide, fire defensible space, and Design Guidelines for any new structure or facilities).

In order to be eligible for coverage exemptions, the parcel or project area is required to have a BMP certificate and installation of BMPs. Coverage exemptions can and do serve as an incentive for property owners to maximize their development potential. In doing so, this expedites and furthers compliance with the installation and maintenance of stormwater systems on the subject property.



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4. Vegetation

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. A change in the natural functioning of an old growth ecosystem?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

5. Wildlife

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

6. Noise

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion



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7. Light and Glare

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

8. Land Use

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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9. Natural Resources

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial depletion of any non-renewable natural resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

10. Risk of Upset

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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11. Population

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

12. Housing

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing? <i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i>				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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13. Transportation / Circulation

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

15. Energy

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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17. Human Health

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

18. Scenic Resources / Community Design

Current and historic status of the scenic resources standards can be found at the links below:

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

19. Recreation

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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20. Archaeological / Historical

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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21. Findings of Significance

	Yes	No	No, with mitigation	Data insufficient
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:

A handwritten signature in black ink, appearing to read "Jennifer J.", written over a horizontal line.

at

Person preparing application

County

Date

Applicant Written Comments: (Attach additional sheets if necessary)

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure YES NO
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures. YES NO
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures. YES NO

Signature of Evaluator

Date _____

Title of Evaluator

Attachment D
Findings and FONSE

Required Findings & Finding of No Significant Effect for Permitting Improvement Project Amendments

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule as part of the Permitting Improvement Project.

TRPA Code of Ordinances Section 3.3: Determination of need to prepare Environmental Impact Statement

Finding: TRPA finds that the Regional Plan and code amendments will not have a significant effect on the environment.

Rationale: TRPA staff prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed amendments for the permitting system, as seen in Attachment B. The IEC tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.¹

Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance to TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

Finding: The project (ordinance) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

Rationale: The proposed amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies (as

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

discussed below), plan area statements and local planning areas, the Code and other TRPA plans and programs.

The Permitting Improvement Project amendments are primarily intended to provide further clarification of existing environmentally beneficial regulations as opposed to the creation or removal of regulations within the TRPA Code of Ordinances and Rules of Procedure. Where criterion has been expanded (e.g. new exempt activities or expanding permissible coverage exemptions), the amendments are consistent in scale and scope of similar activities found within the applicable sections of the code and maintain the same requirements (such as installation of stormwater systems and compliance with design and development guidelines). Clarification of existing land use regulations such as reflectivity, land coverage, coverage exemptions, height, etc may serve to increase the rate of threshold attainment by way of improved and consistent application. The proposed amendments are consistent with Regional Plan goals and policies, including but not limited to the allowance of coverage transfers with limited applicability (LU-2.11) and encouraging the rehabilitation and redevelopment of existing properties as a high priority (LU-2.12). The amendment packet also serves to implement agency goals of regularly reviewing policies, regulations, and procedures to identify and remove barriers hindering environmentally beneficial redevelopment.

Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded. The Regional Plan EIS analyzed full development build out potential within the Tahoe region. The findings for adoption of the Regional Plan in 2012 demonstrated that implementation of the Regional Plan would not cause Environmental Threshold Carrying Capacities to be exceeded.

The proposed amendments were evaluated against all adopted threshold compliance measures. (See Attachment C.) The proposed amendments to the Code, Rules, Design Review Guidelines, and Fees will not negatively impact any compliance measures such as the Water Quality/SEZ, Air Quality/ Transportation, Noise, and Scenic compliance measures. It is anticipated that the amendments over time will help to accelerate threshold attainment in areas such as water quality with

project requirements in place to further ensure that properties install and maintain stormwater infiltration systems (BMPs).

Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments will not affect any state, federal, or local standards. The amendments are intended to attain and maintain adopted standards, as described above.

TRPA Code of Ordinances Section 4.5: Findings Necessary to Amend the Regional Plan, Including Goals and Policies and Plan Area Statements and Maps

Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here. The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.

TRPA Code of Ordinances Section 4.6: Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs

Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds.

Rationale: As discussed within Section 4.4 and 4.5 above, the Regional Plan and all of its elements (i.e. Code of Ordinances, Rules of Procedures, etc.), as amended, achieves and maintains thresholds. The proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.



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STATEMENT OF NO SIGNIFICANT EFFECT

Project Description: Permitting Improvement Project Proposed Amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

TRPA Executive Director/Designee

Date

Attachment E
Adopting Ordinances & Resolution

TAHOE REGIONAL PLANNING AGENCY
TRPA ORDINANCE NO. 2023 –

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO TRPA CODE OF ORDINANCES CHAPTERS 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, AND 90; RULES OF PROCEDURE ARTICLES 5, 6, 10, 12, AND 16; AND DESIGN REVIEW GUIDELINES APPENDIX H TO IMPLEMENT PROPOSED RECOMMENDATIONS TO THE TRPA PERMITTING SYSTEM AND OTHER MATTERS RELATED THERETO.

The Tahoe Regional Planning Agency’s Governing Board does ordain as follows:

Section	Findings
1.00	
1.05	The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region.
1.10	The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
1.15	The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
1.20	Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
1.30	It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of TRPA by amending the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.
1.35	TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
1.45	The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted a public hearing on the amendments and issued a recommendation regarding the adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At the hearings, oral testimony and documentary evidence were received and considered.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that will achieve and maintain the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section Findings
2.00 – Amendment of TRPA Regional Plan and Code of Ordinances

2.10 The TRPA Regional Plan and TRPA Code of Ordinances is hereby amended to include the amendments to TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 6, 10, 12, and 16; and Design Review Guidelines Appendix H to implement proposed recommendations to the TRPA permitting system as shown in Exhibit 1.

Section Findings
3.00 – Interpretation and Severability

3.10 The provisions of this ordinance adopted hereby shall be liberally constructed to affect their purpose. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section Findings
4.00 – Effective Date

4.10 The provisions of this ordinance shall be effective on XXXX XX, 2023.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2023, by the following vote:

Ayes:
Nays:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2023 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
TO AMEND THE TRPA FEE SCHEDULE

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is required under the TRPA Compact and the Regional Plan and Code of Ordinances to review projects, and reasonable fees must be charged to reimburse the Agency for such review costs; and

WHEREAS, the filing fees adjusted or created pursuant to this resolution are compensatory, cover the actual cost of providing services in reviewing and processing project applications, bear a direct relationship to the cost of administering the Agency’s ordinances, and do not raise revenue in excess of the cost of such services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, pursuant to the authority contained in Article VII(e) of the Tahoe Regional Planning Compact and Section 10.7 of the Rules of Procedure of said Agency, that the fees to be charged and collected for the filing of applications for all projects, activities and environmental documents to be reviewed or approved, or both, by the Agency shall be in accordance with the schedule thereof set forth in Attachment B as provided and incorporated herein by this reference and shall become effective _____, 2023.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this _____ day of _____, 2023, by the following vote:

Ayes:
Nays:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment F

[Code of Ordinance \(Full Document with Redline Changes Available Online\)](#) (link)

Attachment G

[Rules of Procedure \(Full Document with Redline Changes Available Online\)](#) (link)

Attachment H

[Design Review Guidelines, Appendix H \(Full Document with Redline Changes Available Online\)](#) (link)

Attachment I

[Fee Schedule \(\(Full Document with Redline Changes Available Online\) \(link\)](#)

STAFF REPORT

Date: September 20, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Denial of Expansion of Thompson Nonconforming Pier, Placer County, Assessor's Parcel Number 098-210-012, TRPA File Number ERSP2020-0373, Appeal No. ADMIN2023-0013

Requested Action:

To consider and act upon an appeal filed by Mr. Paul Thompson ("Thompson") of an Executive Director denial of an application to expand a nonconforming pier.

Staff Recommendation:

Staff recommends that the Governing Board deny the appeal and affirm the decision of the Executive Director to deny an application to expand a nonconforming pier.

Motion:

1. A motion to grant the Thompson Appeal, the Governing Board should vote "no" to deny the appeal.

The motion to grant the appeal will fail unless it receives five affirmative votes from California and nine overall.

Background:

In 2020, Thompson applied to TRPA rebuild an existing nonconforming pier and expand its length by 15 feet and add a boatlift. The existing pier is a concrete and rock crib structure that is 104 feet long, 20 feet wide at the pierhead, and has two catwalks. The Thompson pier is nonconforming in several respects including construction materials, pier width, and number of catwalks. Thompson proposed to rebuild the structure without rock cribbing and concrete, while maintaining, albeit reducing, nonconforming design elements including the width of the pier, the size of the pier head, the nonconforming number of catwalks.

Under TRPA code, a nonconforming structure may not be expanded unless it conforms with all development standards. Thompson proposes to increase the length of their pier by 15 feet and add a boat lift without bringing their pier into conformance with the design standards for pier head width, and the number of catwalks. The Executive Director therefore denied the application (see Attachment A) and Thompson appealed (See Attachment B).

Discussion:

There is no dispute that the current pier and the proposed rebuilt pier do not conform to all design standards (i.e. are nonconforming structures). TRPA follows the basic planning principle of not

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VIII. A.

allowing the expansion of nonconforming structures as a way of gradually phasing them out. TRPA specifically prohibits expansion of nonconforming shorezone structures in Code Section 82.7.1.C: “Except as expressly allowed in Chapter 84, expansion of nonconforming structures shall be prohibited.” Chapter 84.4.3.F.4.4 in turn, states “[a]n existing pier that does not conform to the applicable development standards set forth in this Section shall not be expanded”¹

Chapter 90 defines “expansion” as follows:

Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.

The Executive Director denied Thompson’s application because the addition of length and boat lift to the pier increases the size and extent of the nonconforming proposed pier. See Letter of Denial, Attachment A, at 1. In the recent Gately appeal (August 2021), the Legal Committee affirmed that the addition of a boat lift to a pier constitutes an expansion and can only happen if the pier conforms to development standards.

In his Statement of Appeal and exhibits, Thompson argues (1) elements that expand a nonconforming pier should be considered allowable modifications if they meet current design criteria and otherwise meet the code requirements for modifications (Attachment B, Exhibit H, at 4-6), (2) staff’s representation in a pre-application meeting that the pier design could be considered an approvable modification (*id.* at 1-2), and upon which they allegedly relied to expend funds, binds the agency in this appeal to approve the proposal, and (3) the Executive Director has not been delegated authority to act on this proposed project (*id.* at 3). Each issue is addressed below.

TRPA’s Code of Ordinances offers Thompson multiple options. First, they may maintain and repair the existing pier under TRPA Code Section 82.7.1.A. Second, Thompson may entirely replace and rebuild the pier in kind, including removing rock cribbing for piles under Code Section 82.7.1.B. Third, they may modify the pier to bring it into greater conformance with design standards per Code Section 82.7.1.D. Fourth, Thompson may rebuild the pier in conformance with design criteria (i.e., those elements that all new pier owners must meet) and add length and a boatlift under TRPA Code Section 84.4.3.B. In order to come into compliance with the design criteria, the Thompson-proposed pier needs only modest adjustments to (1) decrease the pierhead from a proposed width of 16 feet to an approvable width of 10 feet, (2) retain one of the two proposed catwalks, (3) decrease the proposed visible mass that counts toward the allowable visible mass total by approximately 19 square feet, and (4) ensure that no rock cribbing remains. Thompson, however, desires to maintain these nonconforming elements and further expand the pier in length and with a boatlift.

1. An Expansion Consistent with Design Standards Remains an Expansion not a Modification:

The Chapter 90 definition of an expansion set forth above does not provide any exemptions for increases in “size or extent” of a nonconforming structure that otherwise meets design standards. Indeed, the only exemption the Governing Board sought fit to adopt in Section 84.4.3.F.4.4 is expressly limited to nonconforming boathouses. In addition, the Legal Committee has already addressed this issue in the Gately appeal where, as described above, the committee found that the

¹ Section 84.4.3.F.4.4 provides an inapplicable exception for scenic improvements to boathouses.

addition of a boatlift that meets design standards still constituted a prohibited expansion on a nonconforming pier. In effect, Thompson is asking the Governing Board to adopt a different policy approach to expansions of nonconforming shorezone structures to permit their remodeled “less nonconforming” pier. Should the Governing Board desire to shift its adopted and affirmed policy choice it may so direct staff to bring back a planning item on the matter.

2. Informal Pre-Application Discussions do not Create a Vested Right:

As noted above, the straightforward application of the code precludes Thompson’s proposal because they prefer not to build the pier in compliance with TRPA design standards. Thompson argues, instead, that a TRPA staff member’s initial thoughts that their proposed project could be processed as a modification rather than an expansion should create a right to an approval of their project. A vested right cannot be established without a final discretionary permit or its equivalent. See *Avco Community Developers, Inc. v. South Coast Regional Comm’n*, 17 Cal.3d 785 (1976) v. X; *Leroy Land Development Company v. TRPA*, 543 F.Supp. 277, 281 (D. Nev. 1982); *Fernhoff v. TRPA*, 622 F. Supp. 121 (D. Nev. 1984). No such permit or approval was issued here and therefore no right to a permit exists.²

In addition, while TRPA strives to provide consistent guidance, the Thompson project presented one of the first applications of the new Shoreline Plan and its new ordinances regarding what constitutes expansions and modifications of nonconforming structures. TRPA staff works with applicants of projects that promote environmental gain, as is the case here, but when all segments of Agency review were brought to bear (including legal counsel), the Executive Director determined that if Thompson would not make the modest changes in pier dimensions described above to bring the design into conformance, TRPA must apply the straightforward definition of expansion and deny the application.

3. The Executive Director Possessed the Authority to Deny the Application:

Thompson contends that the Executive Director lacks the authority to hear his application for the rebuild and expansion of their pier. Attachment B, Exhibit H, at 3. Chapter 2 of the Code, however, delegates to the Executive Director consideration of all projects not retained by the Governing Board or delegated to the Hearings Officer. See Code Section 2.2.2.G. Expansions or modification of existing shorezone structures are not listed in those shorezone projects retained by the Governing Board (section 2.2.2.F.1.), or delegated to the Hearings Office (section 2.2.2.F.2). The Executive Director therefore possessed the authority to deny Thompson’s application.

² Thompson also relies on his alleged expenditure of approximately \$70,000 in consultant and engineering costs to prepare their application. Such “soft” pre-permit costs do not count towards vesting of a right. See *Avco*, supra. In addition, Thompson needs only to modestly modify his proposal to gain TRPA approval and avoid any alleged waste of resources.

In sum, the appeal should be denied and the decision of the Executive Director to deny the Thompson's application to expand a nonconforming pier should be upheld.

Contact Information: For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.gov or Tiffany Good, Principal Planner, at (775) 589-5283 or tgood@trpa.gov. 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.

Attachments:

- A. Denial Letter dated March 27, 2023
- B. Statement of Appeal dated May 16, 2023

Attachment A

Denial Letter dated March 27, 2023



March 27, 2023

Abby Edwards
Kaufman Edwards Planning
P.O. Box 1253

DENIAL OF APPLICATION, SINGLE USE PIER EXPANSION, 204 PINE STREET, PLACER COUNTY, CALIFORNIA, ASSESSORS PARCEL NUMBER (APN) 098-210-012, TRPA FILE NUMBER ERSP2020-0373

Dear Applicant:

The Tahoe Regional Planning Agency (TRPA) has completed review of your application for the subject property. Unfortunately, TRPA is unable to approve your application to expand a non-conforming single use pier. This application is denied, as further discussed below.

The existing pier is a single use, nonconforming structure serving the upland parcel located at 204 Pine Street.

The proposed project includes elements that are considered an “expansion” per the following definition:

“Expansion” as defined by Chapter 90: Definitions of the Code of Ordinances

Outside of the shorezone, “expansion” means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.

The proposed elements that are considered an expansion consistent with TRPA’s definition are a proposed increase in the length of the pier and the addition of a boatlift (to be converted from a buoy).

TRPA’s shoreline code explicitly prohibits expansions of non-conforming piers unless the project can make all of the findings consistent with TRPA Code Sections 82.7.1.C and 84.4.3.F.4, which are:

Chapter 82: Existing Structures and Exempt Activities

Code Section 82.7.1.C: Nonconforming Structures: Except as expressly allowed in Chapter 84, expansion of nonconforming structures shall be prohibited. *(See referenced code section in Chapter 84)*

Chapter 84: Development Standards Lakeward of the High Water in the Shorezone and Lakezone

Code Section 84.4.3.F.44. Expansion of a non-conforming pier.
An existing pier that does not conform to the applicable development standards set forth in this Section shall not be expanded except if all of the following conditions are met:

- a. The expansion is limited to an existing boat house and does not increase the extent to which the boat house is non-conforming;
- b. The expansion shall not increase the functional capacity of the pier;
- c. The effect of the expansion is to increase the contrast rating of the structure; and
- d. The expansion is the minimum necessary to accomplish the scenic quality improvement set forth in (c) above.

Since the proposed expansions do not relate to an existing boat house, TRPA cannot approve your application.

In order for TRPA to approve the additional length and the buoy to boatlift conversion, the pier would have to comply with the design standards for a single parcel pier. The pier would need to have a maximum 10-foot width at the pierhead and one 3-foot by 30-foot catwalk. Because these modifications to your application are unacceptable to you, your application is hereby denied.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this decision may be appealed within twenty-one (21) days of the date of this correspondence.

Should you have questions, please contact me at 775-589-5283.

Sincerely,



Tiffany Good
Permitting Program Manager
Permitting and Compliance

cc: John Marshall, General Counsel, TRPA
Wendy Jepson, Permitting and Compliance Manager, TRPA

Attachment B

Statement of Appeal dated May 16, 2023

STATEMENT OF APPEAL

Thompson Single Use Pier Expansion, Placer County APN 098-210-012, TRPA File No.
ERSP2020-0373

May 16, 2023

Appellant: Mr. Paul Thompson
5400 Hanna Ranch Road, Novato, CA 94945

This Statement of Appeal is made pursuant to Article 11 of the Rules of Procedure. This Statement of Appeal incorporates by reference our letter of November 21, 2022 to the Executive Director in its entirety.

From prior correspondence, it appears staff and counsel apparently believe they are unable to even consider this project due to the action of the Board on the Gately appeal. (Appeal File No. ADMIN2021). That decision was based upon the facts presented as to that project at that time. Had the applicant in this case been advised that a hearing was to be held that could affect their rights, perhaps one could argue that rights could be foreclosed. However, in this case, the applicant was told from the outset that his project *could be approved*. Based upon the representations of staff that the project was approvable the applicant spent over \$70,000 in doing everything the Code requires in order for it to be approved. It was literally just as the notices were going out for the hearing for approval, with a recommendation for approval by staff, that there was an abrupt about face by staff and counsel.

The Board is always the final interpreter of your ordinances, based upon all of the facts and circumstances at the time. There is nothing, including a prior decision that the Board may have made, that cannot be overturned completely, modified or changed by the current Board. Boards can change their membership, and their minds, at any time. Under the Compact and the Regional Plan it is the Board that is the final authority at all times. Along those same lines, to the extent that staff and counsel may argue that as a matter of law the Board must find that what the applicant proposes in this case is an impermissible expansion, or that it is constrained by its own prior decision, we respectfully disagree. Again, it is the sole prerogative of the Board to interpret the Code in a way that furthers the goals of the Regional Plan. This is particularly true since it was staff and counsel's earlier position that the project could be approved at the time application was made, and the applicant relied heavily on that position. Clearly, the Code can be read in various ways depending on the circumstances.

The applicant proposes a project that will result in major environmental improvements. The Gately matter did not offer such improvements. Here, the applicant has what is likely the largest private rock crib structure on the entire Lake, aside from commercial marinas. The applicant proposes to completely remove all of the rock crib, and entirely rebuild with all open piling. As we will show at the appeal hearing, this will result in major improvements to scenic quality, fish habitat and remove a major blockage to littoral drift.

As we set forth in our November 21, 2022 letter, the vague language of the Code can be read in a way that authorizes this project as a “modification” (allowable), or it can be read in a way that treats this project as an “expansion” which would not be permitted. The staff previously had believed the project was approvable as a “modification”. Crucially, in terms of the facts, this means the staff *agrees* that the project:

1. Results in a net environmental benefit.
2. Brings the structure into greater compliance with development standards.
3. Does not increase the degree of non-conformance with any development standard.

These mandatory findings are contained at Section 84.4.3.F of the Code. If even the staff agrees that all of these things are true, why would one want to prohibit this project? We are at a loss to understand why such projects should not be encouraged.

The Code sections that govern projects need to be read in the light of all of the provisions of the Compact, the Regional Plan, and in particular the Thresholds and Goals and Policies set forth to achieve environmental improvements. The current interpretation being advocated by staff and your counsel incentivizes owners of piers to keep structures that negatively impact the environment “as is”. One of our major contentions will be that the staff should not foreclose opportunities for improvement, simply because it is easier to just say “no”.

In view of the above, as applied to this applicant, staff and counsel’s position is vague and overbroad, arbitrary and capricious, discriminatory, unconstitutional, violates the duty of government to act in fairness, and is otherwise in violation of the Compact and Regional Plan and the law. It is also clear that the applicant was induced to rely on staff’s former position that the project was an approvable “modification”, and caused the applicant to invest heavily in reliance on those representations, only to be told on the eve of hearing that it was suddenly not possible. As there is no factual reason to believe the project was a threat to the environment (again, the staff agreed it was a net benefit) there is no legitimate governmental interest served in the abrupt reversal. Under these circumstances, this is not legally permissible. We look forward to a constructive discussion at the appeal hearing, and we will be providing further supportive materials in advance of the hearing.

**Thompson TRPA Pier Modification
Timeline of Events**

- October 2, 2019 - Paul Thompson retains Kaufman Edwards to proceed with research on feasibility of pier extension and boatlift addition on non-conforming pier.
- September 30, 2019 – Kaufman Edwards contacts Tiffany Good at TRPA to set up meeting to discuss expansion of non-conforming pier.
- December 5, 2019 - Paul Thompson and Kaufman Edwards meet with Tiffany Good at TRPA. Discussions included what could be approved if the existing rock crib and concrete pier was converted to an open piled pier.
- December/January 2020 - Engineer was retained to prepare construction plans for pier modification.
- February 2020 – Kaufman Edwards prepared Scope of Work for client for permitting steps and costs pier modification.
- March 19, 2020 –Application was submitted to TRPA for pier modification.
- June 1, 2020 –Retained Historic/Cultural Architect to prepare cultural report.
- June 8, 2020 – Submitted application to Lahontan RWQCB for pier modification.
- June 16, 2020 - Submitted application to California Fish and Wildlife for pier modification.
- June 26, 2020 - Submittal application to the Army Corps of Engineers for pier modification.
- August 10, 2020 – Kaufman Edwards inquires with Tiffany Good re: status of application
- August 24, 2020 – Submitted application to California State Lands Commission for pier modification.
- October 22, 2020 – Kaufman Edwards contacts Tiffany Good at TRPA re: status of application. Tiffany Good informs Kaufman Edwards that notices for hearing meeting will be going out tomorrow.
- October 23, 2020 – Kaufman Edwards sends Tiffany copy of digital application for TRPA noticing.
- November 4, 2020 – Discussion with Tiffany at TRPA. Tiffany met with TRPA legal counsel (Jon Marshall) and it was determined that the Thompson pier project would not be approved unless we bring the proposed pier into 100% conformance to current design standards.
- November 5, 2020 – Kaufman Edwards asks TRPA for something in writing regarding the denial of the current pier proposal.
- November 6, 2020 – Tiffany Good responds to Nov. 5 email via email.
- November 10, 2020 – Kaufman Edwards Planning sent TRPA letter arguing Code definition of expansion, stating dates we were given approval to proceed, etc.
- December 1, 2020 – Received Fish and Wildlife approval (Streambed Alteration Agreement) for pier project.
- January 19, 2021 – TRPA issues formal letter denying project as submitted.
- January 22, 2022 – Paul Thompson sends Tiffany Good email to argue definition of pier expansion vs modification.

- October 11, 2021 – Kaufman Edwards submits QE for pier repair/crib encapsulation to TRPA.
- March 20, 2022 – TRPA issues approval for QE for rock crib encapsulation.

- may comply with the additional standards for multiple-use piers serving four or more littoral parcels, as set forth in (C) of this subsection.
2. Commercial or tourist accommodation facilities eligible for an additional pier under 84.4.2.C of this Section that are not deed restricted to be open to the public shall comply with the additional standards for single-use piers, as set forth in (B) of this subsection.
- F. Expansion or Modification of Existing Piers.** Subject to the following provisions, a legally existing pier may be expanded or modified. These provisions apply to legally existing piers outside of marinas; expansion or modification of legally existing piers within marinas is subject to subsection 84.6.3.E.
1. **Modification of a conforming pier.** An existing pier that conforms to the applicable development standards set forth in this Section may be modified if the modification results in a net environmental benefit and is consistent with the applicable development standards set forth in this Section.
 2. **Modification of a non-conforming pier.** An existing pier that does not conform to the applicable development standards set forth in this Section may be modified provided all of the following conditions are met:
 - a. The modification results in a net environmental benefit;
 - b. The modification brings the structure into greater compliance with applicable development standards set forth in this Section; and
 - c. The modification does not increase the degree of nonconformance with any applicable development standard set forth in this Section.
 3. **Expansion of a conforming pier.** An existing pier that conforms to the applicable development standards set forth in this Section may be expanded to the extent allowed by the applicable development standards set forth in this Section.
 4. **Expansion of a non-conforming pier.** An existing pier that does not conform to the applicable development standards set forth in this Section shall not be expanded except if all of the following conditions are met:
 - a. The expansion is limited to an existing boat house and does not increase the extent to which the boat house is non-conforming;
 - b. The expansion shall not increase the functional capacity of the pier;
 - c. The effect of the expansion is to increase the contrast rating of the structure; and
 - d. The expansion is the minimum necessary to accomplish the scenic quality improvement set forth in (c) above.
- G. Relocation and Transfer of Existing Piers.** Subject to the following provisions, a legally existing pier may be replaced with a pier in a different location on the same parcel (pier relocation) or with a pier on a different parcel (pier transfer):

such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

Excavation

The digging out of earthen materials. See also "Grading."

Executive Director

The executive officer of TRPA.

Exempt

Activities that are not subject to review and approval by TRPA. See Section 2.3.

Exhaust Emissions

The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

Existing

Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 50, 51, and 52 nor are projects whose approvals have expired.

Exotic Animals

Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

Expansion

Outside of the shorezone, "expansion" means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. Within the shorezone, "expansion" means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.

Facility

A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

Factory-Built House

House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

- A. "Modular Homes": This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
- B. "Panelized Homes": These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.6 Existing Uses

81.6.2 Changes, Expansions, or Intensifications of Existing Uses

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the local plan. Discontinuance of use for periods found by TRPA to be beyond the applicant's control, such as weather caused calamity, governmental seasonal regulations and periods during which TRPA was prohibited by court order from accepting applications for repairs related to the use, shall not be counted in establishing discontinuance of use pursuant to this section.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

A use subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program. Such specific programs shall be further defined and adopted by ordinance.

81.6.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses, or changes in use to the extent permitted by this chapter, are subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances* and Chapter 82: *Existing Structures and Exempt Activities*. Modifications, expansions and other changes to structures are governed by other provisions of the Code and also are subject to the requirements of Chapter 2 and 82. Changes in use of a littoral parcel may not increase shorezone development potential.

A. Allowed Uses

Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification, resulting in a special use, shall be subject to the special use requirements.

B. Special Uses

Uses identified as special uses and for which the required findings pursuant to subsection 81.3.2 have been made by TRPA, may be changed, expanded, or intensified subject to subsection 81.3.2.

C. Nonconforming Uses

Uses identified as nonconforming shall not be expanded or intensified. A nonconforming use shall not be changed unless the new use conforms to the use regulations set forth in this Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity.

84.3. MOORING STRUCTURES**84.3.1. Applicability**

- A. The provisions of this Section apply to the construction of additional mooring structures and to the relocation and conversion of existing mooring structures.
- B. As used in this Section, mooring structures include buoys, boat slips, boat houses, and boat lifts.
- C. For the purposes of this Section, a mooring structure is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after October 24, 2018. The following are not "additional" mooring structures:
 - 1. The authorization of a legally existing buoy pursuant to 84.3.3.D.3 of this Section;
 - 2. The repair, reconstruction, or replacement, in the same location on the same parcel, of a legally existing mooring structure;
 - 3. The modification or expansion, on the same parcel, of a legally existing mooring structure;
 - 4. The relocation of a legally existing mooring structure on the same parcel;
 - 5. The conversion of a legally existing mooring structure to a different mooring structure pursuant to subparagraph 84.3.2.D;
 - 6. Essential public health and safety facilities.

84.3.2. General Standards**A. Moorings per Littoral Parcel.**

Unless otherwise allowed under this Chapter, a littoral parcel not associated with a public agency, homeowners' association, or marina shall be permitted a maximum of two moorings.

B. Watercraft per Mooring.

Only one watercraft shall be allowed per mooring, unless otherwise allowed as a permitted concession associated with a marina per subsection 84.10.2.

C. Boat houses.

- 1. Additional boat houses shall be prohibited.
- 2. Legally existing boat houses are allowed to be repaired and maintained.
- 3. Modification or expansion of legally existing boat houses may be allowed pursuant to subsection 84.4.3.

D. Conversion of Existing Mooring Structures.

Subject to the following conditions, certain legally existing mooring structures may be converted from one type of structure to another.

1. Converted mooring structures shall comply with all applicable development standards for additional mooring structures in this Chapter.
 2. Allowed Conversions.
 3. A serviceable, legally existing marine railway may be converted to a buoy or boat lift. A boat lift converted from a marine railway pursuant to this subsection shall not be subject to the maximum number of boat lifts per single-use pier as set forth in subparagraph 84.4.3.B.2, not to exceed two boat lifts total per pier. The converted boat lift shall be considered an additional mooring per 84.4.3.E below. Conversion of a marine railway to a pier shall be prohibited.
 - a. A legally existing boat slip within a marina or public facility may be converted to a buoy within the same facility, and vice-versa.
 - b. A legally existing buoy may be converted to a boat lift, and vice-versa, consistent with the maximum number of mooring structures and buoys set forth in 84.3.2.A and 84.3.3.D.1 of this Section, respectively, and the provisions for additional boat lifts set forth in 84.3.2.E.6 of this Section.
- E. Allocation and Permitting**
1. **Maximum Number of Additional Moorings.** TRPA may permit up to a maximum of 2,116 additional moorings following the date of adoption of this Chapter.
 2. **Allocation of Additional Moorings.** Of the additional moorings authorized in this Section:
 - a. 1,486 moorings shall be used for private moorings as either buoys or boat lifts.
 - b. 330 moorings shall be allocated for use by marinas as either buoys or boat slips.
 - c. 300 moorings shall be allocated for use by public agencies (for use as buoys or boat slips). The Executive Director may utilize a portion of this allocation for private applicants once the moorings available under Subsection 84.3.2 (E)(2)(a) are exhausted and subject to finding that sufficient capacity exists for public agency anticipated use. If the Executive Director allocates such moorings for private applicants, a minimum of 100 moorings must remain for future use by public agencies.
 3. **Phasing of Applications for Additional Private Moorings**
 - a. **Permit Review Priority.** TRPA shall give first permitting priority to those applicants with previous state or federal approvals issued before September 1, 2018 or pending project applications with TRPA. Following completion of review for priority applicants, new project applications shall be reviewed in the order they are received.

- (iv) On a different littoral parcel within the same unit and within the upland; and
 - (v) In a different non-attainment unit.
- e. Scenic Credits. Scenic Credits are defined as the difference between the existing visible mass and the proposed visible mass associated with shorezone structures. Banking of scenic credits may be allowed subject to the following provisions:
- (i) Scenic credits may be used to offset additional visible mass only for projects in the same Scenic Unit; and
 - (ii) Scenic credits may only be used on the parcel on which scenic improvement is achieved.
7. **Fish Habitat Mitigation.** Pier construction in spawning habitat shall comply with the mitigation requirements in Section 84.11, Mitigation.
8. **Lighting on Private Piers.** Lighting on additional private use piers shall be directed downward and only onto the pier deck and shall not exceed two feet in height above the deck. Lighting shall be the minimum illumination necessary to ensure safety and shall comply with all applicable standards set forth in Chapter 36, *Design Standards*. Pier lights for navigational purposes must be approved by the United States Coast Guard and the Army Corps of Engineers.
9. **Floating Piers.** Applications for new piers and pier extensions that include floating piers or floating portions longer than 25 feet must submit a site-specific littoral drift and wave analysis which evaluates the sediment movement along the lake bottom during low, mid, and high lake levels. The lake level condition with the greatest effect on littoral transport and backshore stability shall be used to design the floating pier section so that wave heights are not reduced by more than 50 percent and the floating pier section is no greater than 50 percent of the length of the site-specific design wavelength.
10. **Accessory Structures.**
- a. Boatlifts, handrails, and other allowable accessory structures and safety devices shall not extend more than four feet above the pier deck, with the exception of flag poles.
 - b. A maximum of one flagpole is permitted on any private pier. Flag poles shall be medium or dark in color and shall have a value of 4 or less on the Munsell Color Chart. Flagpoles shall have a non-reflective finish, shall be a maximum of 20 feet high above the pier deck and have a maximum diameter at the base of 6 inches.
 - c. Allowable visible mass as set forth in Paragraphs (B) and (C) below shall include any catwalk but shall exclude the visible mass of a boat lift, watercraft on a boat lift, and other allowed accessory structures.

- d. Visible mass used to calculate required scenic mitigation for piers as set forth in subsection 84.4.3.A.6 shall include all accessory structures, including boat lift and watercraft on a boat lift.
11. **Prohibited Structures on Piers.** Superstructures, permanent umbrellas, canopies, storage racks for non-motorized watercraft, plant containers, and furniture other than benches shall be prohibited on piers.
12. **Signage.** In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
- B. Additional Standards for Single-Use Piers**
1. **Applicability.** These provisions apply to:
- a. Piers on littoral parcels serving one to two residential units on the same parcel; and
- b. Piers on littoral parcels serving a single primary residence with ownership of more than one adjacent vacant littoral parcel. Such piers shall be allocated as multiple-parcel piers pursuant to subsection 84.4.4.
2. **Development Standards.** Piers shall be constructed consistent with the following provisions as shown on Figures 84.4.3-1 and 84.4.3-2:
- a. Pier orientation shall be perpendicular to the shoreline, as feasible, according to property boundary projection lines;
- b. Piers shall extend no farther lakeward than elevation 6,219 feet Lake Tahoe Datum or the pierhead line, whichever is more limiting, except as provided under Subparagraph (c) below. Up to an additional 15 feet in length lakeward may be permitted provided if:
- (i) the project applicant demonstrates that the additional length is necessary for the functionality of the pier, and
- (ii) the average grade of the lake bottom beneath the additional pier length is a minimum of three percent;
- c. Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
- d. Pier width shall be a maximum of 10 feet, not including a catwalk;
- e. Allowable visible mass shall not exceed 220 square feet (Figure 84.4.3-3). Visible mass due to lateral public access accommodations (e.g. added height, ladders, or stairs) shall not count towards the visible mass limit

Exhibit "G"

54.4.B Design And Construction Standards: Design and construction standards are:

- (1) The width of piers shall be a maximum of 10 feet, which shall include all appurtenant structures except for a single low-level boat lift and a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 45 feet in length, may be permitted. Additional width for a single catwalk may be permitted where TRPA finds it is necessary to facilitate barrier free access but at no time shall the entire width of the pier and catwalk exceed 13 feet. A low level boat lift with forks not exceeding 10 feet in width may be permitted.
- (2) Pier decks shall not extend above elevation 6232.0 feet, Lake Tahoe Datum. Boat lifts, pilings, and handrails and other similar safety devices, shall not extend more than four feet above the pier deck. Pier decks may extend up to elevation 6234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure.
- (3) To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.
- (4) Superstructures shall not be permitted on any lake or lagoon in the Region unless the structure is assured to be removed upon discontinuation of the use or the need for the structure; and it is either:[§]
 - (a) for the purpose of conducting research identified in the Environmental Impact Program or conducting ongoing monitoring of environmental conditions identified in TRPA's monitoring program; the nature of the research or environmental monitoring requires an over the water location for data gathering instrumentation and is the minimal size necessary; and no watercraft will be housed in or on the superstructure; or
 - (b) required by a public agency for public health and safety purposes (such as a radio transmitter or a light beacon); by its very nature the superstructure requires an over the water location and is the minimum size necessary; and no watercraft will be housed in or on the superstructure.
- (5) Fueling facilities shall not be permitted on piers located adjacent to littoral parcels on which the primary use is residential.
- (6) The standards set forth in Subparagraph (1), above, may be waived for piers recognized by TRPA as multiple use pursuant to Section 54.8.

[§] Amended 02/25/98

LAW OFFICE OF GREGG R LIEN
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TAHOE CITY, CA 96145

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LAKELAW@SIERRATAHOE.NET

November 21, 2022

Ms. Julie Regan
Executive Director
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Thompson Single Use Pier Modification, Placer County APN 098-210-012; TRPA File Number ERSP2020-0373

Dear Ms. Regan,

We are writing to you with regard to your staff and counsel's initial determination that this project is unable to be approved. For all the reasons set forth below we strongly believe that this initial decision should be revisited.

This project involves the conversion of an immense rock crib and concrete pier to an open piled pier. This is the type of project that should be encouraged. In spite of this, your staff and counsel have initially determined that because the project involves additions to the pier that are completely conforming to your Code, it is not approvable. Central to the analysis are the definition of an "expansion" and what permissible "modifications" are.

An important factor here is that before this project was even applied for, your staff met with the applicant and his consultant, and represented that the project was indeed approvable. In reliance on that representation, the applicant invested \$70,000 in preparing applications, engineering, independent experts and consulting. It was literally just as the notices were going out prior to the TRPA Board hearing for approval when the staff and counsel abruptly reversed course.

We are bringing this to your attention in the hopes that our disagreement can be resolved, and we can resume processing of this application. If we are unable to reach agreement, we ask for a final decision that can be appealed to your Board.

Set forth below is our analysis of the relevant considerations for your review. Paramount in our view is the fact that if the current interpretation stands any incentive for lakefront owners with non-conforming piers (very few are "conforming") to move toward conformance to design standards or offer environmental improvements will evaporate.

This Project Will Result in a Major Net Environmental Benefit:

The applicant proposes to convert one of the largest remaining rock crib piers on the entire Lake to an open piling pier, as well as making it smaller in overall size. The net environmental improvements resulting from that conversion are dramatic:

1. Reduction In Interference With Littoral Drift: Rock crib piers are notorious for blocking littoral drift, which creates bottom scouring on one side of the pier and accumulation of sediments on the other side. The degree to which the negative impacts occur depends upon Lake elevation, wind magnitude and direction. Suffice it to say that such effects can be severe, and the current structure will absolutely cause a major shoreline erosion event at some point in the future. This is particularly true on the West Shore, when easterly wind events at high Lake elevation have been documented to cause erosion of the shoreline at a rate of several feet per hour, especially where scouring occurs due to the presence of a reflective structure. Shoreline erosion has been identified as a major source of phosphorous and other contributors to phytoplankton primary productivity. TRPA is far behind in Threshold attainment as to water quality, and this project will provide a direct and substantial benefit.
2. Improvement to Fish Habitat: While this area is mapped as "feed and escape cover" and "marginal" habitat, it is also actually spawning habitat for several species of forage fish and other native fish in the summer months. Turbidity associated with rock crib can cover spawned eggs resulting in lower survival rates. In addition, 1,156 square feet more fish habitat will be created due to removal of concrete and cribbing from the lake bottom.
3. Scenic Improvement: The project greatly reduces the visual mass along its most impactful horizontal segment. That segment is between the water level and the pier deck, which is the area through which the observer looking from offshore can see the beach and shoreline. In the development of TRPA's shoreline ordinances, TRPA's visual mentors identified this segment as crucially important to observers looking from offshore. Occluding the view of the bank or the structures in the upland above is far less important.

We do not believe that the TRPA staff disagree that these benefits would be realized, as they are self-evident. TRPA has encouraged such improvements consistently since at least the adoption of the 1987 Regional Plan and even before.

A Last-Minute Change In Policy Is Unfair and Counterproductive:

After a year of processing in good faith reliance on TRPA's representations that the project could be approved, and right on the eve of a Hearing's Officer meeting (I believe) to approve this project, TRPA staff abruptly pulled the rug out from under the applicant. The stated reason for this was that TRPA counsel had found that as a matter of law, the only possible interpretation of your Code was that the project involved an "expansion of an existing nonconforming pier" and therefore could not be approved unless the pier came completely into compliance with the

standard for a new single use pier. (See the Thompson Project Timeline attached as Exhibit "A".) This is fundamentally unfair and constitutes a breach of the general governmental duty to treat the governed in a way that is not arbitrary or capricious.

This is especially true given the fact that both the applicant and the applicant's representative met with TRPA staff before even making an application to ensure that it could be processed under the TRPA Code. Having received reassurance that what was proposed was feasible, the applicant proceeded to hire an engineer as well as other outside experts, and submitted all of the materials to TRPA for the application to be deemed complete. Not only that, the applicant also completed full applications to the Lahontan RWQCB, Fish and Wildlife, US Army Corps and the California State Lands Commission. As previously alluded to, between the cost of the consultant, engineer, historic/cultural expert, filing fees and other costs, the applicant has spent in excess of \$70,000, and has also invested countless hours coordinating this project.

It is legally significant that all of this expenditure of time and resources was done solely in reliance on TRPA's representation that this project could be approved. While all applicants assume the risk that at a final hearing for approval, one or more Governing Board members may have questions, or that additional conditions of approval may be imposed, or even a requirement for a change in the design, but that was not what happened here. What happened here was that TRPA decided that the application should not have been accepted in the first place, and that it was not possible to take this project before the TRPA Board. This was not a risk that the applicant should have to run. Simply stated, given the applicant's good faith reliance on TRPA staff's representations, it is inequitable to reverse course at the last minute, and deny access to the decision makers and policy makers.

TRPA Staff and Counsel Have Denied Access to the Final Authority on Interpretation of Your Code: The Governing Board

As will be explained below in further detail, this is a matter of interpretation of your Code. TRPA staff and legal counsel were not charged with the ultimate authority to adopt, change or interpret your Code. That authority rests with the TRPA Board as described in Article III of the TRPA Compact. In addition, staff and counsel are not delegated the authority to act on certain pier projects. The TRPA staff had previously made a determination that this project could not be approved by the staff, presumably in accordance with the TRPA Code at Section 2.2.2, which requires hearings on certain types of projects.

Staff and legal counsel cannot have it both ways. In effect the staff said at the outset this project was approvable initially by the Hearings Officer and/or the Board. On the eve of the hearing, they abruptly reversed themselves and not only said that the TRPA was unable to approve, but that the staff decision on the project was the decision of the Agency. This is inconsistent, especially since the decision was based upon an interpretation of your Code, which has always primarily been the province of the TRPA Board. As will be seen below, your Code is ambiguous on its face, and subject to interpretation.

Is This Project an "Expansion" or a "Modification"?

Before looking at the language of the Code, it is important to keep in mind the goals of the Compact, the Thresholds and the Regional Plan. The guiding principle in TRPA's mission is to look for and programmatically encourage incremental movement toward environmental improvement. There have been many occasions since the adoption of TRPA's Regional Plan in 1987 where unrealistic code language or interpretation have led to missed opportunities to improve the environment by blocking incentives for the private sector to help move Tahoe's environment in the right direction. Most of those counterproductive provisions are now gone, and have been replaced by balanced incentivized programs such as conversions of commercial and other existing development to workforce housing, transfer programs for coverage to be relocated away from sensitive lands and to high capability lands, and so on.

The current interpretation by staff and counsel in this case constitutes a pivot back to the many similar failed policies of the past. To "just say no" must also be understood to say no to very opportunities for environmental improvement sought to be encouraged by the Regional Plan.

The standards for modification of a non-conforming pier are set forth at Section 84.4.3.F of the Code (Copy attached as Exhibit "B".) All of the following must be met:

- a. The modification results in a net environmental benefit.

Here there is a major and undeniable benefit as to water quality, scenic impacts and fish habitat, as described in detail above.

- b. The modification brings the structure into greater compliance with applicable development standards set forth in this Section

The modified pier will be much smaller in terms of total mass, as the rock crib will be replaced with open piling. In terms of dimensions, it will also be smaller as to width along the pier as well as at the pierhead. The project overall will be in much greater compliance.

- c. The modification does not increase the degree of nonconformance with any applicable development standard set forth in this Section.

The staff references the additional length of the pier as an increase in the extent of the pier, which could make the project an "expansion". As to length, the pier is currently shorter than current standards would allow, and the proposed pier will be in compliance with that new standard which allows an additional 15 feet as a matter of right at this location. To be consistent, however, it was the decision of the Board on the Johannessen new single use pier project just last year under the same Code language that the 15 feet additional is conforming. If a brand-new pier can extend to the length allowed by the Code, then the additional length proposed here, by definition, is in compliance with the development standard as to length.

In summary, this project is approvable under the language of the Code as to “modification” of a non-conforming pier. It provides distinct environmental improvements and is just the kind of project that TRPA should encourage.

Is the Project Also an “Expansion”?

The definition of an “expansion” is set forth in the attached Exhibit “C”. In pertinent part, that definition says that an expansion is “an increase in size and or extent, including an increase in the dimensions of a structure, and *the addition of any structure or edifice to an existing structure*” (emphasis added).

As with ANY ordinance provision, under the rules of construction, this over-broad language must be read in the context of the Code as a whole, and the Goals and Policies of the Regional Plan. The wisdom of the Regional Plan is lost if one simply reads the definition of “expansion” in isolation. It is our belief that Code Section 81.6.2.C beautifully and succinctly summarizes that context and intent. That Section is attached as Exhibit “D”, and the crucial language reads:

“Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of non-conformity.”

This is also the general policy as to non-conforming uses and structures generally in jurisdictions and municipalities throughout the country. Stated another way, if the modifications conform to the development standards for new single use piers, it should be a “modification” and not an “expansion”.

Apparently, the language in the definition of “expansion” that troubles staff and legal counsel is the phrase “the addition of any structure or edifice to an existing structure”. Obviously, this last phrase would mean you couldn’t add any physical object of any kind, but TRPA has allowed many types of things to be added to non-conforming piers over the decades since the 1987 Plan was adopted.

TRPA Code Section 84.3.2.D.3.b (see Exhibit “E”) allows for the conversion of one type of mooring for another. While the Code requires the conversion to meet design standards, it is our position that this was not intended to be an insurmountable task. According to one of those who participated in the last round of Shoreline Plan negotiations, Jan Brisco, this nuance pertaining to “expansion” versus “modification” was never highlighted or discussed since it would be a deal breaker to just about every pier owner wishing to take advantage of this option. Piers that are conforming today are in the minority, and under the staff’s onerous interpretation very few piers could qualify for an otherwise routine conversion. During the Shoreline planning meetings, Jan Brisco understood that this type of conversion was not to be limited to only a few.

Jan and I believe the intent of TRPA Code Section 84.4.3.A.10.a. Accessory Structures (see Exhibit “F”) is clear - - boat lifts, handrails, and other allowable accessory structures and safety

devices are accessory to the pier and the addition of "conforming" accessories were not intended to constitute an impermissible "expansion".

Again, consistency with past permitting and practice is vitally important to the understanding and expectation of fairness, as is a look at the Regional Plan as a whole. Our interpretation of the current Code is consistent with the prior Code under TRPA Code Section 54.4.B(2) (see Exhibit "G"). TRPA has routinely allowed accessory and safety structures on non-conforming piers in dozens of projects since the 1987 Code was adopted, including boat lifts, railings, and flagpoles. In those cases, there has been no mention of expansion or expansion findings. Under the prior Code, any "expansion" would have required the pier be modified to reduce the level of non-conformity with the design and location standards.

The conversion of one mooring type to another should be encouraged, not made impossible. Mooring a boat on a boat lift is a far superior method than mooring to a buoy in terms of safety to the user, risk of the boat sinking in rough water, bilge-pump cycling, and the possibility of the boat becoming untethered from the mooring buoy. Rough water can present dangerous conditions when using a buoy, and much less of a risk to the boater by using a lift to raise the boat out of the water and allow passengers to safely enter or exit the vessel.

Conclusion

For staff and counsel to say that there is only one possible interpretation of your Code, and to deny access to the real decision makers is patently erroneous. This is a matter that should be considered by the Board, which is invested with the final authority to interpret the Code and to make policy.

Before that occurs, we would ask that you please reconsider the staff's initial decision that TRPA is unable to approve this project for all the reasons we have discussed. Of course, we would greatly prefer to go before the Board with a recommendation for approval, and we would very much appreciate the opportunity to discuss this further. If we are unable to make progress, then we ask that you provide us with an appealable final staff decision so that we can take this before the Board in that manner. Thank you for your time and your thoughtful consideration of this matter of great importance to my client.

Very truly yours,



Gregg R. Lien

Enclosures

Cc:

Mr. John Marshall, Esq.

Ms. Wendy Jepson

Ms. Tiffany Good

Ms. Abigail Edwards

Client



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

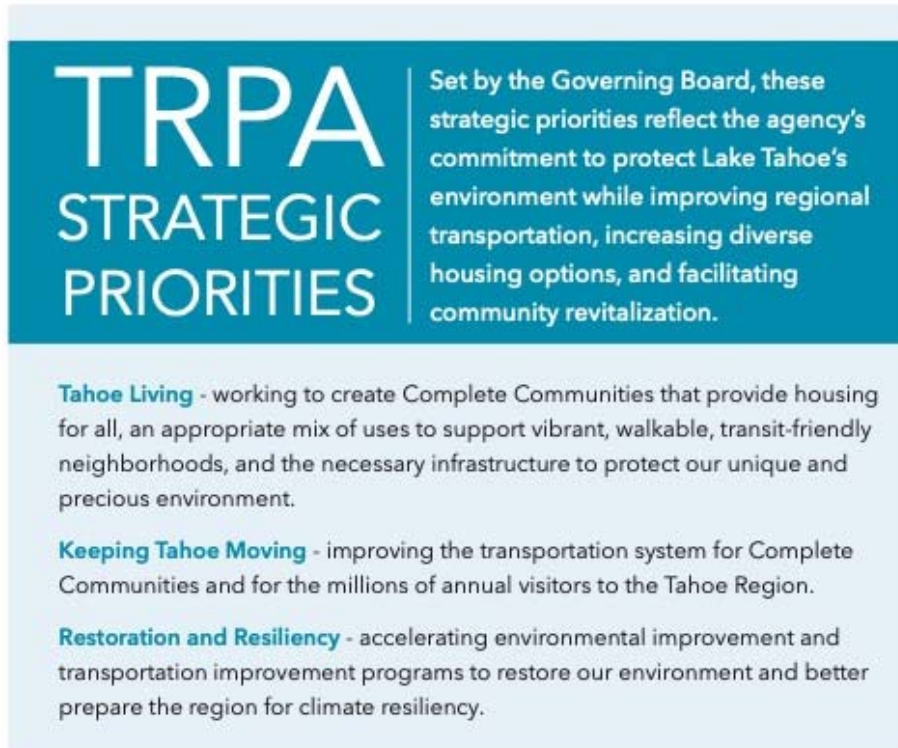
DECEMBER 2023

- 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: '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.' The body of the graphic contains three paragraphs of text, each starting with a bolded title: 'Tahoe Living', 'Keeping Tahoe Moving', and 'Restoration and Resiliency'.

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.



STAFF REPORT

Date: September 20, 2023
To: Regional Plan Implementation Committee
From: TRPA Staff
Subject: Informational Update on Phase 2 Housing Amendments: Market Solutions to Encourage Affordable and Workforce Housing Development

Summary and Staff Recommendation:

Since October 2021, TRPA staff and consultants have been examining the financial implications that regional and local development standards, including height, density (a.k.a., units per acre), coverage, parking, and setbacks, have on the development of affordable and workforce housing and attainment of Regional Plan goals such as supporting redevelopment that improves treatment of runoff, reduced vehicle miles traveled and enhances walkability. Staff will present an informational update on the recommended changes to TRPA’s development standards to assist in achieving Regional Plan housing, transportation and water quality goals. These recommendations are based on input from the Tahoe Living Working Group, the Local Government and Housing Committee, RPIC, Governing Board, and community input. Staff requests discussion and direction on the proposed changes from the Regional Plan Implementation Committee (RPIC). Following direction from RPIC the package of amendments will be presented to the APC and RPIC for formal recommendations and then to the Governing Board for consideration.

Background:

Studies, feedback from local government partners, and community sentiment continue to show the deepening impact of housing affordability in Tahoe and in mountain communities across the West. Since 2000, population and employment has declined by 11% in the Tahoe Basin¹. In 2012, the median home price was approximately six times the median household income. In 2021, that number rose to more than 13 times median household income². The lack of affordable housing impacts the region’s ability to maintain thresholds and achieve the housing, vehicle miles travelled (VMT), water quality, and transportation goals, among others, outlined in the Regional Plan. Businesses, public and non-profit organizations struggle to remain fully staffed and more residents are forced to relocate outside the basin, which increases traffic and vehicle emissions. The current residential development standards incentivize building large single-family homes on big lots further from town centers which are generally only attainable to second homeowners or owners who intend to rent the unit for a short term. Homes that are built further from town centers are less likely to travel by transit or bike.

¹ US Census Bureau

² US Census Bureau, [Regional Housing Needs Assessments](#)

The TRPA Governing Board has identified Tahoe Living and the “Complete Communities” concept, including a strong focus on affordable and workforce housing, as an agency priority. Recognizing that there is no one size fits all solution to housing affordability and each agency must work to remove barriers to building affordable housing, Phase 2 of TRPA’s Tahoe Living strategic priority aims to update height, density (units per acre), land coverage, and parking standards for deed-restricted housing. The goal is to level the playing field financially, enabling the private sector to deliver housing for the “missing middle,” and significantly reducing costs for delivering subsidized affordable and workforce housing.

Discussion:

The amount of development in the Tahoe Basin has been capped since adoption of the 1987 Regional Plan. As of 2022, there were approximately 3,525 residential units remaining under these growth caps; units that will be allocated and assigned regardless of the Phase 2 housing amendments. Nearly a quarter of these units are reserved as “residential bonus units,” meaning they take the place of a residential unit of use and must be assigned to residential units that are deed-restricted affordable, moderate, or achievable. Residential bonus units were designed to create a limited number of small areas where apartments and condominiums can be built so that people who work in our communities can live in our communities.

At the beginning of this effort a workshop was held at which Opticos consultants presented contemporary approaches to providing housing “for the missing middle.” These approaches included alternatives to traditional regulations on density, height, coverage, and parking. Over the past two years, Cascadia Partners have completed two financial feasibility analyses that identify how much the cost per unit can be reduced if development standards, including coverage, height, and density are increased and parking requirements are reduced. The results show that allowing more units on a parcel (i.e. increasing density allowances) reduces the per unit cost of each. Allowing higher coverage and height limits expands the building footprint to allow for more units, while reduced parking leaves more land that can be built for housing instead of cars. Cascadia estimates that changes to coverage, height, and density alone could reduce rental prices by approximately 35%³.

TRPA staff have spent the larger part of 2023 developing a proposal to modify development standards for deed restricted housing which would accelerate construction of the remaining 862 bonus units in and close to town centers, jobs, grocery stores, transit, and services to reduce the requirement for every person to drive a personal vehicle. Encouraging the remaining bonus units to be built as more dense development in already dense areas both reduces the cost to build each unit and helps meet the housing, transportation, and water quality goals of the Regional Plan. The proposal is grounded in increasing financial feasibility for deed-restricted affordable, moderate, and achievable housing in the basin. This proposal will not change the overall growth caps that were analyzed and authorized in the 1987 and 2012 Regional Plans.

The Phase 2 housing amendments focus changes in two areas within the basin where concentration of development is encouraged by the Regional Plan: 1) in town centers, and 2) in areas currently zoned for

³ [TRPA Zoning and Affordability Analysis](#), Cascadia Partners

multi-family housing within the bonus unit boundary.⁴ The recommendations would further incentivize development in town centers and in proximity to transit and services by increasing the number of units that can be built per acre (i.e., density), height, and coverage allowances for deed-restricted residential development in town centers. The analyses performed by Cascadia indicated that coverage, height, and parking minimum standards already constrain the size of the building so density standards, which are more typically applied when subdividing raw land to build single-family homes, are redundant and not necessary. One of the key concepts that Opticos presented was requiring similar building characteristics and gradual transitions between parcels with larger buildings and parcels with smaller buildings. In response the recommendations include requirements relating height and roof pitch, and requiring stepping back upper floors on buildings as they get taller. In addition, the recommendations include an option that provides local jurisdictions the discretion to allow additional height on parcels directly adjacent and contiguous to town centers if they determine it is appropriate or needed to create a desired transition to adjacent existing development with lower building heights. The recommendations would also encourage small-scale multi-family development, like duplexes and triplexes, in areas that already allow (i.e., are zoned for) multi-family housing and where much of our de facto affordable housing exists.

Town Centers

The Phase 2 housing amendments would allow for higher density, height, and coverage in town centers, as shown below, for deed-restricted housing units. Projects that are building 100% deed restricted development on parcels that are adjacent and contiguous from existing town centers would be eligible for town center incentives, including height up to 56'. For specific details on the proposal, see Attachment A, Draft Regional Plan and Code Language.

⁴ A map of town centers, areas zoned for multi-family housing, and the bonus unit boundary can be found [here](#). The Bonus Unit Boundary is the area within ½ mile of transit, ½ mile of town centers, and areas that allow for multi-family residential housing within the Tahoe Basin. Parcels receiving TRPA bonus units must be within the Bonus Unit Boundary.

Town Centers

Existing TRPA Code	Proposed TRPA Code Deed restricted housing only
Maximum Density: 25 units/acre Maximum Coverage: 70% Maximum Height: 56 feet	Maximum Density: No maximum Maximum Coverage: No maximum (with stormwater treatment system) Maximum Height: 65 feet

The requirements for the standards proposed above include:

- Coverage: In exchange for higher coverage limits, the development would be required to build, or contribute to, an area-wide green stormwater treatment system (i.e., area wide). Area-wide treatments exist both inside and outside of town centers within the basin today and facilitate maintenance better than onsite best management practices (BMPs) because local jurisdictions perform scheduled maintenance with funds from property owners. Area-wide treatments also provide opportunities to integrate with other complete streets public infrastructure such as bicycle and pedestrian facilities, landscaping and lighting, and pavement and parking improvements.
- Height: Developments would still be required to comply with TRPA’s scenic standards that prevent the obstruction of views from scenic resources⁵, including the shoreline of the lake, major highways, and other recreational viewpoints in the basin. Any part of the building above 56’ must be setback one foot for each additional foot of height to provide building soften the visual impact of the additional height.
- Density: The Phase 2 amendments would remove maximum density standards for deed restricted units to encourage developments with smaller, more affordable units. This does not mean that larger units cannot be built, but rather leaves that choice to the developer.

Multi-family Zones within the Bonus Unit Boundary

The Phase 2 housing amendments would allow for triplexes on any lot that is already zoned for multi-family, additional flexibility with roof pitch, and higher coverage in areas that already allow for multi-family housing, as shown below, for deed-restricted housing units. It also provides local governments the discretion to allow the equivalent of one additional story only on parcels adjacent and contiguous to town centers to create a transition in height between town centers and adjacent multi-family areas. For specific details on the proposal, see Attachment A, Draft Regional Plan and Code Language.

⁵ TRPA monitors the visual experience from 869 individual scenic units in the basin as part of the [Scenic Threshold](#).
REGIONAL PLAN IMPLEMENTATION
COMMITTEE AGENDA ITEM NO. 3

Areas Zoned Multi-Family

Existing TRPA Code	Proposed TRPA Code <small>Deed restricted housing only</small>
<p>Maximum Density: 15 units/acre</p> <p>Maximum Coverage: 30%</p> <p>Maximum Height: 3 stories</p>	<p>Maximum Density: No maximum</p> <p>Maximum Coverage: 70% (with stormwater treatment system)</p> <p>Maximum Height:</p> <ul style="list-style-type: none"> Additional 8.5' depending on roof pitch Additional 11 feet for parcels adjacent to town centers

Mixed-Use Developments and Accessory Dwelling Units

Given the goal of activating streetscapes in town centers and building more walkable communities, staff recommends allowing the coverage, height, and density incentives in this proposal to apply to mixed use development if 100 percent of the residential units within the development are deed-restricted.

After amending the TRPA Code to allow accessory dwelling units (ADUs) to be built on parcels of less than one acre in size in California, TRPA has seen an uptick in interest from homeowners to build ADUs. Current TRPA regulations do not allow any additional coverage to accommodate an ADU; ADUs are also required to obtain a residential unit of use or a bonus unit. ADUs do not count towards the calculation of density and must comply with the height allowances in Chapter 37 of the TRPA Code. This proposal would provide for higher coverage allowances to apply to deed-restricted ADUs within the bonus unit boundary. Outside of town centers, coverage would be limited to 1,200 square feet⁶ or 70 percent of the lot, whichever is less. The additional coverage could be used for only the deed-restricted portion of the parcel, including decks and walkways associated with the ADU, but not parking. Within town centers, coverage for ADUs would be limited to 1,200 square feet. The proposal does not include changes to height allowances for ADUs.

Implementation

Following the 2012 Regional Plan, TRPA began allowing local jurisdictions to develop area plans that implement Regional Plan policies with greater flexibility and at the community scale. Area plans are intended to reflect the community's vision for its future and can be developed for varying geographical scales – from a local neighborhood or commercial center to an entire county. However, the process of adopting a new area plan or amending an existing area plan can be lengthy and the importance of affordable workforce housing region-wide means a regional solution is necessary. If approved, this

⁶ [California State Law](#) limits new detached ADUs to 1,200 square feet.

proposal would go into effect within 60 days of adoption and would *supersede the height and density allowances in Area Plans for deed-restricted residential development*. The proposal does not require local jurisdictions to amend their Area Plans.

If local jurisdictions want to opt out of the proposed standards, they can do so through an area plan amendment. However, TRPA would require that any changes to height, density, and parking standards holistically consider the financial impact the changes have on building deed-restricted housing in their jurisdiction. If the jurisdiction cannot demonstrate that deed-restricted housing development is still viable with other subsidies or alternative requirements, staff will recommend that the amendments to the area plan not be approved. An example of an alternative requirement is an area plan amendment that includes the same changes to height and density for market rate developments with an inclusionary requirement; meaning that for every residential development, a portion of the units are set aside as deed-restricted affordable, moderate, or achievable, instead of having fewer developments that are entirely deed-restricted.

Outreach

Over the past few months, TRPA staff have attended a variety of community events, including farmers markets, social service events, presentations to community groups, and the Tahoe Summit, to name a few, to collect input on the proposal. While the majority of responses are in favor of larger, denser buildings in town centers if it means that more affordable housing is available, the following concerns have been repeatedly raised:

- **Parking:** Cascadia Partners found that reducing excessive parking minimums was necessary to realize the benefit of increased building height and coverage for affordable and workforce housing developments. TRPA currently defers parking standards to the local jurisdictions which require between one and 2.5 parking spaces per unit, depending on unit size and location. Any reductions in parking minimums (i.e., reducing the minimum amount of parking the jurisdiction requires) should be paired with parking management strategies. Because changes to parking standards have not been discussed at large within the context of the Phase 2 housing amendments, staff have prepared a literature review of national best practices on parking, predominant concerns heard from community members and policy makers regarding the impacts of reduced parking, and how these concerns have been addressed in peer mountain communities. This information is included in Exhibit A. Based largely on that review, staff recommend the following parking policy actions to support the affordability goals of the Tahoe Living Working Group's Phase 2 housing amendments:
 1. Amend the TRPA Code of Ordinances to reduce parking minimums to no more than 0.75 spaces/unit average for deed-restricted developments in town centers. This would supersede the parking minimums set by the local jurisdictions. Local jurisdictions could still set their own parking minimums in town centers if they are less than 0.75 spaces per unit on average. If a housing or mixed-use developer proposes a project that meets the deed-restriction requirements included in this proposal with greater than 0.75 spaces/unit that would not be prohibited.
 2. Encourage local parking management policies through the area planning process. Strategies may include setting parking maximums, allowing decoupling of units and

parking spaces, identifying opportunities for shared parking, and creating parking benefit districts, using revenue from paid parking to support increased enforcement.

- **Design Standards:** There are community concerns about the effects of increased height in town centers and that it could result in large, poorly designed buildings. TRPA and the local jurisdictions would regulate building articulation and design with a five-story building the same way a four-story building is currently regulated. Draft Code language states that additional height for projects would require buildings to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors so planners could work with the applicant to ensure buildings fit community character. Buildings above four stories would be required to setback the part of the building over 56 feet in height one foot for every additional foot over 56 feet.
- **Bonus Unit Requirements and Compliance:** The Phase 2 housing amendments would apply to deed-restricted units that receive residential bonus units unless local jurisdictions set their own standards through an area plan amendment. TRPA has a compliance program in place that monitors and ensures that deed restricted homes are occupied by a household that meets the requirements of the deed restriction language. The program includes annual compliance reporting and auditing, disclosure forms that require both the buyer and seller to sign when the unit changes ownership, as well as the deed restriction itself that is recorded on the title of the property and remains in perpetuity. Because this proposal will increase the number of bonus units distributed in upcoming years, the proposal adds a new fee of \$50 per unit to all new residential and tourist development to help cover the cost of conducting monitoring and enforcement of deed-restrictions. At current construction rates, this is estimated to generate approximately \$10,000 per year, or over \$220,000 over the course of the Regional Plan until build-out.

Environmental Analysis

Staff is analyzing the potential impacts of the Phase 2 housing amendments through an Initial Environmental Checklist (IEC). To assist local jurisdictions in future area plan amendment processes, staff will include responses to CEQA questions in the IEC. Staff anticipates that the IEC will be publicly available in mid-October after incorporating RPIC input on the code changes.

Next Steps

Staff requests feedback from the RPIC on the proposal outlined in this staff report. Staff will then make any final revisions that can be accommodated in time for formal consideration of a recommendation by the Advisory Planning Commission (APC) and RPIC in November 2023, and consideration for Governing Board approval in December 2023. Staff anticipates completion of Phase 2 housing amendments by the end of 2023 and focusing on Phase 3 amendments in 2024 and beyond.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov.

Attachments:

- Attachment A – Draft Amendments to the TRPA Regional Plan, Code of Ordinances, and fee schedule, including Code of Ordinances Chapter 13, Area Plans; Chapter 36, Parking Policies; Chapter 52, Bonus Unit Incentive Program; and Chapter 90, Definitions; and changes to Goals and

Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units

- Exhibit A – Parking Management for Housing Affordability and Complete Communities

Attachment A

Draft Amendments to the TRPA Regional Plan, Code of Ordinances, and fee schedule, including Code of Ordinances Chapter 13, Area Plans; Chapter 36, Parking Policies; Chapter 52, Bonus Unit Incentive Program; and Chapter 90, Definitions; and changes to Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units

Regional Plan Amendments

Code Section	Rationale	Proposed Code Language <u>(new language shown in Track Changes)</u>																				
LU-2.11	Amend coverage policies to allow higher than 70% coverage in town centers with transfer of coverage.	<p>LU-2.10 Allowed Base Land Coverage for all new projects and activities shall be calculated by applying the Bailey Coefficients, as shown below, to the applicable area within the parcel boundary, or as otherwise set forth in A, B, and C, of this policy.</p> <table border="1" data-bbox="758 467 1772 997"> <thead> <tr> <th data-bbox="758 467 1373 558">LAND CAPABILITY DISTRICT</th> <th data-bbox="1377 467 1772 558">MAXIMUM ALLOWED LAND COVERAGE</th> </tr> </thead> <tbody> <tr> <td data-bbox="758 561 1373 607">1a</td> <td data-bbox="1377 561 1772 607">1 percent</td> </tr> <tr> <td data-bbox="758 610 1373 656">1b</td> <td data-bbox="1377 610 1772 656">1 percent</td> </tr> <tr> <td data-bbox="758 659 1373 704">1c</td> <td data-bbox="1377 659 1772 704">1 percent</td> </tr> <tr> <td data-bbox="758 708 1373 753">2</td> <td data-bbox="1377 708 1772 753">1 percent</td> </tr> <tr> <td data-bbox="758 756 1373 802">3</td> <td data-bbox="1377 756 1772 802">5 percent</td> </tr> <tr> <td data-bbox="758 805 1373 850">4</td> <td data-bbox="1377 805 1772 850">20 percent</td> </tr> <tr> <td data-bbox="758 854 1373 899">5</td> <td data-bbox="1377 854 1772 899">25 percent</td> </tr> <tr> <td data-bbox="758 902 1373 948">6</td> <td data-bbox="1377 902 1772 948">30 percent</td> </tr> <tr> <td data-bbox="758 951 1373 997">7</td> <td data-bbox="1377 951 1772 997">30 percent</td> </tr> </tbody> </table> <p>A. In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in Attachment 2</p> <p>B. In the case of existing planned unit developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in Attachment 3</p> <p>C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the above coefficients and applied to the designated evaluation area. The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.</p> <p>LU-2.11 The allowed coverage in policy LU-2.10 may be increased by transfer of land coverage within hydrologically related areas up to the limits as set forth in this policy:</p>	LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE	1a	1 percent	1b	1 percent	1c	1 percent	2	1 percent	3	5 percent	4	20 percent	5	25 percent	6	30 percent	7	30 percent
LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE																					
1a	1 percent																					
1b	1 percent																					
1c	1 percent																					
2	1 percent																					
3	5 percent																					
4	20 percent																					
5	25 percent																					
6	30 percent																					
7	30 percent																					

Special provisions for additional coverage, such as exceptionally long driveways, pervious coverage, public trails and access for the disabled, may also be allowed, Ordinances shall specifically limit and define these programs.

Land coverage may be transferred through programs that are further described in the implementation element. Notwithstanding the limitation stated above, land coverage may be transferred across hydrologically related areas when existing hard or soft coverage is transferred and retired from sensitive land transferred to non-sensitive land further than 300 feet from the high water line of Lake Tahoe, or on the landward side of Highways 28 or 89 in the Tahoe City of Kings Beach Town Centers.

The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, programs to encourage concentration of development, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and Goal LU-2 of this Subelement.

- A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:

Parcel Size (Square Feet)

Land Coverage

0 - 4,000

Base Land Coverage
as Set Forth in *Policy LU-2.10*

4,001 - 9,000

1,800 sq. ft.

		<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
		9,001 - 14,000	20 percent
		14,001 - 16,000	2,900 sq. ft.
		16,001 - 20,000	3,000 sq. ft.
		20,001 - 25,000	3,100 sq. ft.
		25,001 - 30,000	3,200 sq. ft.
		30,001 - 40,000	3,300 sq. ft.
		40,001 - 50,000	3,400 sq. ft.
		50,001 - 70,000	3,500 sq. ft.
		70,001 - 90,000	3,600 sq. ft.
		90,001 - 120,000	3,700 sq. ft.
		120,001 - 150,000	3,800 sq. ft.
		150,001 - 200,000	3,900 sq. ft.
		200,001 - 400,000	4,000 sq. ft.
		<p>For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval.</p>	
		<p>B. <u>Facilities in Centers</u>: Except as provided in Subsections A, F, I, J, and K, <u>and L</u> of this Policy, the maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 70 percent of the land in capability districts 4 - 7, provided such parcel is within a Center of a Conforming Area Plan. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p>	
		<p>C. <u>Commercial and Mixed Use Facilities in a Community Plan</u>: The maximum coverage (Base + Transfer) allowed on an existing undeveloped parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an approved community plan. For existing developed parcels, the maximum land coverage allowed is 50 percent. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for</p>	

		<p>coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p> <p>D. Tourist Accommodation Facilities, Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent of the land in capability districts 4 - 7, provided such parcel is within an approved community plan. The coverage transfer ratio to increase coverage from the base coverage to 50 percent shall be at a ratio of 1:1.</p> <p>E. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in Subsection A, above, except for residential developments made up of deed restricted affordable, moderate, or achievable housing.</p> <p>F. Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.</p> <p>G. Public Service Facilities Outside a Community Plan or Center: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a Community Plan or Center, and there is no feasible alternative which would reduce land coverage.</p> <p>H. Other Facilities Outside of Community Plans and Centers, Facilities Within Community Plans Before the Community Plan is Approved, and Facilities within Centers before Conforming Area Plans are approved: Other than the exceptions in Subsections A, E, F, and G, the maximum land coverage allowed shall be the base land coverage as set forth in Policy LU-2.10.</p> <p>I. Notwithstanding Subsection A above, when existing development is relocated to Centers and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.</p> <p>J. Conforming Area Plans may include a comprehensive coverage management system as an alternative to the parcel level coverage requirements outlined in Subsection A-H above. In order to be found in conformance with the Regional Plan, the comprehensive coverage management system shall reduce</p>
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		<p>coverage overall, reduce coverage in land capability districts 1 and 2 compared to the parcel level limitations in the Regional Plan and Code of Ordinances and not increase allowed coverage within 300 feet of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).</p> <p><u>K.</u> Additional land coverage limitations shall be implemented within 300 feet of Lake Tahoe, as further described in the Code of Ordinances.</p> <p>K.<u>L.</u> <u>Residential developments that comprise 100% affordable, moderate, or achievable units, located in land capability districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70% in town centers if they demonstrate participation in a stormwater collection and treatment system, provided it is consistent with TRPA requirements and permitted by the applicable state water quality agency (I.e., LRWQCB or NDEP depending on where it is located). Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</u></p>
HS-3.1	New Regional Plan language for deed-restricted affordable, moderate, and achievable housing with local option for differing standards when housing need can be achieved	<p>HS-3.1 TRPA shall regularly review its policies and regulations to remove identified barriers preventing the construction of necessary affordable housing in the region. TRPA staff will work with local jurisdictions to address issues including, but not limited to, workforce, <u>low-</u> and moderate income housing, <u>accessory dwelling</u> units and long term residency in motel units in accordance with the timeline outlined in the implementation element. <u>Due to the challenges of building affordable and workforce housing in the Tahoe Basin, TRPA and/or the local jurisdictions shall set density and height standards for projects that include deed restricted affordable, moderate, and achievable housing units through the following options:</u></p> <p><u>A. TRPA development standards for 100% deed restricted affordable, moderate and achievable housing shall supersede standards in area plans, if applicable, except where an area plan explicitly identifies standards for deed-restricted housing; and</u></p> <p><u>B. Local jurisdictions may propose development standards for deed-restricted affordable, moderate or achievable housing above or below TRPA’s standards if the jurisdiction demonstrates that the alternative standards will facilitate the construction of sufficient affordable and workforce housing in the applicable jurisdiction. Alternative standards shall take effect through adoption of a new area plan or an amendment to an existing area plan.</u></p>

Chapter 13: Area Plans

Code Section	Rationale	Proposed Code Language										
13.5.3.1	<p>[MODIFY EXISTING SECTION]</p> <p>Remove number of stories from height allowance to rely on maximum number of feet.</p>	TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS										
		Regional Land Use Districts	Wilderness	Backcountry	Conservation	Recreation	Resort Recreation	Residential	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay
		Height [3]	N/A	Sec. 37.4						Up to 4 stories or (56 ft) max. [1]	Up to 6 stories (95 ft) max. [1]	Up to 197' max. [2]
		Density SFD	Sec. 31.3									

		Density MFD [3]	N/A	Sec. 31.3	With adoption of an Area Plan: - Residential: 25 units/acre (max.); Tourist: 40 units/acre (max.)
		Land Coverage		Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]	
		Complete Streets		Sec. 36.5	[4]
				<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>	
13.5.3.I	[NEW CODE SECTION] Allows up to 65' for deed restricted housing in centers. Allows additional height	<p><u>13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans</u></p> <p><u>A. The maximum height specified in table 13.5.3-1 may be increased for residential and mixed-use developments with a residential component that are 100% deed restricted affordable, moderate, or achievable housing, utilize bonus units, and are located in town centers. The maximum height shall be no greater than 65', provided that any floors above four stories are set back 10' and the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.</u></p>			

	<p>on multi-family zoned parcels depending on slope of the parcel, roof pitch, and if adjacent and contiguous to a town center boundary. Removes density maximums for deed restricted housing in centers and multi-family zoned parcels. Local jurisdictions can adopt different standards as long as they can show it will provide sufficient affordable and workforce housing.</p>	<p>B. Residential developments or mixed-use developments with a residential component that are 100% deed-restricted affordable, moderate, or achievable are exempt from the density maximums in Table 13.5.3.1 and Section 31.3.</p> <p>C. Local jurisdictions may propose height and density allowances below what is permitted in sections A and B above, and Table 13.5.3.1, provided the jurisdiction:</p> <ol style="list-style-type: none"> 1. Demonstrates that the alternative standards will facilitate the construction of sufficient affordable and workforce housing; or 2. Has an approved inclusionary housing ordinance.
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Chapter 30: Coverage

Code Section	Rationale	Proposed Code Language
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<p>30.4.2.B.5</p>	<p>[NEW CODE SECTION]</p> <p>Allow up to 70% coverage outside of town centers within areas that are zoned multi-family for 100% deed restricted affordable, moderate, or achievable housing, provided the development is on high capability land.</p>	<p>30.4.2 Transferred Land Coverage Requirements</p> <p>In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.</p> <p>B. Location -Specific Standards</p> <p><u>30.4.2.B.5 Affordable, Moderate, and Achievable Housing in Areas Zoned Multi-Family</u> <u>The maximum land coverage allowed on a parcel for multi-residential developments, mixed-use developments with a residential component, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, or achievable and utilize bonus units, shall be limited to 70 percent of the project area that is located within Land Capability Districts 4 through 7, subject to the following standards:</u></p> <p><u>a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must be consistent with TRPA requirements, be owned and operated by a county or city, a utility, a community service or improvement district, or similar public entity, and must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located); or</u></p> <p><u>b. If a stormwater collection and treatment system is not available for the project area, water quality treatment consistent with Chapter 60 of the TRPA Code of Ordinances may be approved by TRPA provided that local jurisdictions verify and are responsible for ongoing BMP maintenance of the project area through a deed restriction running with the land; and</u></p> <p><u>a.c. The additional coverage for accessory dwelling units would be limited to 1,200 square feet or 70 percent of the project area that is located within Land Capability Districts 4 through 7, whichever is less. The additional coverage shall be used only for the deed</u></p>
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		restricted portion of the parcel, including decks and walkways associated with the deed-restricted unit, but excluding parking.
30.4.2.B.6	[NEW CODE SECTION] New code section to allow higher than 70 percent coverage for deed restricted affordable, moderate, and achievable housing on high capability lands in Centers if the project can show that treatment can be done either onsite through BMPs or offsite through area-wide stormwater treatment, and is managed and maintained by a government entity.	30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing Multi-residential developments, mixed-use developments with a residential component, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in town centers if they provide or contribute to an existing stormwater collection and treatment system, provided it is consistent with TRPA requirements, is owned and operated by a county or city, a utility, a community service or improvement district, or similar public entity, and must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located). This provision is subject to the following minimum requirements: A. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must be consistent with TRPA requirements, be owned and operated by a county or city, a utility, a community service or improvement district, or similar public entity, and must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located). Stormwater collection and treatment systems shall be installed concurrent with, or prior to development activities.

Chapter 31: Density

Code Section	Rationale	Proposed Code Language
31.4.1.C	[NEW CODE SECTION]	31.4 Increases to Maximum Density 31.4.1 Affordable Housing

	<p>New Code section that exempts density maximums for deed restricted projects within centers.</p>	<p>A. Affordable Housing Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:</p> <ol style="list-style-type: none"> 1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and 2. The additional density is consistent with the surrounding area. <p>B. Affordable Housing within Kings Beach Commercial Community Plan Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:</p> <ol style="list-style-type: none"> 1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; 2. The additional density is consistent with the surrounding area; and 3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area. <p><u>C. Affordable, Moderate, and Achievable Housing within Centers</u> <u>Residential developments or mixed-use developments with a residential component that are 100% deed-restricted affordable, moderate, or achievable, utilize bonus units, and are located within a center are exempt from the density maximums in Section 31.3.</u></p>
<p>31.4.8</p>	<p>[NEW CODE SECTION]</p> <p>New code section that excludes deed restricted housing units from the calculation of density within areas that already allow multi-family housing.</p>	<p><u>31.4.8 Calculation of Density for Affordable, Moderate, and Achievable Housing</u> <u>Residential projects, provided they are 100% deed restricted to affordable, moderate, or achievable housing and utilize bonus units and located in an area with multi-residential housing is permissible, shall be excluded from the calculation of density.</u></p>

Chapter 34: Driveway and Parking Standards

Code Section	Rationale	Proposed Code Language
34.4.1	<p>[NEW CODE SECTION]</p> <p>New Code section that caps the amount of parking local jurisdictions can require for deed restricted housing at .75 spaces/unit on average.</p>	<p>34.4.1 Parking for Deed Restricted Affordable, Moderate, or Achievable Housing Residential developments made up of 100 percent deed restricted affordable, moderate, or achievable housing within centers may not require more than .75 parking spaces/unit average.</p>

Chapter 36: Design Standards

36.13	<p>[NEW CODE SECTION]</p> <p>New Code section that applies to mixed use developments with a residential component that is 100% deed restricted.</p>	<p>36.13 Mixed-Use with Affordable, Moderate, and Achievable Housing A. Mixed-use developments with a residential component that is 100 percent deed restricted to affordable, moderate, or achievable units and utilizes bonus units within a Town Center shall be subject to the coverage, density, and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.I, 30.4.2.B.6, and 34.4.1, respectively, provided the commercial component is no greater than fifty percent of the total development. B. Mixed-use developments with a residential component that is 100 percent deed restricted to affordable, moderate, or achievable units outside of Town Centers shall be subject to the alternative coverage, density, and height standards set forth in sections 30.4.2.B.5, 31.4.8,</p>
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		<p>and 37.5.5 respectively, provided the commercial component is no greater than fifty percent of the total development.</p> <p><u>C. Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:</u></p> <ul style="list-style-type: none"> a. <u>Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area.</u> b. <u>Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;</u> c. <u>The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.</u>
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Chapter 37: Height

Code Section	Rationale	Proposed Code Language
37.5.5	Allow deed restricted multi-family developments to have additional height up to the maximum for building slope shown in Table 37.4.4-1, with a roof pitch of at least 3:12.	<p>37.5.5 Additional Building Height for Affordable, <u>Moderate, or Achievable</u> Housing Projects</p> <p><u>A. Residential and mixed-use projects that are 100% deed restricted to affordable, moderate, or achievable and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth- in Table 37.4.4-1, with a roof</u></p>

		<p>pitch greater than or equal to 3:12, provided TRPA makes findings 1, 2, and 8 as set forth in Section 37.7.</p> <p>B. Residential and mixed-use projects that are 100% deed restricted to affordable, moderate, or achievable and utilize bonus units and are located on a parcel that is adjacent and contiguous to a town center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height.</p> <p>C. The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.</p>
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Chapter 52: Bonus Unit Incentive Program

Code Section	Rationale	Proposed Code Language
52.3.4.G Affordable, Moderate, and Achievable-Income Housing (new section)	Institute the option for TRPA to charge a fee to new development to help cover the cost of conducting monitoring and enforcement of deed-restrictions	<p>52.3.4. Affordable, Moderate, and Achievable-Income Housing</p> <p>All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: <i>Definitions</i> shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-</p>

		<p>family housing developments, location of housing developments, and compliance with the program.</p> <ul style="list-style-type: none"> A. Residential bonus units may be awarded to single or multi-family housing developments. B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental. C. A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances. D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to <u>\$5,00.00 per day</u>1/10 of the current cost of a residential unit of use annually for failure to submit the compliance report or comply with these requirements. E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer. F. The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be
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		<p>existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.</p> <p>G. TRPA may adopt a fee on new residential and tourist construction to cover the cost of monitoring and enforcement of this program.</p>
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Chapter 90: Definitions

Code Section	Rationale	Proposed Code Language
Chapter 90	Add new definition for Stormwater Collection and Treatment System.	<p>Stormwater Collection and Treatment System:</p> <p>Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location or locations where it will be treated. Streets, curbs and gutters can be included as part of the collection system.</p> <p>Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).</p>
Chapter 90	Add new definition of Mixed-Use Development.	<p>Mixed-Use Development:</p> <p>Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible</p>

		<p><u>pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.</u></p>
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Fee Schedule Institute the option for TRPA to charge a fee to new development to help cover the cost of conducting monitoring and enforcement of deed-restrictions	Schedule "A" - Residential	Shoreland Scenic Review Fee if applicable*						Deed-Restriction Monitoring Surcharge	
		Fee Category	Base Fee		BMP Fee	IT Surcharge			
		NEW CONSTRUCTION							
		1. Single Family Dwelling, Summer Home, Secondary Residence, one Mobile Home Dwelling, and one Employee Housing unit	\$1.57 per sq. ft of floor area covered by roof, \$787 minimum*	\$629		\$152	\$138		\$50 per unit
		2. Multiple Family Dwelling, Multiple Person Dwelling, Nursing and Personal Care, Residential Care, more than one Employee Housing unit, more than one Mobile Home Dwelling	\$3460 + \$64 per unit*	\$629		\$152	\$138		\$50 per unit
		ADDITIONS AND OTHER CONSTRUCTION MODIFICATIONS TO EXISTING STRUCTURES/FACILITIES							
		3. Single Family Dwelling, Summer Home, Secondary Residence, one Mobile Home Dwelling, and one Employee Housing unit	\$1.72 per sq. ft of modified/new floor area covered by roof, \$604 minimum*	\$629		\$152	\$138		\$50 per unit
		4. Multiple Family Dwelling, Multiple Person Dwelling, Nursing and Personal Care, Residential Care, more than one Employee Housing unit, more than one Mobile Home Dwelling	\$1888 + \$64 per unit*	\$629		\$152	\$138		\$50 per unit
		CHANGES OF USE AND OTHER ACTIVITIES (No construction)							
		5. Domestic Animal Raising	\$329	N/A		N/A	\$138		N/A
		6. On-Site Election of Conversion of Use to Residential (Section 51.9, TRPA Code)	\$551 per unit	N/A		N/A	\$138		N/A
		7. Change from an Existing Residential Use to Another Residential Use	\$629 per unit	N/A		N/A	\$138		N/A
		8. Mixed Use Projects	Use new constr	N/A		N/A	\$138		\$50 per unit
		9. Driveway Paving	\$235	N/A		N/A	\$138		N/A
		10. Other	\$787	\$629		\$152	\$138		N/A
*All application fees listed under numbers 1-4 except for the Deed-Restriction Monitoring surcharge waived with projects that use new affordable, moderate, or achievable housing bonus unit(s). Other fees would still be applicable.									

Exhibit A
Parking Management for Housing Affordability and Complete Communities

EXHIBIT A

ATTACHMENT A

Date: September 20, 2023

Subject: Parking Management for Housing Affordability and Complete Communities

PURPOSE:

The Tahoe Region and mountain resort communities across North America are suffering from a crisis of affordability. As market demand for high-end residential development and second homes increases, home and rental prices soar and opportunities for local workers and their families to live in the region diminish. As a result, businesses struggle to remain fully staffed and more workers are forced to live elsewhere, increasing traffic and vehicle emissions while fracturing community character and cohesion. While a range of macro-economic factors contribute to the housing crisis, local and regional development standards impact affordability as well. These include density, height, coverage, development rights, setbacks, parking, and restrictions on subdivision. Taken together, these standards can have a major impact on the cost to construct new middle-income and workforce housing.

Although often overlooked, parking regulations can have significant impacts on community life and housing affordability. In a financial feasibility analysis for TRPA, Cascadia Partners found that reducing parking minimums was necessary to realize the benefit of increased building height and coverage for affordable developments. Cascadia notes that, with existing parking minimums, the expanded building footprint allowed for deed-restricted developments would quickly be consumed by parking, diminishing the benefits of expanded coverage, height, and density allowances for affordable housing.¹ This memo surveys best practices for parking management. This memo also considers prevailing concerns from community members and policy makers regarding the impacts of parking management, and specifically the impacts of removal of parking minimums, on neighborhood street parking, on snow removal, on parking enforcement, and with limited transit service.

DISCUSSION:

High Parking Minimums

Few regions in the United States better demonstrate the conflict between landscape conservation and auto-oriented land development than our own. Like many American communities, the Tahoe Region saw much of its development occur during the 1960s, when auto-oriented development was the norm. This created a landscape designed for cars rather than people and resulted insignificant environmental impacts. Also like many American communities, minimum requirements for the number of parking spaces associated with a development (parking minimums) played a role in shaping our auto-oriented land use pattern. There are environmental costs to minimum parking requirements, with runoff from parking lots contaminating waterways, as well as the direct costs of constructing new parking spaces—

¹ Cascadia Partners. "TRPA Proforma Analysis Test Results." March 30, 2022.

roughly \$5,000 per surface space or \$50,000 per space for multilevel garages—which can escalate the cost of development to the point of financial infeasibility. The American Planning Association (APA) cites a movement across cities and small towns in all regions of the United States to reduce or remove minimum parking requirements, noting that even the National Parking Association, the industry trade group for parking operators, officially supports reducing or eliminating parking requirements.²

UCLA professor and parking expert, Michael Manville, calls parking minimums a disaster for communities, transferring valuable space from people to cars and transferring the cost of parking from drivers to residents, resulting in “more driving, and less housing.”³ Donald Shoup’s influential 2005 book, “The High Cost of Free Parking,” argues that “the status quo of minimum parking requirements in the United States subsidizes cars, increases vehicle miles traveled, encourages sprawl and separation of uses, worsens air pollution and greenhouse gas emissions, raises the cost of housing construction and thus the cost of renting or buying a home, prevents pedestrian mobility, and excludes low-income people from participating in the economy.”⁴ Thus, according to Shoup, high parking minimums are a contributing factor to many of the social, environmental, and economic problems that TRPA is tasked with addressing through the Regional Plan and Complete Communities Initiative.

Cascadia’s analysis confirms the connection between parking minimums and the high cost of housing in our region, suggesting that current parking minimums in the Tahoe Region are excessive and create a barrier to affordable housing development (see Table 1 for existing local parking minimums). In a



financial feasibility analysis of Kings Beach, Incline Village, and the Ski Run Town Center in South Lake Tahoe, Cascadia Partners found that lowering parking requirements was necessary to realize the benefit of height and parcel-level density allowances for affordable developments, recommending that existing local parking minimums be reduced to 0.75 spaces per unit or eliminated altogether. Significantly, Cascadia found that even with a 20 percent reduction in parking requirements for deed-restricted housing in the Ski Run Town Center, parking still consumed more land coverage than housing.⁵

Manville’s research supports these findings. He notes that parking minimums effectively reduce the number of units for which a parcel is zoned. For example, a parcel which might otherwise accommodate 20 units may only support 15 when parking requirements consume land area and make construction of

² American Planning Association. “PAS QuickNotes No. 53: Parking Management.” 2014.
Spivak, Jeff. “A Business Case for Dropping Parking Minimums.” *Planning Magazine*. June 2022.
<https://www.planning.org/planning/2022/spring/a-business-case-for-dropping-parking-minimums/>
³ Manville, Michael. “How Parking Destroys Cities.” *The Atlantic*. May 2021.
<https://www.theatlantic.com/ideas/archive/2021/05/parking-drives-housing-prices/618910/>
⁴ “Planopedia: What Are Parking Requirements?” *Planetizen*. 2023.
<https://www.planetizen.com/definition/parking-requirements>
⁵ Cascadia Partners, 2022.

20 units financially infeasible.⁶ Therefore, high parking minimums have the dual effect of decreasing the number of units that can be built on a given parcel and increasing the cost per unit.

	Washoe County	City of South Lake Tahoe	Placer County	El Dorado County	Douglas County
Parking Minimum	1.6 spaces/ 1 bdrm 2.1 spaces/ 2+ bdrm 1 space must be enclosed	1 space/ 1 bdrm 2 spaces/2+ bdrm 1 guest space/4 units	2 spaces/DU	2 spaces/DU	2 spaces/DU

Table 1: Existing Local Minimum Parking Requirements in the Tahoe Region.

The Origins and Costs of High Parking Minimums:

Parking requirements date to the mid-20th century when rapid suburban development and use of private automobiles made parking a pivotal local political issue. This coincided with a paradigm shift in urban form from one dominated by active uses on the ground floor with multiple points of pedestrian access—what we may think of as the “Historic Mainstreet”—to auto-dominated sprawl.⁷ Parking minimums are usually determined by a formula specific to the intended use of a building, often assigning a minimum number of parking spaces based on the number of bedrooms for residential and floor area for commercial development. Parking minimums are often set too high, particularly for small residential units near centers, because they are based on the outdated assumption that parking issues arise from inadequate supply rather than inefficient management of existing supply.⁸

To meet the cost of high parking minimums, the cost of parking is typically bundled into the cost of development, increasing overall expenses and rents. In fact, parking can be one of the primary factors determining whether a new affordable development has the finances to complete construction.⁹ These costs create a feedback loop that harms local land use patterns as well. Since the cost of parking is indirect, consumers use it inefficiently, leading to greater demand for free and abundant parking, higher parking minimums, increasing housing costs, and more land dedicated to cars rather than people. Where land is scarce for parking, structured parking is often offered as a solution, but parking structures add even more to the cost of housing (approximately 12.5% according to a study by Berkeley’s Turner Center for housing).¹⁰ Cascadia found a similar pattern in Tahoe, where standards requiring covered parking in Incline Village significantly increased the cost to develop multifamily housing.¹¹ Even without covered parking, minimum parking requirements exacerbate the cost burden on working families in the Tahoe Basin. Opticos Design, Inc., in a presentation to the TRPA in 2020, cited a finding that requiring

⁶ Skelly, Jack. “California Relaxes Parking Mandates to Free Up Land for Multifamily Development—but Will Neighbors and Lenders Approve?” *Urban Land*. January 2023. <https://urbanland.uli.org/public/california-relaxes-parking-mandates-to-free-up-multifamily-development-but-will-neighbors-and-lenders-approve/>

⁷ “Planopedia,” 2023

⁸ Litman, Todd. “Parking Management: Innovative Solutions to Vehicle Parking Problems.” *Planetizen*. March 2006. <https://www.planetizen.com/node/19149>

⁹ “Planopedia,” 2023.

¹⁰ [A study of affordable housing developments](#) throughout California from UC Berkley’s Turner Center for Housing Innovation found that structured parking added nearly \$36,000 per unit. Other studies show a 12.5% increase in development costs for each parking space.

¹¹ Cascadia Partners, 2022.

two parking spaces per multifamily unit rather than one increases monthly rents by an average of \$400 per month.¹²

Parking Management Best Practices:

Parking expert Todd Litman suggests that policymakers should view parking issues through a “parking management” rather “parking minimum” approach. Addressing parking demand at the system-level—by increasing efficiency, reducing demand, and improving enforcement and design—leads to more efficient land use outcomes and can address parking’s negative impact on affordability.¹³ Parking management solutions have been used throughout the United States, including in small towns and rural communities in the Mountain West. While not exhaustive, the list below summarizes parking management strategies that TRPA and local governments should consider to effectively manage parking while supporting people-centered land use and affordability.

- **Removing Minimum Parking Requirements** — It is important to note that removing minimum parking requirements does not mean no parking. Rather, eliminating minimum parking requirements allows the market to determine parking supply based on need rather than through government mandate. Parking minimums in the United States are typically redundant and require more parking than the market demands, especially for smaller units close to centers and serviced by transit.¹⁴ A study from Los Angeles found that when apartment parking was left to the market, developers built on average less parking than required by parking minimums (1.3 spaces instead of 2). The same study found that developers rarely built no parking at all and tended to build more parking in lower density neighborhoods without transit service. When developers chose not to build new parking, it was in cases where parking already existed and where shared parking or decoupled (see “shared parking and decoupling” below) parking options were available.¹⁵ Ultimately, when the market determines the amount of parking, lenders often have outsized influence in determining parking outcomes and research shows that most lenders are hesitant to invest in projects without adequate parking.¹⁶

Market-solutions to parking supply are most effective at reducing land dedicated to parking when applied in transit-serviced town centers. Recognizing this trend, the California State Assembly passed AB 2097, abolishing local parking minimums within one-half mile of high-frequency transit stops. The bill does not forbid parking but gives developers the option to build the parking they need for their project to be financially feasible, accounting for resident demand. San Diego has already seen an overall increase in affordable multifamily housing development and greater utilization of the City’s density bonus program since eliminating parking minimums in 2019.¹⁷ Other mountain resort communities have eliminated parking minimums as well including Bend, OR (citywide), Missoula and Bozeman, MT, and Ketchum, ID

¹² Opticos Design, Inc. Presentation to the Local Government and Housing Committee. January 6, 2020.

¹³ Litman, 2006.

¹⁴ “Planopedia,” 2023.

¹⁵ Lewyn, Michael. “A Parking Paradox.” *Planetizen*. June 2014. <https://www.planetizen.com/node/69415>

¹⁶ Skelly, 2023.

¹⁷ Secaira, Manola. “California Law Abolishes Parking Minimums for New Developments Close to Public Transit.” *Cap Radio*. October 12, 2022. <https://www.capradio.org/articles/2022/10/12/california-law-abolishes-parking-minimums-for-new-developments-close-to-public-transit/#:~:text=Governor%20Gavin%20Newsom%20has%20signed,of%20a%20public%20transit%20stop>.

(in town centers).¹⁸ As noted above, studies show that reducing parking minimums could have a significant impact on affordability in Tahoe. Additionally, experts note that removing parking minimums has the greatest impact on supporting middle-income or “missing middle” housing types.¹⁹

Nevertheless, alternatives to private automobiles are important to realizing the full benefit of public investment as well as the land use and housing benefits of market-based parking supply. Lake Tahoe communities have invested in transit and the Regional Transportation Plan continues to call for expansion of the region’s transportation network, including both transit and active transportation options. Success of the Regional Transportation Plan relies on complementary land uses that place people with a propensity to walk, ride bikes, and take transit near those transportation investments. High parking minimums diminish the value of the public investment in transit by directing scarce land resources to auto-oriented uses, missing opportunities for transit ridership. Local and regional policymakers are designing town centers to support alternative transportation through updated land use policies and increased investment in transit services. Removing parking minimums in town centers should be considered alongside other land use strategies to support active pedestrian centers in Tahoe.

- **Parking Maximums**—Parking maximums go a step further by setting a cap on the number of parking spaces provided by a development. The APA notes that eliminating minimum parking requirements, particularly in town centers, and instituting parking maximums has become common practice among a diverse range of American communities.²⁰ A survey by Strong Towns found many examples, including in small towns and rural communities, where policymakers adopted parking maximums. Examples in the Mountain West include Lyon County, Nevada, Elwood, Utah, Laramie, Wyoming, and Helena, Montana.²¹ The lakeside mountain resort town of Sandpoint, Idaho serves as another relevant example. After Sandpoint removed parking minimums downtown, they quickly saw the expansion of local businesses and new maximums freed up space for other small businesses and housing in the town center.²² Tahoe communities may consider setting parking maximums at the local-level in their town centers to support active, people-oriented land uses.
- **Shared Parking and Decoupling**—Market-based parking supply can be combined with decoupling and shared parking to maximize the efficiency of land dedicated to parking.²³ Decoupling removes the cost of parking from the cost of housing by charging for parking as a separate benefit. This could include locating parking off-site or sharing the parking demand among multiple developments through shared parking models. Decoupling has the benefit of “unlocking” underutilized parcels that would otherwise be undevelopable under conventional

¹⁸ Herriges, Daniel. “Announcing a New and Improved Map of Cities that Have Removed Parking Minimums.” *Strong Towns*. November 2021. <https://www.strongtowns.org/journal/2021/11/22/announcing-a-new-and-improved-map-of-cities-that-have-removed-parking-minimums>

¹⁹ Skelly, 2023.

²⁰ American Planning Association, “PAS No. 53.”

²¹ Herriges, 2021.

²² Reuter, John. “Why Parking Minimums Almost Destroyed My Hometown and How We Repealed Them.” *Strong Towns*. November 2017. <https://www.strongtowns.org/journal/2017/11/22/how-parking-minimums-almost-destroyed-my-hometown-and-how-we-repealed-them>

²³ Litman, 2006.

parking standards and utilizing otherwise underutilized existing parking, eliminating the need to dedicate scarce land resources to new parking.²⁴

Similarly, shared parking models recognize that existing parking is typically not designed to maximize efficiency. For example, residential parking is often underutilized during the day, while office parking is largely empty in the evenings. Shared parking models recognize the parking behaviors associated with different land uses and seek opportunities to share parking facilities when possible. The APA describes a range of options for instituting shared parking arrangements, including collecting fees from developers in lieu of private parking to construct shared public parking, reduced parking minimums based on proximity to shared parking facilities, and provisions to allow shared parking among multiple uses with different peak demand. These policies are known to promote “park once” environments in town centers.²⁵ In the Tahoe Region, ski resort parking lots could provide a major source of parking supply to relieve parking pressure in the summer months.

- **Parking Benefit Districts**—Like decoupling, parking benefit districts treat neighborhood street parking as a paid benefit rather than a public right. Local governments work with residents to set boundaries for paid parking districts in neighborhoods, providing parking permits for residents, charging non-residents, and using revenues to support enforcement.²⁶ Benefit districts have been successfully implemented in Santa Fe, NM where tourism pressure threatened limited parking supply in neighborhoods.

Other Considerations

The following concerns were identified through discussions with local jurisdiction staff and the community when reductions to parking standards were suggested. TRPA and local governments should consider these issues when developing parking management policies.

- **ADA Parking Requirements**—the Americans with Disabilities Act sets requirements for design of accessible parking spaces and the ratio of accessible parking spaces to standard parking spaces in a development. For example, lots with up to 25 spaces must provide 1 accessible space, lots with up to 50 spaces must provide 2 accessible spaces, etc. These requirements are established by federal law. Developers and municipalities must comply with ADA standards regardless of local parking standards.²⁷ In a market-based parking supply scenario, whatever parking is provided must comply with ADA ratios for accessible parking.
- **Snow Removal and Storage**—In many Tahoe communities, excess parking spaces in lots and on the streets serve as locations for winter snow storage. There are concerns that the potential loss of excess parking for snow storage could lead to parking shortages in the winter. In a conversation with TRPA staff, planners from the City of Sandpoint, Idaho stated that they have not witnessed a noticeable conflict between snow and parking management since repealing parking minimums in their town center. Sandpoint planners see short term rentals, not parking minimums, as the primary source of parking conflict during winter months. Sandpoint enforces one-sided street parking between October and April to accommodate snow removal and

²⁴ Skelly, 2023.

²⁵ American Planning Association, “PAS No. 53.”

²⁶ Halbur, Tim. “Rethinking Parking.” *Planetizen*. July 2009. <https://www.planetizen.com/node/39833>

²⁷ U.S. Dept of Justice, Civil Rights Division. “Accessible Parking Spaces.” <https://www.ada.gov/topics/parking/>

storage on public rights-of-way. The City also requires that private developers show how they will store snow on site. Similarly, Helena, Montana’s parking manager stated that private developers must show how they will remove or store snow on site regardless of parking requirements and that conflict with illegally parked boats and RVs pose a greater challenge to snowplows than limited street parking.

- **Neighborhood Spillover and Enforcement**—Relaxing or removing parking minimums often raises concerns that market-based parking supply will lead to a parking shortage and spillover into neighborhoods. However, studies find that without parking minimums the market develops adequate parking to meet demand and that spillover is even less of an issue in car dependent communities where parking is already overabundant due to greater land availability and higher demand for parking.²⁸ Nevertheless, parking management strategies like benefit districts can prevent neighborhood spillover.
- **Transit and Parking Reduction**—Alternatives to private automobiles are important to realizing the full land use and housing benefits of parking management. One challenge communities face is the need to build transit options simultaneously with reducing parking requirements. Tahoe, like many smaller communities, currently has hourly transit headways while more frequent transit is planned for in the future, when town center housing densities are high enough to support the higher ridership needed for these higher frequencies. This raises a classic chicken-and-egg scenario: we need people-centered land use in town centers to support transit service, but successful people-centered land uses depend on quality transit service. This scenario requires that land uses anticipate the planned transit and align parking requirements accordingly.

²⁸ Lewyn, 2014.

STAFF REPORT

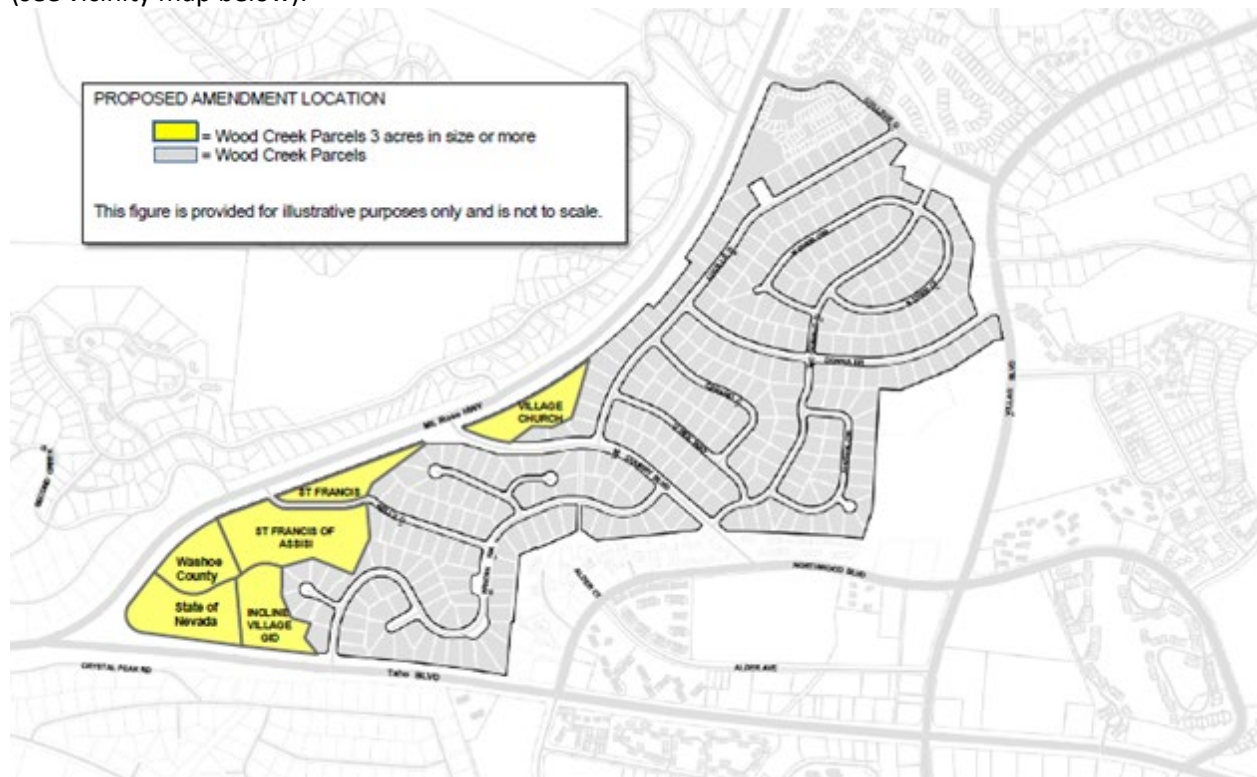
Date: September 20, 2023
 To: TRPA Regional Plan Implementation Committee
 From: TRPA Staff
 Subject: Washoe County Tahoe Area Plan Amendment to the Wood Creek Regulatory Zone

Summary and Staff Recommendation:

Washoe County is considering an amendment to the Wood Creek Regulatory Zone within the Tahoe Area Plan that would allow educational land uses (K-12) with a special use permit. The County has not begun the public hearing process with the County Planning Commission or County Commissioners and is seeking input from the RPIC before doing so. This item is for discussion purposes only and no action is required.

Project Description/Background:

Washoe County has been approached by a project applicant and asked to consider changing the Tahoe Area Plan Wood Creek Regulatory Zone. Specifically, the proposed amendment is to add "schools - kindergarten through secondary" as a permitted use type, subject to a special use permit, on those parcels in size equal to, or greater than, three-acres within the Tahoe - Wood Creek Regulatory Zone (see vicinity map below).



The County has not determined if they wish to propose this amendment and is currently seeking input from the RPIC prior to beginning the formal process of hearings before the County Planning Commission and County Commissioners. Although this application was prompted by a proposed project, it is important to note that a change in the area plan and implementing code would not approve the proposed project and would require a separate process to do so. The members of the RPIC should, therefore, provide comments related to the change in allowed use in the area plan versus comments on the specific project.

Staff from both the County and TRPA will be present to answer any questions the Committee may have regarding this proposal. Although the project that prompted this request is not being considered, it is anticipated that the project applicant and community members interested in the project will also be present to provide comments.

Schedule of Area Plan Amendments

The TRPA Bi-State Compact requires that amendments to the Regional Plan, which includes area plans once adopted by the appropriate local government and TRPA, must be processed within 180 days of a request by a local government (Article V). Consistent with that requirement, the 2023-2024 Annual Work Plan outlines a process for consideration of amendments in two six-month cycles, generally starting July 1 and January 1 of each fiscal year (page 21). This process is illustrated graphically below.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Formal 180 Day (6 Month) Cycle											
Local Planning Comm. & Governing Body											
			TRPA APC, RPIC, & Governing Board								
			Pre-180 Day Cycle Prep.			Formal 180 Day (6 Month) Cycle					
			Staff Coordination & RPIC Informational			Local Planning Comm. & Governing Body					
									TRPA APC, RPIC, & Governing Board		
									Pre-180 Day Cycle Prep.		
									Staff Coordination & RPIC Informational		

At this point in time staff have received amendments from Placer County, South Lake Tahoe, and Washoe County that are being processed during this July 1-December 31, 2023, cycle. The RPIC has already had informational presentations and provided comments on the Placer County and South Lake Tahoe amendments. Because the RPIC informational hearing did not occur prior to July 1, this amendment may not be heard by Washoe County in time for the formal process to be completed by TRPA by late 2023. If necessary, the TRPA process may need to be completed in early 2024.

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, Senior Planner, at 775.589.5221 or jstock@trpa.gov. 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.

