

Approved Amendments for the Permitting Improvement Project

Approved by the TRPA Governing Board September 27, 2023 (Effective Date November 26, 2023)

Table 1: Code of Ordinance Amendments

Section	Topic	Implementation Item / Explanation	Proposed Amendment
CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES			
Code 2.2.2.A.2.c	Project Review: Historic Resources	<i>No Change. Deletion of "eligible or" was not adopted.</i>	<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);
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> <ul style="list-style-type: none"> •Expand exemptions for hearings officer review of SEZ disturbances to permit staff approval for underground utility replacement projects. 	<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 and underground utility replacement projects 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> <p>a. Allocation of ten or more residential bonus units for income-restricted housing; and</p> <p>b.a. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.</p> <p>2. Hearings Officer</p> <p>Residential projects involving the following require review and approval by the Hearings Officer:</p> <p>a. Multi-residential and employee housing greater than four units; and</p> <p>b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and</p> <p>c. Allocation of more than two, but less than ten, residential bonus units for income-restricted housing.</p>

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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> <ul style="list-style-type: none"> •Permit staff approval of added land coverage for qualifying transportation improvements <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> <ul style="list-style-type: none"> 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
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> <ul style="list-style-type: none"> •Permit staff approval of added land coverage for qualifying transportation improvements <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> <ul style="list-style-type: none"> 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><u>(1) _____ (except for) Recreational 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>Moved from 2.3.6 Qualified Exempt</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><i>1. 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>4.A. Structural Repair</p> <p><u>Exterior Structural repair of existing structures of less than \$50,000\$21,000 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><i>3. 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>D. E. 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>Moved from 2.3.6 Qualified Exempt <i>Priority #2: Simplify and shorten review processes for minor applications and sequential approvals.</i> <i>Exempt and Qualified Exempt Activities:</i> <i>The least significant QE activities should be made fully exempt from TRPA review. include:</i> <i>4. Seasonal Outdoor Retail Sales Use</i></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 2.3.2 General Activities 9.H. <u>Seasonal Outdoor Retail Sales Use</u> <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. De 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
<p>Code 2.3.3.P & Q (was 2.3.6.B Qualified Exempt)</p>	<p>Exempt Activities: Signs</p>	<p>Moved from 2.3.6 Qualified Exempt</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><i>5.Subdivision Identification Signs</i></p> <p><i>6.Replacement of Approved Sign Faces</i></p> <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>1.P. Subdivision Identification Signs</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>2.Q. Replacement of Approved Sign Faces</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><u>B.A.</u> 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> <p>a. No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below;</p> <p>b. No increase in the dimensions of a structure;</p> <p>c. No intensification or change in use;</p> <p>d. No increase in commercial floor area, and</p> <p>e. No increase in density.</p> <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><i>3. 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. 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 <u>provide submit</u> color and material <u>information samples</u> 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>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
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</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>ransfers 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><u>a. 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>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>	
<u>Sending Parcel</u>	<u>IPES Score</u>	<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>			
	<u>Bailey Classification</u>	<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></p> <p>(2) <u>10 percent minimum open surface;</u></p> <p>(3) <u>4 inch minimum layer of well-draining base material; and</u></p> <p>(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 <u>consistent with the criteria below</u> to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.</p> <p><u>(1) Decks surfaced with dimensional boards shall use boards not exceeding 8 inches in width installed with ¼ inch minimum gaps between each board.</u></p>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p><u>(2) 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><u>(3) 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><u>(4) 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><u>(5) 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.	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p><u>H. Facilities for Public Safety and Access of the Disabled</u></p> <p><u>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.</u></p>
Code 30.4.6.I	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>Clarify when land coverage is “Available” vs “Banked”.</i></p> <p>This clarifies that coverage is banked after the application of coverage exemptions if the coverage is not used in other project locations.</p>	<p>30.4 Land Coverage Limitations</p> <p>30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage</p> <p><u>I. Relocating or Banking Exempted Coverage</u></p> <p><u>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.</u></p>

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, <u>and certain qualified exempt activities pursuant to subsection 2.3.6</u>, 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 <u>fee</u> 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 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>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
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 style="padding-left: 40px;"><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 style="padding-left: 40px;"><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 style="padding-left: 40px;">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</p>
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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p>line.</p> <ul style="list-style-type: none"> <li data-bbox="1108 289 1934 457">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 490 1934 587">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 ten 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 <u>standards for</u> 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	<p>Modified Amendment. Highlighted language was not deleted.</p> <p>The same language was added to Section 16.5.1 of the Rules of Procedure.</p> <p>This is a revised reference to the fee schedule and removal of alternative inflation index. Western States CPI will be applied annually.</p>	<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 <u>Article 16 in the Rules of Procedure</u>. the annual change in the Consumer Price Index for the San Francisco region. <u>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.</u> The current mobility mitigation fee shall be included within the schedule provided 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 <u>Article 16 subsection 10.7</u> 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 <u>TRPA-approved</u> 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. <u>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:</u></p> <ol style="list-style-type: none"> <u>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.</u> <u>2. A boulder is an object that is greater than 10 inches in diameter</u> <u>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.</u> <u>4. A boulder shall not be relocated if the only way to move the boulder is to drag it across the lake bottom.</u>

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.	<p>G. Mooring Registration Fee.</p> <p>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 <u>and fee schedule</u>.</p>
Code 84.3.3.C	Fees	This is a revised reference to the fee schedule.	<p>C. Buoy Scenic Mitigation Fee.</p> <p>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 <u>and fee schedule</u>.</p>
Code Figure 84.3.3-2	Shorezone Development Standards Mooring Structures	<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>Possible clarifications to buoy standards.</i></p> <p>This modifies text associates with the buoy field graphic to be consistent with the language in code.</p>	<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>

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Code 84.11.2.E.	Fees	This is a revised reference to the fee schedule.	<p>84.11. MITIGATION</p> <p>84.11.2. Mitigation Required</p> <p>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 <u>and fee schedule</u>.</p>

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	<p>Modified amendment. Additional definition language on universal chargers was not included:</p> <p><i>"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."</i></p> <p>Definitions relate to coverage exemptions for small utility installations (30.4.6.A).</p>	<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.</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>No Change. Language below was not added to the definition of Expansion:</p> <p><i>The following are modifications to existing piers that do not constitute an expansion of a pier:</i></p> <p>A. <i>Placement of bumpers on piers.</i></p> <p>B. <i>Removal of non-conforming structures (i.e. rock cribbing).</i></p> <p>C. <i>Handrails.</i></p> <p>D. <i>Swim ladders.</i></p> <p>E. <i>Pier deck height if there is a net decrease in the total visible mass of the pier.</i></p> <p>F. <i>Addition of a catwalk if taking the place of existing pier footprint and not creating additional visible mass.</i></p> <p><i>The following are modifications to existing piers that do constitute an expansion of a pier:</i></p> <p>A. <i>Additional pier width.</i></p> <p>B. <i>Additional pier length.</i></p> <p>C. <i>Addition of a boatlift.</i></p> <p>D. <i>Additional visible mass except for the additional visible mass created by the addition of structures/edifices/accessories listed above.</i></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>
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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><u>additional discretionary utility improvements such as generators and HVAC installations.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></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><u>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</u></p>

Table 2: Rule of Procedure Amendments

Section	Topic	Implementation Item / Explanation	Proposed Amendment
Rules 5.3	Completeness Reviews	<p>APC Modification</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>New procedures split minor from regular applications upon submittal. Other text is updated to reflect digital applications and current practices.</p>	<p>5.3. DETERMINATION OF COMPLETE-APPLICATION <u>TYPE AND COMPLETENESS</u></p> <p>Upon receipt submittal of an application, the application <u>processing</u> shall begin. <u>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).</u> 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>APC Modification</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><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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Section	Topic	Implementation Item / Explanation	Proposed Amendment
			<p><u>B. The application processing procedures described in Section 5.7 shall be expedited to 40 days.</u></p>
Rules 5.5	Bundled Applications	<p>APC Modification</p> <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.</p>	<p>5.5. BUNDLED APPLICATIONS</p> <p><u>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).</u></p> <p>1. Qualifying Applications</p> <p><u>A. Development right transfers and conversions associated with project applications.</u></p> <p><u>B. Coverage transfers to enable project applications.</u></p> <p><u>C. Lot Line Adjustments to enable project applications.</u></p> <p><u>D. Historic Resource determinations with project applications.</u></p>
Rules 5.8	Fee Schedule	Reorganize content in new Article 16 (Fees). Retain a reference.	<p>5.6. FEE SCHEDULE</p> <p><u>TRPA may fix and collect reasonable fees for project review services to recover costs associated with permit reviews and other services and to mitigate impacts associated with permitted development. 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. 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 Task Completed Refund Amount Due</p> <table border="1" data-bbox="1066 446 1967 1040"> <thead> <tr> <th colspan="2" data-bbox="1066 446 1967 511">APPLICATION REFUND SCHEDULE</th> </tr> <tr> <th data-bbox="1066 511 1761 553">Task Completed</th> <th data-bbox="1761 511 1967 553">Refund Amount</th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 553 1761 683">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 553 1967 683">90%</td> </tr> <tr> <td data-bbox="1066 683 1761 721">30-day review complete per Section 5.3</td> <td data-bbox="1761 683 1967 721">75%</td> </tr> <tr> <td data-bbox="1066 721 1761 824">If an "incomplete" application is made "complete," or more than one incomplete letter or time extension is issued</td> <td data-bbox="1761 721 1967 824">65% (less 10% additional income or time extension)</td> </tr> <tr> <td data-bbox="1066 824 1761 899">If TRPA review of a "complete" application is less than 50% finished</td> <td data-bbox="1761 824 1967 899">45%, (but no more amount calculated)</td> </tr> <tr> <td data-bbox="1066 899 1761 971">If TRPA review of a "complete" application is more than 50% finished</td> <td data-bbox="1761 899 1967 971">10%</td> </tr> <tr> <td data-bbox="1066 971 1761 1040">If final action is taken on a "complete" application by TRPA (other than withdrawal)</td> <td data-bbox="1761 971 1967 1040">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
APPLICATION REFUND SCHEDULE																			
Task Completed	Refund Amount																		
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If final action is taken on a "complete" application by TRPA (other than withdrawal)	No refund																		

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> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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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="1291 321 1713 511"> <thead> <tr> <th data-bbox="1291 321 1560 367">Year</th> <th data-bbox="1560 321 1713 367">Percent</th> </tr> </thead> <tbody> <tr> <td data-bbox="1291 367 1560 402">Years 1 through 4</td> <td data-bbox="1560 367 1713 402">100%</td> </tr> <tr> <td data-bbox="1291 402 1560 438">Year 5</td> <td data-bbox="1560 402 1713 438">75%</td> </tr> <tr> <td data-bbox="1291 438 1560 474">Year 6</td> <td data-bbox="1560 438 1713 474">50%</td> </tr> <tr> <td data-bbox="1291 474 1560 511">Year 7 and afterward</td> <td data-bbox="1560 474 1713 511">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 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
Area 5—Upper Truckee	\$8.50

			<table border="1"> <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> <p>All buoys shall be assessed a scenic mitigation fee of \$47 per year.</p>	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
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			<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 linear 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><u>B. Recognition of multiple parcel/use piers (Section 84.4)</u></p> <p><u>C. Single parcel piers</u></p> <p><u>D. Buoy fields</u></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><u>ARTICLE 16: FEES</u></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 5.11, the Executive Director shall refund the application fee according to the schedule below.</u></p> <table border="1" data-bbox="1066 1317 1961 1430"> <thead> <tr> <th colspan="2" data-bbox="1066 1317 1961 1382">APPLICATION REFUND SCHEDULE</th> </tr> <tr> <th data-bbox="1066 1382 1562 1430">Task Completed</th> <th data-bbox="1562 1382 1961 1430">Refund Amount Due</th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 1430 1562 1437"></td> <td data-bbox="1562 1430 1961 1437"></td> </tr> </tbody> </table>	APPLICATION REFUND SCHEDULE		Task Completed	Refund Amount Due		
APPLICATION REFUND SCHEDULE									
Task Completed	Refund Amount Due								

Section	Topic	Implementation Item / Explanation	Proposed Amendment	
			<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 5.2</u>	<u>90%</u>
			<u>30-day review complete per Section 5.3</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>	

<p>Rules 16.5</p>	<p>Mitigation Fees</p>	<p>Modified amendment. Highlighted language is added. Language is the same as text retained in Code Sec 65.2.5.D.</p> <p>1, 2, 3 and 5 are from 10.8.5.</p> <p>6 is from section 5.22.</p> <p>4 is new and recognizes off-site mitigation practices and code amendments.</p> <p>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.</p> <p>New language in 3-5 clarifying that these mitigation fees are not indexed annually.</p> <p>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>C. 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.</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>
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			<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 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> <p><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></p> <p><u>B. TRPA verifies that no site disturbance or construction has occurred, beyond what would normally be allowed as an exempt</u></p>
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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 to, tree cutting, vegetation removal, grading, or excavation. Partial refunds shall not be permitted.

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.

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>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>

E. The Executive Director shall maintain the necessary accounts and fund balances to implement the above policies.

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 232 1759 261"><u>3. Fee for additional width to an existing ramp</u></p> <p data-bbox="1121 289 1913 386"><u>C. Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees consistent with Code section 84.11 as follows:</u></p> <p data-bbox="1142 415 1488 444"><u>1. Fee for new boat slip</u></p> <p data-bbox="1142 451 1556 480"><u>2. Fee for new mooring buoy</u></p> <p data-bbox="1142 487 1514 516"><u>3. Fee for other additions</u></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. <u>Measure square footage to the nearest square foot or with greater precision.</u>
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. <u>Round the percentage to the nearest 0.1 percent.</u>
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. <u>Round the result for each surface to the nearest 0.1.</u> The sum of these results is your <u>Color Score</u> . 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. <u>Round the result to the nearest 0.1.</u> This is your <u>Reflectance Score</u> . 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. <u>Round up the next whole number.</u> 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. <u>Round to the nearest square foot.</u>