
INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name: Permitting Improvement Project

Project Description:

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

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

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

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

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

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

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

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

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

Environmental Review:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Determination:

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

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