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STAFF REPORT

Date: November 6, 2024

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion and possible recommendation for approval of proposed amendments to Chapter 13 of the TRPA Code of Ordinances, and the Goals and Policies of the Regional Plan, regarding the review and potential approval process for local jurisdiction area plans that propose alternative density and height limits in centers.

Summary and Staff Recommendation:
TRPA staff requests that the Advisory Planning Commission (APC) recommend approval of amendments to Chapter 13 of the TRPA Code of Ordinances and to the Community Design Goals and Policies of the Regional Plan. The amendments would formalize a review process for area plans that propose density in centers (town centers, regional centers, and the High-Density Tourist District) or height in town centers that exceed the allowances in Chapter 13 of the TRPA Code of Ordinances.

Required Motions:
To recommend approval of the proposed amendments, the APC must make the following motions, based on this staff report and materials provided within this packet:

1. A motion to recommend approval of the required findings (Attachment A), including a finding of no significant effect, for the adoption of amendments to the Code of Ordinances Chapter 13 and the Community Design Goals and Policies of the Regional Plan.

2. A motion to recommend approval and adoption of Ordinance 2024-__ (Attachment C), amending Ordinance 2023-03, as amended, for the adoption of amendments to the Community Design Goals and Policies of the Regional Plan.

3. A motion to recommend approval and adoption of Ordinance 2024-__ (Attachment D), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 13.

An affirmative vote of the majority of the quorum present is required for these motions to pass.

Advisory Planning Commission Discussion:
TRPA staff presented an informational update on this item to the APC in August 2024. The proposed amendment language, shown in Attachment B, has since been updated based on APC member and stakeholder input.

Project Description/Background:
A variety of strategies in the Regional Plan work together to accelerate needed environmental gains and threshold benefits. Area plans are a signature element of the Regional Plan and allow local jurisdictions to implement Regional Plan policies at the community scale. Area plans are created by the local jurisdictions and reflect the community's needs and unique vision for its future. Today, there are six area plans in place throughout the basin, with two new area plans actively being developed.

Chapter 13 of the TRPA Code of Ordinances defines the required content of area plans and specifies that area plans must establish density and height standards, and those standards must be consistent with those in Table 13.5.3.A (also shown below).

Existing Allowable Height & Density in Table 13.5.3.-1 of the TRPA Code

	Town Center	**Regional Center**	**High Density Tourist District**
Density	25 units/acre		
Height	56 feet	97 feet	197 feet

Prior to 2012, TRPA reviewed, processed, and approved several requests for greater height or density for specific sites or districts throughout the basin. Examples include the sites of the Heavenly Village, the Domus affordable housing development in Kings Beach, the Waldorf Astoria, and the Hilton Vacation Club at the end of Ski Run Boulevard. These exceptions can be found in TRPA Code Chapters 31 and 37.

Since the Regional Plan was adopted in 2012, local jurisdictions have been able to propose density and height that exceed the standards set forth in Chapter 13, but there have not been any such proposals until this year. The City of South Lake Tahoe's (City) amendments to the Tahoe Valley Area Plan and Tourist Core Area Plan propose to increase residential density in town centers to 65 units per acre. The City's proposed increase to residential density in town centers aligns with the Goals and Policies of the Regional Plan by encouraging development to be transferred and built in town centers, provide the density to better support transit, and could result in smaller, more affordable residential units. The City's accompanying IEC demonstrates that the proposed amendments will not cause an environmental impact. Similarly, in Nevada, Douglas County staff are considering amendments to the South Shore Area Plan (SSAP) that would allow height in a portion of the town center to exceed the current allowance of 56 feet. While TRPA has not received a formal application to amend the SSAP, including an increase of height in the town center, staff anticipate such a request could be forthcoming.

TRPA can process both of these amendments under the current Code, similar to how amendments were processed prior to 2012, with an amendment to the Code of Ordinances. However, the current process requires that the TRPA Code be amended each time to make a special allowance for an individual site or district in the basin that differs from the regional standards and requires an amendment package (IEC, findings, threshold compliance measures, etc.) that are largely duplicative of the area plan amendments themselves. The proposed action would amend Chapter 13 to codify the process by which TRPA reviews and approves local jurisdiction requests for additional height in town centers and density in centers within area plans. Specifically, the proposed amendment would codify the requirement for TRPA to evaluate any alternative density or height standards proposed in an area plan in accordance with the following criteria:

1. The standards further the Goals and Policies of the Regional Plan;

2. The standards will not have an environmental impact, as demonstrated through an environmental analysis consistent with *Chapter 3: Environmental Documentation;*
3. The area plan includes the requirement that for all buildings over 56 feet in height all applicable findings in Chapter 37 of the TRPA Code of Ordinances, including Findings 1, 3, and 9[1], must be made at the time any project subject to the area plan is reviewed and before it is permitted;
4. Residential buildings subject to additional height must not be subject to density maximums in Table 13.5.3-1; and
5. The local jurisdiction has approved design standards.

The proposed amendments to the Regional Plan and Code would remove the need for multiple TRPA Code amendments every time TRPA approves an exception and would also increase transparency by codifying the requirements for local jurisdictions to follow when requesting increases to height and density in their area plans. Under the proposed approach, new area plans and amendments to existing area plans would continue to follow the standard TRPA approval process, which requires Advisory Planning Commission (APC) recommendation and Governing Board approval. Future projects would continue to be subject to the required environmental analysis in *Chapter 3: Environmental Documentation* and the findings in *Chapter 37: Height*, and all traffic and VMT requirements associated with a project, which remain unchanged with this amendment. Local jurisdictions do not have the authority to change overall growth caps, and any proposed increases in density in an area plan will not increase the amount of development potential planned for the region under the existing growth management system of the Regional Plan.

The differences between the proposed approach and the current Code (i.e., as not amended) is two-fold: (1) under the proposed approach, the Code would not require subsequent amendments every time TRPA approves a height or density deviation from the values in Table 13.5.3.-1 of the TRPA Code; and (2) under the proposed approach, the amendments would codify the requirements for local jurisdictions to request additional height and density in area plans for centers. The proposed approach would not change the TRPA process (APC and Governing Board) to review and approve area plans and amendments thereto (including requests for additional height and density), and would not affect the required environmental review upon which such approvals must be based.

Environmental Review:

TRPA staff analyzed the potential environmental effects of the draft amendments to Chapter 13 and the Goals and Policies of the Regional Plan through an IEC. The proposed amendments codify the process by which a local jurisdiction can propose alternative density standards in centers and height in town centers of their area plan. The proposed amendments do not involve or result in any new development

[1]**Height findings:**

Finding 1: When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

Finding 3: With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

Finding 9: When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

or result in anything more than a process clarification. As such, this amendment would not have an environmental impact. As discussed above, any future request for additional height or density – which may be requested with or without the proposed action – will be reviewed for environmental impacts prior to approval. The IEC can be found in Attachment A, Exhibit 1.

Regional Plan Compliance:
The proposed amendment would codify the process for local jurisdictions to propose a higher height and density limit through an area plan, above what is set forth in the Regional Plan and Code, if environmental findings can be met. The proposed amendment is a process codification that is consistent with Regional Plan Goals of encouraging local jurisdictions to be responsive to the unique needs and opportunities of their communities. The proposed amendment would not remove existing scenic protections or otherwise change current height or VMT requirements as set forth in the Regional Plan and Code of Ordinances.

Contact Information:
For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov.

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

Attachments:

A. Environmental Findings & Finding of No Significant Effect (FONSE)
    - Exhibit 1: Initial Environmental Checklist (IEC)
    - Exhibit 2: Compliance Measures Evaluation
B. Proposed Amendments to the Regional Plan and Chapter 13 of the Code of Ordinances
C. Adopting Ordinance for Amendments to the TRPA Regional Plan Goals and Policies
D. Adopting Ordinance for Amendments to the TRPA Code of Ordinances

Attachment A

Environmental Findings & Finding of No Significant Effect (FONSE)

ATTACHMENT A: REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT TO AMEND THE TRPA CODE OF ORDINANCES

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Chapters 13 and the Community Design Goals and Policies of the Regional Plan.

Chapter 3 Findings: The following finding must be made based on the information submitted in the Initial Environmental Checklist:

Finding 3.3.2: The proposed amendments could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Rationale: TRPA staff analyzed the potential environmental effects of the proposed amendments to Chapter 13 and the Regional Plan through an Initial Environmental Checklist (IEC). The proposed amendments formalize the review process for area plans that propose alternative height in town centers and density standards in centers of their area plan, above what is set forth in Chapter 13. However, there would be no environmental impact of this amendment alone, as the current standards would remain in place unless there are alternative standards proposed that are considered and approved by TRPA. The proposed amendment would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

Finding 4.4.1.A: The proposed amendments are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plan/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: The amendments would formalize a review process for area plans that propose density or height standards in centers that exceed the allowances in Chapter 13 of the TRPA Code of Ordinances. Alternative standards would take effect through an area plan amendment or by establishing a new area plan, which would follow the standard hearing process as outlined in Chapter 13. The alternative standards must be consistent with the Regional Plan and demonstrate that the amendments will not have a significant environmental impact, as required in *Chapter 3: Environmental Documentation*. Allowing local jurisdictions to propose density and height standards that are above the maximums currently set forth in Chapter 13 is consistent with Regional Plan Goals and Policies that encourage the redevelopment of town centers, directing development from more sensitive areas

to centers, and encouraging densities and a development pattern that promotes walking, bicycling, and provides demand for transit. However, this amendment alone does not result in any changes to area plans or a development action.

TRPA finds that the amendment is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans, Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Finding 4.4.1.B: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: No significant environmental effects were identified as a result of the proposed amendments, and the thresholds would not be adversely affected or exceeded, as demonstrated in the IEC. The amendments formalize a process for local jurisdictions to propose increased density and height within centers of their area plans. If local jurisdictions propose higher density and height limits than what is currently allowed under Chapter 13, the amendments must be consistent with and help to implement the Goals and Polices of the Regional Plan, the environmental analysis must demonstrate that there will be no significant environmental impact, and local jurisdictions must have adopted design standards in place and must be able to make findings in Chapter 37 of the TRPA Code for any height above 56 feet.

Finding 4.4.1.C: Wherever federal, state or local air and water quality standards are applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

No applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendment does not change the Federal, State or local air and water quality standards applicable for the Region. Projects will continue to be subject to the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL). Federal, State, and local air and water quality standards remain applicable for all parcels in the region, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

Finding 4.5: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale:

In 2012, TRPA found that the Regional Plan, as revised, would achieve and maintain thresholds. The proposed amendment would not result in a development action and therefore does not conflict with any Regional Plan provision designed to

achieve and maintain thresholds. The amendment would allow local jurisdictions to implement Regional Plan, Area Plan, and General Plan Goals and Policies that would help them plan for their community's needs realize their unique vision.

Finding 4.6: To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs that implement the Regional Plan, TRPA shall find that the Regional Plan and all of its elements, as implemented through the Code, Rules of Procedure, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: As demonstrated in the IEC, the Regional Plan and all of its elements, as amended, will achieve and maintain the thresholds. The amendment will not result in a development action. New area plans or amendments to existing area plans that propose higher density or height limits for centers beyond what is currently allowed in Chapter 13, will be evaluated for their consistency with the Regional Plan, must demonstrate that the standards will not have an environmental impact, and must have the requirements in place for additional building height. Area plans must be reviewed and approved by the TRPA Governing Board.

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FINDING OF NO SIGNIFICANT EFFECT

Project Description: Amendment to Chapter 13 of the Code of Ordinances.

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

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

7/24/24

TRPA Executive Director/Designee

Date

AGENDA ITEM NO. V.A

Project Name:
Amendments to Chapter 13 of the Code of Ordinances and the Community Design Goals and Policies of the Regional Plan

Project Location:
The Tahoe Region within the planning area jurisdiction of the Tahoe Regional Planning Agency.

Project Description:
A variety of strategies in the Regional Plan work together to accelerate needed environmental gains and threshold benefits. Area plans are a signature element of the Regional Plan and allow local jurisdictions to implement the Regional Plan policies at the community scale. Area plans are created by the local jurisdictions and reflect the community's unique vision for its future and needs.

Chapter 13 of the TRPA Code defines the required content of area plans, including the development and community design standards, including density, height, coverage, site design, lighting, etc. Code section 13.5.3 specifies that area plans must establish density and height standards, and those standards must be consistent with those in Table 13.5.3.A. For town centers, the table sets a maximum density of 25 units per acre and 56 feet of height. Since the Regional Plan was adopted in 2012, local jurisdictions have proposed density and height allowances in their area plans that fall under the regional allowances in Chapter 13, until this year. However, local jurisdictions can propose density and height that exceed the standards set in Chapter 13 so long as the alternative standards do not have an environmental impact, as demonstrated through an analysis accompanying the Area Plan amendment, and do not negatively impact environmental thresholds. Prior to 2012, TRPA reviewed and processed several exceptions that allowed greater height or density for specific sites or districts throughout the basin. These exceptions can be found in TRPA Code chapters 31 and 37.

As TRPA and local jurisdictions work to incentivize environmentally beneficial redevelopment in town centers that helps to implement the Regional Plan, local jurisdictions are increasingly requesting additional flexibility with Table 13.5.3.A. The City of South Lake Tahoe proposed to increase residential density in town centers to 65 units per acre through the amendments to the Tahoe Valley Area Plan and the Tourist Core Area Plan, being reviewed by TRPA this fall. Their accompanying IEC demonstrates there will not be an environmental impact. Similarly, in Nevada, Douglas County staff are considering amendments to the South Shore Area Plan (SSAP) that would allow height in a portion of the town center to exceed the current allowance of 56 feet. While TRPA has not received a formal application to amend the SSAP, including an increase of height in the town center, staff anticipate such a request could be forthcoming.

The proposed action would amend Chapter 13 to codify the process by which TRPA reviews and approves local jurisdiction requests for additional height in town centers and density in centers of area plans. Through this process, TRPA would codify the requirement for TRPA to evaluate any alternative density or height standards proposed in an Area Plan in accordance with the following criteria:

1. The standards further the Goals and Policies of the Regional Plan;
2. The standards will not have an environmental impact, as demonstrated through an environmental analysis consistent with *Chapter 3: Environmental Documentation;*
3. The area plan includes the requirement that for all buildings over 56 feet in height all applicable findings in Chapter 37 of the TRPA Code of Ordinances, including Findings 1, 3, and 9, must be made at the time any project subject to the area plan is reviewed and before it is permitted;

4. Residential buildings subject to additional height must not be subject to density maximums in Table 13.5.3-1; and
5. The local jurisdiction has approved design standards.

The proposed amendment would streamline TRPA's area planning process and set up a transparent public process for local jurisdictions to follow when considering increases to height and density in their area plans. New area plans and amendments to existing area plans would continue to follow the standard review process, including environmental review, with approval from TRPA's Advisory Planning Commission (APC), Regional Plan Committee (RPC), and Governing Board.

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

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

I. Environmental Impacts

1. Land

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

- Impervious Cover
- Stream Environment Zone

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. There are no proposed changes to *Chapter 30: Coverage* or *Chapter 53: Individual Parcel Evaluation System*. The amendments will not increase the amount of development potential planned for the region under the existing growth management system. This action alone is a process change and would not result in impacts to soils, erosion potential, or exposure to hazards. Any future proposal to allow greater height or density above the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 30: Coverage* or *Chapter 53: Individual Parcel Evaluation System.*

2. Air Quality

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

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

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	☐	☒	☐	☐
b. Deterioration of ambient (existing) air quality?	☐	☒	☐	☐
c. The creation of objectionable odors?	☐	☒	☐	☐
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	☐	☒	☐	☐
e. Increased use of diesel fuel?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. There are no proposed changes to *Chapter 65: Air Quality/Transportation.* This action alone is a process change and would not result in impacts to emissions, air movement or quality, change in climate or use of fuels. The amendments will not increase the amount of development potential planned for the region under the existing growth management system. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 65: Air Quality/Transportation.*

Concurrent with this amendment, TRPA will be considering the City of South Lake Tahoe's proposed amendments to the Tahoe Valley Area Plan and Tourist Core Area Plan, which would allow residential density up to 65 units per acre in town centers. The City has completed the required environmental analysis, as set forth in *Chapter 3: Environmental Documentation,* which found that the proposed Area Plan amendments would help to implement

Regional Plan and Regional Transportation Plan goals of concentrating development close to transit and centers, where it will have reduced impacts to air quality. The transition to higher-density, compact, transit-oriented development is anticipated to reduce environmental impacts associated with air quality and VMT.

3. Water Quality

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

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

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. There are no proposed changes to *Chapter 60: Water Quality.* This action alone is a process change and would not result in changes to or impacts on water movement, absorption rates, groundwater, floods, or the water supply. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 60: Water Quality.*

4. Vegetation

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

- Common Vegetation
- Late Seral/Old Growth Ecosystems
- Sensitive Plants
- Uncommon Plant Communities

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans in excess of 25 units per acre or 56 feet. There are no proposed changes to *Chapter 61: Vegetation and Forest Health* or *Chapter 30: Coverage.* This action alone is a process change and would not result in changes to existing native vegetation protections, removal of

vegetation habitat, or diversity or distribution of vegetation species. Any future proposal by a local jurisdiction to allow greater height or density in excess of the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 61: Vegetation and Forest Health* or *Chapter 30: Coverage.*

5. Wildlife

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

- Special Interest Species

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

- Instream Flow
- Lake Habitat
- Stream Habitat

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. There are no proposed changes to *Chapter 62: Wildlife Resources* or *Chapter 61: Vegetation and Forest Health.* This action alone is a process change and would not result in changes to diversity or distribution of species, endangered species, or deterioration of existing wildlife habitat. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 62: Wildlife Resources* or *Chapter 61: Vegetation and Forest Health.*

6. Noise

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

- Cumulative Noise Events
- Single Noise Events

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans in excess of 25 units per acre or 56 feet. There are no proposed changes to *Chapter 68: Noise Limitations.* This action alone is a process change and would not result in increases to noise levels or thresholds or exposure to new noise levels. Any future proposal by a local jurisdiction to allow greater height or density in excess of the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 68: Noise Limitations.*

7. Light and Glare

Will the proposal:

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. Local jurisdictions that propose height above 56 feet in town centers must have adopted design standards. Design standards, including standards for lighting, ensure that buildings meet scenic requirements and blend in with surrounding uses. However, this amendment does not propose changes to *Chapter 36: Design Standards.* This action alone is a process change and would not result in changes to exterior lighting standards or new sources of light or glare.

8. Land Use

Will the proposal:

		Yes	No	No, with mitigation	Data insufficient
a.	Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	☐	☒	☐	☐
b.	Expand or intensify an existing non-conforming use?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans in excess of 25 units per acre or 56 feet.

There are no proposed changes to *Chapter 21: Permissible Uses* or *Chapter 22: Temporary Uses, Structures, and Activities.* The amendments will not increase the amount of development potential planned for the region under the existing growth management system. This action alone is a process change and would not result in changes to permissible uses in any plans or expand or intensify an existing non-conforming use. Any future proposal by a local jurisdiction to allow greater height or density in excess of the standards listed in Chapter 13 is not anticipated to result in changes to *Chapter 21: Permissible Uses* or *Chapter 22: Temporary Uses, Structures, and Activities.*

9. Natural Resources

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	☐	☒	☐	☐
b. Substantial depletion of any non-renewable natural resource?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans in excess of 25 units per acre or 56 feet. This action alone is a process change and there are no proposed changes that would impact the rate of use of any natural resources or depletion of non-renewable natural resources. There are no changes to the amount of development potential planned for the region under the existing growth management system. Additionally, the amendments will not increase the amount of development potential planned for the region under the existing growth management system.

10. Risk of Upset

Will the proposal:

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans in excess of 25 units per acre or 56 feet. This action alone is a process change and there are no proposed changes that would involve risk of explosion or release of hazardous conditions or interfere with an emergency evacuation plan. The amendments will not increase the amount of development potential planned for the region under the existing growth management system and

do not alter *Chapter 50: Allocation of Development* or *Chapter 51: Banking, Conversion, and Transfer of Development*.

Concurrent with this amendment, TRPA will be considering the City of South Lake Tahoe's proposed amendments to the Tahoe Valley Area Plan and Tourist Core Area Plan which would allow residential density up to 65 units per acre in town centers. The City has completed the required environmental analysis, as set forth in *Chapter 3: Environmental Documentation,* showing the proposal will not result in increased risk of upset and will not conflict with emergency evacuation plans.

Other future amendments to area plans could result in increased density or height within town centers of an area plan. Similar to the City of South Lake Tahoe's amendments, any future proposed amendments will be evaluated for increased risk of upset when they are proposed by the local jurisdictions.

11. Population

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	☐	☒	☐	☐
b. Include or result in the temporary or permanent displacement of residents?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions to propose density in centers and height in town centers of their area plans in excess of 25 units per acre or 56 feet. This amendment alone would not alter the density of population planned for the Region or result in displacement of residents. The amendments will not increase the amount of development potential planned for the region under the existing growth management system and do not alter *Chapter 50: Allocation of Development* or *Chapter 51: Banking, Conversion, and Transfer of Development*.

Concurrent with this amendment, TRPA will be considering the City of South Lake Tahoe's proposed amendments to the Tahoe Valley Area Plan and Tourist Core Area Plan, which would allow residential density up to 65 units per acre in town centers. The City has completed the required environmental analysis, as set forth in *Chapter 3: Environmental Documentation,* which found that the proposed area plan amendments would result in changes to the overall density and distribution of the region's population and gradually increase the density of the population within the centers of both area plans. The transition to higher-density, compact, transit-oriented development is anticipated to reduce environmental impacts associated with traffic and vehicle miles travelled (VMT), air quality, cumulative land disturbance, and infrastructure expansion. The increase in density proposed as part of the amendments aligns with the location, distribution and growth rate of the human population planned for the region consistent with the Regional Plan. Although this represents a change in the density and distribution for the region's population, such changes will have a less than significant impact.

Amendments to other area plans could result in increased density within town centers of an area plan, beyond what is set forth in Chapter 13. Similar to the City of South Lake Tahoe's amendments, any proposed amendments in the future will be evaluated for their impact on the region's population when they are brought forward by the local jurisdictions.

12. Housing

Will the proposal:

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and the amendments would not impact the amount of housing or amount of housing for lower income households. The amendments will not increase the amount of development potential planned for the region under the existing growth management system set forth in *Chapter 50: Allocation of Development* and *Chapter 51: Banking, Conversion, and Transfer of Development*.

Concurrent with this amendment, TRPA will be considering the City of South Lake Tahoe's proposed amendments to the Tahoe Valley Area Plan and Tourist Core Area Plan, which would allow residential density up to 65 units per acre in town centers. The City has completed the required environmental analysis, as set forth in *Chapter 3: Environmental Documentation,* which found that the proposed area plan amendments would not displace housing or necessitate the construction of replacement housing elsewhere but rather incentivize the transfer of existing residential uses located in sensitive land or distant neighborhoods to be built as smaller, more compact units in centers. The amendments promote Regional Plan goals of higher density residential uses within the mixed-use centers to promote walkability and feasibility of alternative transportation options.

13. Transportation / Circulation

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	☐	☒	☐	☐
b. Changes to existing parking facilities, or demand for new parking?	☐	☒	☐	☐
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	☐	☒	☐	☐
d. Alterations to present patterns of circulation or movement of people and/or goods?	☐	☒	☐	☐
e. Alterations to waterborne, rail or air traffic?	☐	☒	☐	☐

f.	Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. There are no proposed changes to *Chapter 65: Air Quality/Transportation* nor will they not increase the amount of development potential planned for the region under the existing growth management system in *Chapter 50: Allocation of Development* or *Chapter 51: Banking, Conversion, and Transfer of Development*. This action alone is a process change and would not generate new VMT, changes to demand for parking, impacts to existing transportation systems, or alterations in circulation patterns. Future amendments to area plans could result in increased height and density within centers, beyond what is set forth in Chapter 13. Those amendments will be evaluated for their impact on the region's transportation/circulation when they are proposed by the local jurisdictions.

Concurrent with this amendment, TRPA will be considering the City of South Lake Tahoe's proposed amendments to the Tahoe Valley Area Plan and Tourist Core Area Plan, which would allow residential density up to 65 units per acre in town centers. The City has completed the required environmental analysis, as set forth in *Chapter 3: Environmental Documentation.* The amendments promote higher density residential uses within the mixed-use centers to promote walkability and feasibility of alternative transportation options. As such, the proposed amendments would result in a less than significant impact on VMT, existing parking facilities and transportation facilities, and transportation patterns within the region.

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:		Yes	No	No, with mitigation	Data insufficient
a.	Fire protection?	☐	☒	☐	☐
b.	Police protection?	☐	☒	☐	☐
c.	Schools?	☐	☒	☐	☐
d.	Parks or other recreational facilities?	☐	☒	☐	☐
e.	Maintenance of public facilities, including roads?	☐	☒	☐	☐
f.	Other governmental services?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in changes to public services. The amendments will not increase the amount of development potential planned for the region under the existing growth management

system. Future proposals by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 will be evaluated for impacts on public services.

15. Energy

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	☐	☒	☐	☐
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	☐	☒	☐	☐

Discussion:

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in changes to energy use or demand. Additionally, the amendments will not increase the amount of development potential planned for the region under the existing growth management system and do not alter *Chapter 50: Allocation of Development* or *Chapter 51: Banking, Conversion, and Transfer of Development*. Any future proposal by a local jurisdiction to allow greater height or density will be evaluated for impacts on energy.

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	☐	☒	☐	☐
b. Communication systems?	☐	☒	☐	☐
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	☐	☒	☐	☐
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	☐	☒	☐	☐
e. Storm water drainage?	☐	☒	☐	☐
f. Solid waste and disposal?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in changes to utility systems or utility drainage or disposal. Additionally, the amendments will not increase the amount of development potential planned for the region under

the existing growth management system and do not alter *Chapter 50: Allocation of Development* or *Chapter 51: Banking, Conversion, and Transfer of Development*. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 will be evaluated for impacts on utilities.

17. Human Health

Will the proposal result in:

		Yes	No	No, with mitigation	Data insufficient
a.	Creation of any health hazard or potential health hazard (excluding mental health)?	☐	☒	☐	☐
b.	Exposure of people to potential health hazards?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in the creation or new exposure to human health hazards. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 will be evaluated for impacts on human health.

18. Scenic Resources / Community Design

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

- Built Environment
- Other Areas
- Roadway and Shoreline Units

Will the proposal:

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. There

are no proposed changes to *Chapter 37: Height* or *Chapter 66: Scenic Quality.* This action alone is a process change and would not have scenic impacts. However, future amendments to area plans could result in increased height above 56 feet in town centers. To mitigate for potentially significant impacts to scenic resources resulting from height above 56 feet, Code Section 13.5.3.B.5 specifies that Findings 1, 3, and 9 from Chapter 37.7 must be established in the area plans for any buildings over 56 feet, which are listed below. The amendment language also states that area plans must have adopted design standards and guidelines that specify materials, colors, textures, and building and site design appropriate to each community to improve local scenic quality.

Chapter 37 Findings for Additional Height:

Finding 1	When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.
Finding 2	With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.
Finding 3	When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

TRPA and Douglas County staff have been discussing a potential amendment to the South Shore Area Plan (SSAP) that would allow height within the town center to exceed the current allowance of 56 feet for a new hospital to replace the former Lakeside Inn & Casino. However, TRPA has not received a formal application to amend the SSAP nor a project application. Therefore, this IEC does not include a discussion or analysis specific to the SSAP. If TRPA receives an application to amend the SSAP to allow height above 56 feet, the area plan would follow the requirements set forth in the proposed Chapter 13 Code language, including required environmental review.

19. Recreation

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

- Fair Share Distribution of Recreation Capacity
- Quality of Recreation Experience and Access to Recreational Opportunities

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	☐	☒	☐	☐
b. Create additional recreation capacity?	☐	☒	☐	☐
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	☐	☒	☐	☐
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	☐	☒	☐	☐

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in impacts to recreation facilities or capacity. Additionally, the amendments will not increase the amount of development potential planned for the region under the existing growth management system and do not alter *Chapter 50: Allocation of Development* or *Chapter 51: Banking, Conversion, and Transfer of Development*. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 will be evaluated for impacts on recreation.

20. Archaeological / Historical

Will the proposal result in:

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in impacts to archeological or historical resources. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 will be evaluated for impacts on archeological or historical resources.

21. Findings of Significance

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

Discussion

The proposed amendments to the Regional Plan and Chapter 13 would formalize a process for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet. This action alone is a process change and would not result in short term impacts, impacts to fisheries or endangered plants or animals, or environmental impacts to humans. Any future proposal by a local jurisdiction to allow greater height or density above the standards listed in Chapter 13 will be evaluated for impacts to all threshold areas.

DECLARATION:

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

Signature:

	at	
Person preparing application	County	Date

Applicant Written Comments: (Attach additional sheets if necessary)

Determination:

On the basis of this evaluation:

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

_____ Date _____

Signature of Evaluator

_____

Title of Evaluator

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
3	**WATER QUALITY/SEZ - IN PLACE**				
4	1	BMP requirements, new development: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**	**N**	There are no proposed changes to Chapter 60 of the TRPA Code of Ordinances. All projects permitted under the amended plan will meet BMP and water quality requirements.
5	2	BMP implementation program -- existing streets and highways: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Trans, Fish**	**N**	
6	3	BMP implementation program -- existing urban development: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**	**N**	
7	4	BMP implementation program -- existing urban drainage systems: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Trans, Fish**	**N**	
8	5	Capital Improvements Program for Erosion and Runoff Control	**WQ, Soils/SEZ, Trans, Fish**	**N**	The proposed amendments make no significant changes to implementation of CIP.
9	6	Excess land coverage mitigation program: *Code of Ordinances* Chapter 30	**WQ, Soils/SEZ**	**N**	The proposed amendment does not change excess coverage mitigation requirements.
10	7	Effluent (Discharge) limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**	**N**	The amendments do not affect or conflict with TRPA Code of Ordinances Chapter 5.
11	8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	**WQ, Soils/SEZ, Rec, Scenic**	**N**	There are no changes proposed to subdivision standards or procedures.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
12	9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	**WQ, Soils/SEZ, Trans, Scenic**		The amendments would codify a process for TRPA to approve Area Plans that allow additional density in centers and height in town centers, if the TRPA Governing Board finds standards have been met and there will not be an environmental impact.
13	10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	**WQ, Soils/SEZ**	**N**	TRPA's residential growth management provisions and Individual Parcel Evaluation System (IPES) will remain in effect and unchanged.
14	11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	**WQ, Soils/SEZ, Scenic**	**N**	The amendments do not alter Chapter 30.
15	12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	**WQ, Soils/SEZ**	**N**	The proposed amendments do not include modifications to transfers of development rights.
16	13	Restrictions on SEZ encroachment and vegetation alteration: *Code of Ordinances Chapters 30 and 61*	**WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic**	**N**	The amendmetns will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapters 30 and 61.
17	14	SEZ restoration program: Environmental Improvement Program.	**WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic**	**N**	The amendments do not change policies and provisions that require the protection and restoration of SEZs.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
18	15	SEZ setbacks: *Code of Ordinances* Chapter 53	**WQ, Soils/SEZ, Veg, Wildlife, Fish**	**N**	
19	16	Fertilizer reporting requirements: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish, Rec**	**N**	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will stay in effect.
20	17	Water quality mitigation: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	
21	18	Restrictions on rate and/or amount of additional development	**WQ, Soils/SEZ, Wildlife, Scenic**		The amendments would codify the process by which local jurisdictions may propose higher density limits in centers and height limits in town centers within Area Plans. No change to regional growth caps are being proposed.
22	19	Improved BMP implementation/ enforcement program	**WQ, Soils/SEZ**		There are no proposed changes to BMP implementation or enforcement.
23	20	Increased funding for EIP projects for erosion and runoff control	**WQ, Soils/SEZ**		The amendments do not increase funding for EIP erosion and runoff control projects.
24	21	Artificial wetlands/runoff treatment program	**WQ, Soils/SEZ**		The amendments do not propose changes to artificial wetlands or the runoff treatment program.
25	22	Transfer of development from SEZs	**WQ, Soils/SEZ, Scenic**		The amendments do not propose to change standards regarding transfers of development from SEZs.
26	23	Improved mass transportation	**WQ, Trans, Noise**		The amendments do not alter regulations regarding transit stops and mass transportation.
27	24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	**WQ, Soils/SEZ, Scenic**		There are no proposed changes to Chapter 37. The amendments would codify the process by which local jurisdictions may propose higher density in centers and height in town centers within Area Plans. No change to regional growth caps are being proposed Amendments would be required to complete the necessary environmental review, per TRPA Code Chapter 2. The amendments would continue to incentivize development in centers of area plans and direct development away from sensitive areas.
28	25	Combustion heater rules, stationary source controls, and related rules: *Code of Ordinances* Chapter 65	**WQ, AQ**		No changes proposed.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
29	26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	**WQ, Soils/SEZ**		
30	27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	**WQ, Soils/SEZ**		
31	28	Effluent limitations	**WQ, Soils/SEZ**		
32	29	Regulation of wastewater disposal at sites not connected to sewers: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**		
33	30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	**WQ, Soils/SEZ**		
34	31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	**WQ, Soils/SEZ, Wildlife**		
35	32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	**WQ, Soils/SEZ**		
36	33	BMP implementation program, Snow and ice control practices: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, AQ**		No changes are proposed with the amendment.
37	34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	**WQ, Soils/SEZ, Fish**		
38	35	BMP implementation program--roads, trails, skidding, logging practices: *Code of Ordinances* Chapter 60, Chapter 61	**WQ, Soils/SEZ, Fish**		
39	36	BMP implementation program--outdoor recreation: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish, Rec**		
40	37	BMP implementation program--livestock confinement and grazing: *Code of Ordinances* Chapter 21, Chapter 60, Chapter 64	**WQ, Soils/SEZ, Veg, Wildlife, Fish**		
41	38	BMP implementation program--pesticides	**WQ, Soils/SEZ**		
42	39	Land use planning and controls -- timber harvesting: *Code of Ordinances* Chapter 21	**WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic**		The proposed amendments will not effect timber harvesting nor are changes to TRPA Code of Ordinances proposed.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
43	40	Land use planning and controls - outdoor recreation: *Code of Ordinances* Chapter 21	**WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic**		
44	41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	**WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic**		No changes are proposed.
45	42	Control of encroachment and coverage in sensitive areas	**WQ, Soils/SEZ, Wildlife, Rec, Scenic**	**N**	No changes proposed.
46	43	Control on shorezone encroachment and vegetation alteration: *Code of Ordinances* Chapter 83	**WQ, Soils/SEZ, Scenic**		The proposed amendments would not impact shorezone restrictions or BMP implementation in the shorezone.
47	44	BMP implementation program--shorezone areas: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**		
48	45	BMP implementation program--dredging and construction in Lake Tahoe: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**		
49	46	Restrictions and conditions on filling and dredging: *Code of Ordinances* Chapter 84	**WQ, Soils/SEZ, Fish**		
50	47	Protection of stream deltas	**WQ, Soils/SEZ, Wildlife, Fish, Scenic**		
51	48	Marina master plans: *Code of Ordinances* Chapter 14	**WQ, AQ/Trans, Fish, Scenic**		
52	49	Additional pump-out facilities: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**		
53	50	Controls on anti-fouling coatings: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**		
54	51	Modifications to list of exempt activities	**WQ, Soils/SEZ**		No changes are proposed.
55	**WATER QUALITY/SEZ - SUPPLEMENTAL**				
56	52	More stringent SEZ encroachment rules	**WQ, Soils/SEZ, Wildlife, Fish**		The amendments do not include any provisions that would impact Compliance Measures 52 though 61.
57	53	More stringent coverage transfer requirements	**WQ, Soils/SEZ**		
58	54	Modifications to IPES	**WQ, Soils/SEZ**		

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
59	55	Increased idling restrictions	**WQ, Soils/SEZ, AQ**		
60	56	Control of upwind pollutants	**WQ, Soils/SEZ, AQ**		
61	57	Additional controls on combustion heaters	**WQ, Soils/SEZ, AQ**		
62	58	Improved exfiltration control program	**WQ, Soils/SEZ**		
63	59	Improved infiltration control program	**WQ, Soils/SEZ**		
64	60	Water conservation/flow reduction program	**WQ, Soils/SEZ, Fish**		
65	61	Additional land use controls	**WQ, Soils/SEZ, Wildlife**		
66	**AIR QUALITY/TRANSPORTATION - IN PLACE**				
67	62	Fixed Route Transit - South Shore	**Trans, Rec**		There are no proposed changes to the plans or goals and policies related to transit or active transportation.
68	63	Fixed Route Transit - North Shore	**Trans, Rec**		
69	64	Demand Responsive Transit	**Trans**		
70	65	Seasonal Transit Services	**Trans, Rec**		
71	66	Social Service Transportation	**Trans**		
72	67	Shuttle programs	**Trans, Rec**		
73					
74	69	Intercity bus services	**Trans**		
75	70	Passenger Transit Facilities	**Trans**		
76	71	Bikeways, Bike Trails	**Trans, Noise, Rec, Scenic**		
77	72	Pedestrian facilities	**Trans, Rec, Scenic**		
78	73	Wood heater controls: *Code of Ordinances* Chapter 65	**WQ, AQ**		The amendments do not make any changes to wood or gas heater controls, or stationary source controls.
79	74	Gas heater controls: *Code of Ordinances* Chapter 65	**WQ, AQ**		
80	75	Stationary source controls: *Code of Ordinances* Chapter 65	**WQ, AQ**		
81	76	U.S. Postal Service Mail Delivery	**Trans**		The amendments will not impact U.S. Postal Service Delivery.
82	77	Indirect source review/air quality mitigation: *Code of Ordinances* Chapter 65	**WQ, AQ, Trans**		No changes to air quality mitigation or idling restrictions are proposed with the amendment.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
83	78	Idling Restrictions: *Code of Ordinances* Chapter 65	**WQ, AQ**		
84	79	Vehicle Emission Limitations(State/Federal)	**WQ, AQ**		No changes proposed.
85	80	Open Burning Controls: *Code of Ordinances* Chapters 61 and Chapter 65	**WQ, AQ, Scenic**		No changes proposed.
86	81	BMP and Revegetation Practices	**WQ, AQ, Wildlife, Fish**		No changes proposed.
87	82	Employer-based Trip Reduction Programs: *Code of Ordinances* Chapter 65	**Trans**		No changes proposed.
88	83	Vehicle rental programs: *Code of Ordinances* Chapter 65	**Trans**		No changes proposed.
89	84	Parking Standards	**Trans**		The amendments will not impact parking standards.
90	85	Parking Management Areas	**Trans**		No changes proposed.
91	86	Parking Fees	**Trans**		
92	87	Parking Facilities	**Trans**		
93	88	Traffic Management Program - Tahoe City	**Trans**		No changes proposed
94	89	US 50 Traffic Signal Synchronization - South Shore	**Trans**		No changes proposed.
95	90	General Aviation, The Lake Tahoe Airport	**Trans, Noise**		No changes proposed.
96	91	Waterborne excursions	**WQ, Trans, Rec**		No changes proposed.
97	92	Waterborne transit services	**WQ, Trans, Scenic**		No changes proposed.
98	93	Air Quality Studies and Monitoring	**WQ, AQ**		No changes proposed.
99	94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	**Trans**		No changes proposed.
100	95	Demand Responsive Transit - North Shore	**Trans**		No changes proposed.
101	96	Tahoe Area Regional Transit Maintenance Facility	**Trans**		No changes proposed.
102	97	Heavenly Ski Resort Gondola	**Trans**		No changes proposed.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
103	**AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL**				
104	98	Demand Responsive Transit –North Shore	**Trans**		There are no proposed changes to transit, transportation or air qulaity goals, policies, or regulations.
105	99	Coordinated Transit System - South Shore	**Trans**		
106	100	Transit Passenger Facilities	**Trans**		
107	101	South Shore Transit Maintenance Facility - South Shore	**Trans**		
108	102	Transit Service - Fallen Leaf Lake	**WQ, Trans**		
109	103	Transit Institutional Improvements	**Trans**		
110	104	Transit Capital and Operations Funding Acquisition	**Trans**		
111	105	Transit/Fixed Guideway Easements - South Shore	**Trans**		
112	106	Visitor Capture Program	**Trans**		
113	107	Pedestrian and Bicycle Facilities--South Shore	**Trans, Rec**		
114	108	Pedestrian and Bicycle Facilities--North Shore	**Trans, Rec**		
115	109	Parking Inventories and Studies Standards	**Trans**		
116	110	Parking Management Areas	**Trans**		
117	111	Parking Fees	**Trans**		
118	112	Establishment of Parking Task Force	**Trans**		
119	113	Construct parking facilities	**Trans**		
120	114	Intersection improvements--South Shore	**Trans, Scenic**		
121	115	Intersection improvements--North Shore	**Trans, Scenic**		
122	116	Roadway Improvements - South Shore	**Trans, Scenic**		
123	117	Roadway Improvements - North Shore	**Trans, Scenic**		
124	118	Loop Road - South Shore	**Trans, Scenic**		
125	119	Montreal Road Extension	**Trans**		
126	120	Kingsbury Connector	**Trans**		
127	121	Commercial Air Service: Part 132 commercial air service	**Trans**		
128	122	Commercial Air Service: commercial air service that does not require Part 132 certifications	**Trans**		
129	123	Expansion of waterborne excursion service	**WQ, Trans**		
130	124	Re-instate the oxygenated fuel program	**WQ, AQ**		
131	125	Management Programs	**Trans**		
132	126	Around the Lake Transit	**Trans**		

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
133	**VEGETATION - IN PLACE**				
134	127	Vegetation Protection During Construction: *Code of Ordinances* Chapter 33	**WQ, AQ, Veg, Scenic**		The amendments do not alter provisions of TRPA Code of Ordinances Chapter 33.
135	128	Tree Removal: *Code of Ordinances* Chapter 61	**Veg, Wildlife, Scenic**		The amendments do not alter the provisions of TRPA Code of Ordinances Chapter 61.
136	129	Prescribed Burning: *Code of Ordinances* Chapter 61	**WQ, AQ, Veg, Wildlife, Scenic**		
137	130	Remedial Vegetation Management: *Code of Ordinances* Chapter 61	**WQ, Veg, Wildlife**		
138	131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: *Code of Ordinances* Chapter 61	**Veg, Wildlife, Scenic**		
139	132	Revegetation: *Code of Ordinances* Chapter 61	**WQ, Veg, Wildlife, Scenic**		
140	133	Remedial Action Plans: *Code of Ordinances* Chapter 5	**WQ, Veg**		The amendments do not alterthe provisions in TRPA Code of Ordinances Chapter 5.
141	134	Handbook of Best Management Practices	**WQ, Soils/SEZ, Veg, Fish**		There are no proposed changes to the Best Management practices Handbook.
142	135	Shorezone protection	**WQ, Soils/SEZ, Veg**		The amendments would not alter existing shorezone protections.
143	136	Project Review	**WQ, Veg**		Project review and compliance would not be changed with this amendment.
144	137	Compliance inspections	**Veg**		
145	138	Development Standards in the Backshore	**WQ, Soils/SEZ, Veg, Wildlife, Scenic**		Not applicable. There are no backshore areas within the plan area.
146	139	Land Coverage Standards: *Code of Ordinances* Chapter 30	**WQ, Veg, Wildlife, Fish, Scenic**		There are no proposed changes to land coverage.
147	140	Grass Lake, Research Natural Area	**WQ, Veg, Wildlife, Fish, Scenic**		The amendments do not alter vegetation, fish, wildlife, or water quality standards.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
148	141	Conservation Element, Vegetation Subelement: Goals and Policies	**Veg, Wildlife, Fish**		
149	142	Late Successional Old Growth (LSOG): *Code of Ordinances* Chapter 61	**Veg, Wildlife, Fish**		
150	143	Stream Environment Zone Vegetation: *Code of Ordinances* Chapter 61	**WQ, Veg, Wildlife, Fish**		
151	144	Tahoe Yellow Cress Conservation Strategy	**Veg**		
152	145	Control and/or Eliminate Noxious Weeds	**Veg, Wildlife**		
153	146	Freel Peak Cushion Plant Community Protection	**Veg**		
154	**VEGETATION - SUPPLEMENTAL**				
155	147	Deepwater Plant Protection	**WQ, Veg**		There are no proposed changes to vegetation.
156	**WILDLIFE - IN PLACE**				
157	148	Wildlife Resources: *Code of Ordinances* Chapter 62	**Wildlife, Noise**		There are no proposed changes to wildlife standards in Chapter 62.
158	149	Stream Restoration Program	**WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic**		
159	150	BMP and revegetation practices	**WQ, Veg, Wildlife, Fish, Scenic**		
160	151	OHV limitations	**WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec**		
161	152	Remedial Action Plans: *Code of Ordinances* Chapter 5	**Wildlife**		
162	153	Project Review	**Wildlife**		
163	**FISHERIES - IN PLACE**				
164	156	Fish Resources: *Code of Ordinances* Chapter 63	**WQ, Fish**		No changes are proposed to Chapter 63.
165	157	Tree Removal: *Code of Ordinances* Chapter 61	**Wildlife, Fish**		Tree removal provisions have not been changed.
166	158	Shorezone BMPs	**WQ, Fish**		There are no proposed changes to Chapter 84.
167	159	Filling and Dredging: *Code of Ordinances* Chapter 84	**WQ, Fish**		
168	160	Location standards for structures in the shorezone: *Code of Ordinances* Chapter 84	**WQ, Fish**		

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
169	161	Restrictions on SEZ encroachment and vegetation alteration	**WQ, Soils/SEZ, Fish**		No changes are proposed.
170	162	SEZ Restoration Program	**WQ, Soils/SEZ, Fish**		There are no proposed changes to SEZ restoration.
171	163	Stream restoration program	**WQ, Soils/SEZ, Fish**		No proposed changes.
172	164	Riparian restoration	**WQ, Soils/SEZ, Fish**		
173	165	Livestock: *Code of Ordinances* Chapter 64	**WQ, Soils/SEZ, Fish**		
174	166	BMP and revegetation practices	**WQ, Fish**		There are no proposed changes to BMP and revegetation practices. All projects will continute to meet TRPA Code requirements of Chapter 60 and use te BMP Handbook as a guide for best practices.
175	167	Fish habitat study	**Fish**		There are no proposed changes to fish habitat study.
176	168	Remedial Action Plans: *Code of Ordinances* Chapter 5	**Fish**		No proposed changes.
177	169	Mitigation Fee Requirements: *Code of Ordinances* Chapter 84	**Fish**		No proposed changes.
178	170	Compliance inspection	**Fish**		No proposed changes.
179	171	Public Education Program	**Wildlife, Fish**		No proposed changes.
180	**NOISE - IN PLACE**				
181	172	Airport noise enforcement program	**Wildlife, Fish**		There are no changes to noise standards proposed with the amendments.
182	173	Boat noise enforcement program	**Wildlife, Fish, Rec**		
183	174	Motor vehicle/motorcycle noise enforcement program: *Code of Ordinances* Chapters 5 and 23	**Wildlife, Fish**		
184	175	ORV restrictions	**AQ, Wildlife, Noise, Rec**		The amendments are not modifying existing ORV or snowmobile conditions.
185	176	Snowmobile Restrictions	**WQ, Wildlife, Noise, Rec**		
186	177	Land use planning and controls	**Wildlife, Noise**		See response to Compliance Measure 9. There are no changes to allowed uses.
187	178	Vehicle trip reduction programs	**Trans, Noise**		The amendments do not make any changes to vehicle trip reduction programs.
188	179	Transportation corridor design criteria	**Trans, Noise**		The amendments do not make any changes to transportation corridor design criteria.
189	180	Airport Master Plan South Lake Tahoe	**Trans, Noise**		No proposed changes.

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
190	181	Loudspeaker restrictions	**Wildlife, Noise**		The amendments are not modifying loudspeaker restrictions.
191	182	Project Review	**Noise**		See response to Compliance Measures 136 and 137.
192	183	Complaint system: *Code of Ordinances* Chapters 5 and 68	**Noise**		Existing complaint systems are not being modified by the amendments.
193	184	Transportation corridor compliance program	**Trans, Noise**		None of these compliance measures will be modified with the amendments.
194	185	Exemptions to noise limitations	**Noise**		
195	186	TRPA's Environmental Improvement Program (EIP)	**Noise**		
196	187	Personal watercraft noise controls	**Wildlife, Noise**		
197	**NOISE - SUPPLEMENTAL**				
198	188	Create an interagency noise enforcement MOU for the Tahoe Region.	**Noise**		Not applicable. This item is beyond the scope of the TVAP amendments.
199	**RECREATION - IN PLACE**				
200	189	Allocation of Development: *Code of Ordinances* Chapter 50	**Rec**		There are no proposed changes to TRPA's growth management system, allocation of development, or any aspects covered by TRPA Code Chapter 50.
201	190	Master Plan Guidelines: *Code of Ordinances* Chapter 14	**Rec, Scenic**		Not applicable.
202	191	Permissible recreation uses in the shorezone and lake zone: *Code of Ordinances* Chapter 81	**WQ, Noise, Rec**		Not applicable.
203	192	Public Outdoor recreation facilities in sensitive lands	**WQ, Rec, Scenic**		No proposed changes.
204	193	Hiking and riding facilities	**Rec**		No proposed changes.
205	194	Scenic quality of recreation facilities	**Rec, Scenic**		No proposed changes.
206	195	Density standards	**Rec**		There are no proposed changes to Chapter 37. The amendments would codify the process by which local jurisdictions may propose higher density in centers and height in town centers within Area Plans. Amendments would be required to complete the necessary environmental review, per TRPA Code Chapter 2.
207	196	Bonus incentive program	**Rec**		There are no changes to the bonus incentive program.
208	197	Required Findings: *Code of Ordinances* Chapter 4	**Rec**		All necessary findings have been made.
209	198	Lake Tahoe Recreation Sign Guidelines	**Rec, Scenic**		There are no changes to sigange standards for recreational uses.
210	199	Annual user surveys	**Rec**		No proposed changes.
211	**RECREATION - SUPPLEMENTAL**				

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
212	200	Regional recreational plan	**Rec**		No proposed changes.
213	201	Establish fairshare resource capacity estimates	**Rec**		No proposed changes.
214	202	Reserve additional resource capacity	**Rec**		
215	203	Economic Modeling	**Rec**		
216	**SCENIC - IN PLACE**				
217	204	Project Review and Exempt Activities: *Code of Ordinances* Chapter 2	**Scenic**		There have been no changes to project review procedures and exempt activities and outline in TRPA Code Chapter 2.
218	205	Land Coverage Limitations: *Code of Ordinances* Chapter 30	**WQ, Scenic**		There are no proposed changes to Chapter 30.
219	206	Height Standards: *Code of Ordinances* Chapter 37	**Scenic**		There are no proposed changes to Chapter 37. There are no proposed changes to Chapter 37. The amendments would codify the process by which local jurisdictions may propose higher density in centers and height in town centers within Area Plans. Amendments would be required to complete the necessary environmental review, per TRPA Code Chapter 2.
220	207	Driveway and Parking Standards: *Code of Ordinances* Chapter 34	**Trans, Scenic**		No changes have been made to driveway standards.
221	208	Signs: *Code of Ordinances* Chapter 38	**Scenic**		There are no proposed changes to signs.
222	209	Historic Resources: *Code of Ordinances* Chapter 67	**Scenic**		There are no proposed changes to Chapter 67.
223	210	Design Standards: *Code of Ordinances* Chapter 36	**Scenic**		There are no proposed changes to design standards.
224	211	Shorezone Tolerance Districts and Development Standards: *Code of Ordinances* Chapter 83	**Scenic**		There are no proposed changes to Chapter 83 or 84.
225	212	Development Standards Lakeward of Highwater: *Code of Ordinances* Chapter 84	**WQ, Scenic**		

Compliance Measures Evaluation

	A	B	C	D	E
1	**Tracking Number**	**Compliance Measure Description**	**Affected Threshold Categories**	**Affected by Action (Y/N)**	**Comments**
2					
226	213	Grading Standards: *Code of Ordinances* Chapter 33	**WQ, Scenic**		There are no proposed changes to grading standards.
227	214	Vegetation Protection During Construction: Code of Ordinances Chapter 33	**AQ, Veg, Scenic**		
228	215	Revegetation: *Code of Ordinances* Chapter 61	**Scenic**		There are no proposed changes to Chapter 61.
229	216	Design Review Guidelines	**Scenic**		No proposed changes.
230	217	Scenic Quality Improvement Program(SQIP)	**Scenic**		The amendments do not conflict with the SQIP and are not anticipated to impact scenic ratings.
231	218	Project Review Information Packet	**Scenic**		
232	219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	**Trans, Scenic**		
233	220	Nevada-side Utility Line Undergrounding Program	**Scenic**		Not applicable.
234	**SCENIC - SUPPLEMENTAL**				
235	221	Real Time Monitoring Program	**Scenic**		No changes to the real time monitoring program are being proposed.
236	222	Integrate project identified in SQIP	**Scenic**		The amendment does not include projects identified in the SQIP.

Attachment B

Proposed Amendments to the Regional Plan and Chapter 13 of the Code of Ordinances

ATTACHMENT B: DRAFT AMENDMENTS TO THE TRPA REGIONAL PLAN AND CODE OF ORDINANCES

Draft Amendments to the Regional Plan:

COMMUNITY DESIGN

The purpose of this Subelement is to implement the TRPA regional design criteria as they apply to the built environment. The Governing Board policy applicable to community design is derived from environmental threshold carrying capacities for scenic resources:

POLICY STATEMENT

It shall be the policy of the TRPA Governing Board in development of the Regional Plan, in cooperation with local jurisdictions, to ensure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the Region.

This Subelement sets forth policies for new developments or existing developments in need of remodeling or redevelopment. Some aspects of development can be brought to total conformance within a certain period of time, such as a five-year program to bring all signs into conformance with adopted standards. Others may require more time or extensive redevelopment or rehabilitation to correct past deficiencies.

GOAL CD-1

ENSURE PRESERVATION AND ENHANCEMENT OF THE NATURAL FEATURES AND QUALITIES OF THE REGION, PROVIDE PUBLIC ACCESS TO SCENIC VIEWS, AND ENHANCE THE QUALITY OF THE BUILT ENVIRONMENT.

POLICIES:

CD-1.1 THE SCENIC QUALITY RATINGS ESTABLISHED BY THE ENVIRONMENTAL THRESHOLDS SHALL BE MAINTAINED OR IMPROVED.

Implementation of regional design review requirements will be required to ensure compliance with this policy.

CD-1.2 RESTORATION PROGRAMS BASED ON INCENTIVES WILL BE IMPLEMENTED IN THOSE AREAS DESIGNATED IN NEED OF SCENIC RESTORATION TO ACHIEVE THE RECOMMENDED RATING.

GOAL CD-2

REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW.

The intent of the criteria is that they be regional in nature yet specific enough to ensure that the Agency meets the mandate of specific thresholds and other policy requirements of this plan as they relate to site planning. The concept is that a design review document is the focal point for implementing many other plan policies relating to transportation, noise, water quality, air quality, scenic and aesthetic considerations, etc.

POLICIES:

CD-2.1 TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL REQUIRE THAT ALL PROJECTS COMPLY WITH THE FOLLOWING DESIGN REQUIREMENTS. AREA PLANS MAY ALSO INCLUDE ADDITIONAL OR SUBSTITUTE REQUIREMENTS NOT LISTED BELOW THAT PROMOTE THRESHOLD ATTAINMENT.

A. Community Design: Area Plans that include the Regional Center or town centers shall address the following design standards:

i. Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.

ii. Area Plans shall encourage the protection of views of Lake Tahoe.

iii. Within town centers and the Regional Center, building height and density should be varied with some buildings smaller and less dense than others.

iv. Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways.

v. Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers.

B. Site Design: All new development shall consider site design which includes, at a minimum:

i. Existing natural features to be retained and incorporated into the site design.

ii. Building placement and design to be compatible with adjacent properties and consideration of solar exposure, climate, noise, safety, fire protection, and privacy.

iii. Site planning to include a drainage, infiltration, and grading plan meeting water quality standards.

iv. Access, parking, and circulation to be logical, safe, and meet the requirements of the transportation element.

C. Building Design: Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

i. Outside town centers, regional centers, and the High Density Tourist District, building height shall be limited to two stories (24 - 42 feet). Within town centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Subject to TRPA approval pursuant to Section 13.5.3.B.5 of the TRPA Code of Ordinances, additional height beyond 56 feet may be approved in town centers as part of a conforming Area Plan if it meets the requirements of Chapter 13. Within regional centers, building height may be allowed up to six stories (95 feet) as part of a Conforming Area Plan. Within the High Density Tourist District, the height of casino hotel buildings existing as of 2012 that are at least eight stories or 85 feet high may be increased up to 197 feet as part of a Conforming Area Plan. Subject to TRPA approval pursuant to TRPA Code of Ordinances or a Conforming Area Plan, provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within Ski Area Master Plans, steep sites, and essential public safety facilities.

ii. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.

iii. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.

iv. The scale of structures should be compatible with existing and planned Land Uses in the area.

v. Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

vi. Area Plans that allow buildings over two stories in height shall where feasible include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

vii. Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.

D. Landscaping: The following should be considered with respect to this design component of a project:

i. Native vegetation should be utilized whenever possible, consistent with fire defensible space requirements.

ii. Vegetation should be used to screen parking, alleviate long strips of parking space and accommodate stormwater runoff where feasible.

iii. Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

E. Lighting: Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:

i. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety and should be consistent with the architectural design.

ii. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.

iii. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well placed, low intensity lights.

iv. Lights should not blink, flash, or change intensity except for temporary public safety signs.

F. Signing: Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan must demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe Region.

In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

i. Off premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated.

ii. Signs should be incorporated into building design

iii. When possible, signs should be consolidated into clusters to avoid clutter

iv. Signage should be attached to buildings when possible

v. Standards for number, size, height, lighting, square footage, and similar characteristics for on premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

G. Center Boundaries: Area Plans may propose modifications to the boundaries of a Center, if the modification complies with the following:

i. Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel is considered developed if it includes 30 percent or more of allowed coverage already existing on site or an approved but un-built project meeting this coverage requirement.

ii. Properties included in a Center shall be less than 1/4 mile from existing Commercial and Public Service uses.

iii. Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.

Draft Amendments to the TRPA Code of Ordinances:

13.1 PURPOSE

13.1.1. In order to be responsive to the unique circumstances of communities of the region, the Agency finds that there is a mutually beneficial need to provide local, state, federal, and tribal governments with the option to prepare Area Plans, provided such Area Plans conform with and further the goals and policies of the Regional Plan.

13.1.2. This chapter defines the required content of Area Plans and establishes that Area Plans may be approved by TRPA if they contain policies and development ordinances that are consistent with and further the goals and policies of the Regional Plan. The development of Area Plans is intended to support the update and consolidation of planning documents in the region.

13.1.3. This chapter also establishes a conformity program that enables the Agency to transfer limited development permitting authority to local governments with Conforming Area Plans. Furthermore, this conformity process defines which development activities will not have a substantial effect on the natural resources in the region and may be delegated from TRPA review and approval, subject to appeal provisions. This program will enable TRPA to focus its resources on projects of regional concern, while still maintaining an active and effective oversight role in the implementation of all Area Plans to ensure that Area Plans and activities governed by Area Plans maintain conformity with the Regional Plan.

13.2 APPLICABILITY

All local governments in the region may prepare Area Plans pursuant to this chapter. This includes Carson City, Douglas, El Dorado, Placer, and Washoe counties, and the City of South Lake Tahoe. Any city located in the region that incorporates after the adoption of this Code may also prepare Area Plans pursuant to this chapter. TRPA and state, federal, and tribal governments in the region may prepare Area Plans pursuant to this chapter. Quasi-governmental entities, such as service or utility districts, may not prepare Area Plans pursuant to this chapter.

13.3 RELATIONSHIP TO EXISTING REGULATIONS

13.3.1. All plans, policies, and regulations in the Regional Plan and this Code shall remain in effect unless superseded by the provisions of an Area Plan. The extent and nature of the superseded requirements of the TRPA Code shall be identified in the Area Plan.

13.3.2 No Area Plan may limit TRPA's responsibility to enforce the Compact and to ensure that approved Area Plans are maintained in full compliance with the Regional Plan.

13.3.3 A Conforming Area Plan shall be considered a component of the Regional Plan.

13.4 DEVELOPMENT OF AREA PLANS

13.4.1. Development of Area Plan is Optional

A government may adopt an Area Plan with plans and development ordinances that supersede TRPA plans and ordinances if the Area Plan is found to be in conformance with the Regional Plan, in accordance with the requirements of this chapter. A government may adopt an Area Plan that applies to only a portion of the land area within its jurisdiction. Jurisdictions that do not adopt an Area Plan shall continue to be subject to all plans, policies, and regulations in the Regional Plan and this Code.

13.4.2 Statements of Intent to Develop an Area Plan

All local, state, federal, and tribal governments in the region shall provide TRPA written statements indicating their intent to prepare Area Plans and their anticipated schedule for completion of Area Plans. For TRPA planning purposes, statements of intent shall be provided to TRPA before work on an Area Plan is initiated. The TRPA Governing Board shall review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work program. The action plan may include the replacement of plan area statements, community plans, and other plans with TRPA-approved Area Plans for properties that other governments do not include in their Area Plans.

13.5 CONTENTS OF AREA PLANS

13.5.1 General

An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subparagraph 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

13.5.2 Relationship to Other Sections of the Code

This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area Plan proposes to modify any provision that previously applied to Plan Area Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.

13.5.3 Development and Community Design Standards for Area Plans

A. Minimum Development Standards

Area Plans shall have development standards that are consistent with those in the table below.

TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS											
Regional Land Use Districts	**Wilderness**	**Backcountry**	**Conservation**	**Recreation**	**Resort Recreation**	**Residential**	**Mixed-Use**	**Tourist**	**Town Center Overlay**	**Regional Center Overlay**	**High-Density Tourist District Overlay**
Height [3[	N/A	Sec. 37.4							Up to 56 ft max. [1] [5]	Up to 95 ft max. [1]	Up to 197' max. [2]
Density SFD	Sec. 31.3										
Density MFD [3]	N/A	Sec. 31.3							With adoption of an Area Plan: - Residential: 25 units/acre (max.) - Tourist: 40 units/acre (max.) [5]		
Land Coverage	Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]										
Complete Streets	Sec. 36.5								[4]		

[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.

[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.

[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.

[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.

[5] Additional density and height may be approved in an Area Plan, pursuant to Section 13.5.3.B.5.

B. Alternative Development Standards and Guidelines Authorized in Area Plans

1. Alternative Comprehensive Coverage Management Systems

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in subsections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and 3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).

For purposes of this provision, "total" coverage is the greater of existing or allowed coverage.

Alternative Comprehensive Management System: Process for Establishing Maximum Coverage

Step 1 – Document coverage information for each parcel in the coverage management area.

A. Document base allowable land coverage (Sec. 30.4.1).
B. Document maximum allowable land coverage (Sec. 30.4.2).
C. Document TRPA verified existing land coverage (Sec. 30.3).
D. Document total allowable land coverage — greater of B or C.
E. If a parcel contains Land Capability District 1 or 2, calculate A–D separately for each LCD.

Step 2 – Calculate base allowable coverage and total allowable coverage for the management area.

A. Calculate base allowable land coverage for management area (total of answer 1A for all parcels).
B. Calculate base allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1A for districts 1 & 2).
C. Calculate total allowable land coverage for management area (total of answer 1D for all parcels).
D. Calculate total allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1D for districts 1 & 2).

Step 3 – Demonstrate that coverage limitations for the management area are consistent with Code requirements (Sec. 13.5.3.B.1).

A. Base allowable land coverage for the management area shall not exceed answer 2A.
B. Base allowable land coverage for Land Capability Districts 1 and 2 shall not exceed answer 2B.
C. Total allowable land coverage for the management area shall be less than answer 2C.
D. Total allowable land coverage for Land Capability Districts 1 and 2 shall be less than answer 2D.
E. Total allowable land coverage shall not exceed 70%.
F. Total allowable land coverage shall not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).

2. Alternative Parking Strategies

Shared or area-wide parking strategies are encouraged in Area Plans to reduce land coverage and make more efficient use of land for parking and pedestrian uses. Shared parking strategies may consider and include the following:

a) Reduction or relaxation of minimum parking standards;
b) Creation of maximum parking standards;
c) Shared parking;
d) In-lieu payment to meet parking requirements;
e) On-street parking;
f) Parking along major regional travel routes;

g) Creation of bicycle parking standards;

h) Free or discounted transit;

i) Deeply discounted transit passes for community residents; and

j) Paid parking management.

3. Area-wide Water Quality Treatments and Funding Mechanisms

An Area Plan may propose to establish area-wide water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements:

a) Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits than certain site-specific BMPs. For registered catchments, the water quality benefits of area-wide BMPs shall comply with applicable TMDL requirements. BMPs for unregistered catchments shall be shown to infiltrate the 20 year one hour storm (or address requirements in Code Section 60.4.8 (Special Circumstances);

b) Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;

c) Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing maintenance;

d) Strong consideration shall be given to areas connected to surface waters;

e) Area-wide BMP plans shall consider area-wide and parcel-level BMP requirements as an integrated system; and

f) Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components of area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational in accordance with applicable BMP standards.

g) Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements that provide equal or greater water quality benefits than parcel level BMPs.

4. Alternative Transfer Ratios for Development Rights

Within a Stream Restoration Plan Area as depicted in Map 1 in the Regional Plan, an Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environmental gain compared to the TRPA transfer ratios set forth in Chapter 51: *Transfer of Development*.

5. Alternative Density and Height Standards within Centers of Area Plans

TRPA may approve density standards above the maximum set forth in Table 13.5.3-1 in town centers, regional centers, and the High-Density Tourist District. TRPA may

approve height standards above the maximum set forth in Table 13.5.3-1 in town centers. Area Plan proposals to exceed density or height standards consistent with this paragraph may be approved provided that:

a. The alternative standards are consistent with, and further the Goals and Policies of the Regional Plan;

b. The lead agency prepares the required environmental documentation, as set forth in Chapter 3 of the TRPA Code, that demonstrates the alternative standards will not have a significant environmental impact;

c. Building height above 56 feet may be approved in a town center of an area plan, further provided:

1. The Area Plan includes the requirement that for all buildings over 56 feet in height all applicable findings in Chapter 37 of the TRPA Code of Ordinances, including Findings 1, 3, and 9, must be made at the time any project subject to the area plan is reviewed and before it is permitted;

2. Residential buildings subject to additional height must not be subject to the density maximums in Table 13.5.3-1; and

3. The local jurisdiction has adopted design standards.

C. Development Standards and Guidelines Encouraged in Area Plans

1. Urban Bear Strategy

In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.

2. Urban Forestry

In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seek to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

D. Development on Resort Recreation Parcels

In addition to recreation uses, an Area Plan may allow the development and subdivision of tourist, commercial, and residential uses on the Resort Recreation District parcels depicted on Map 1 of the Regional Plan and subject to the following conditions:

1. The parcels must become part of an approved Area Plan;
2. Subdivisions shall be limited to “air space condominium” divisions with no lot and block subdivisions allowed;
3. Development shall be transferred from outside the area designated as Resort Recreation; and
4. Transfers shall result in the retirement of existing development.

E. Greenhouse Gas Reduction Strategy

To be found in conformance with the Regional Plan, Area Plans shall include a strategy to reduce emissions of Greenhouse Gases from the operation or construction of buildings. The strategy shall include elements in addition to those included to satisfy other state requirements or requirements of this code. Additional elements included in the strategy may include but are not limited to the following:

1. A local green building incentive program to reduce the energy consumption of new or remodeled buildings;
2. A low interest loan or rebate program for alternative energy projects or energy efficiency retrofits;
3. Modifications to the applicable building code or design standards to reduce energy consumption; or
4. Capital improvements to reduce energy consumption or incorporate alternative energy production into public facilities.

F. Community Design Standards

To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment.

1. Site Design

a. Development in All Areas

All new development shall consider, at minimum, the following site design standards:

Existing natural features retained and incorporated into the site design;

Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;

Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards; and

Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

b. Development in Regional Center or Town Center

In addition to the standards in subparagraph 13.5.3.F.1.a, development in a Regional Center or Town Center shall address the following design standards:

Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.

Area Plans shall encourage the protection of views of Lake Tahoe.

Building height and density should be varied with some buildings smaller and less dense than others.

Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways.

Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers.

2. Building Height

a) Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 above or as approved in Section 13.5.3.B.5.

b) Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.

c) Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

3. Building Design

a) Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

b) Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.

c) The scale of structures should be compatible with existing and planned land uses in the area.

d) Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

e) Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.

4. Landscaping

a) The following should be considered with respect to this design component of a project:

a) Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.

b) Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.

c) Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

5. Lighting

a) Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:

b) Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.

c) Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.

d) Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.

e) Lights should not blink, flash, or change intensity except for temporary public safety signs.

6. Signing

a) Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.

b) In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated;

Signs should be incorporated into building design;

When possible, signs should be consolidated into clusters to avoid clutter;

Signage should be attached to buildings when possible; and

Standards for number, size, height, lighting, square footage, and similar characteristics for on-premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

G. Modification to Centers (Town Center, Regional Center and High Density Tourist District Boundary)

When Area Plans propose modifications to the boundaries of a Center, the modification shall comply with the following:

1. Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or more of allowed coverage already existing on site or an approved but unbuilt project that proposes to meet this coverage standard.

2. Properties included in a Center shall be less than 1/4 mile from existing Commercial and Public Service uses.

3. Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.

H. Procedures for Establishing Land Use Boundaries within Area Plans

When uncertainty exists with respect to the boundaries of any land use (other than a Town Center) depicted on Map 1: *Conceptual Regional Land Use Map* of the Regional Plan. When developing an Area Plan- because of the scale of the map, or for any other reason that makes the exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

1. Where land use boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the land use boundaries;

2. Where land use boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances as indicated on the map;

3. Where land use boundaries appear to follow ownership boundaries, such boundaries shall be the land use boundaries; and

4. Where land use boundaries appear to follow land capability or shorezone tolerance district boundaries, such boundaries, as field-verified, shall be the land use boundaries.

I. Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans

A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height above 56 feet, the building is designed to minimize shade on adjacent roads and structures between 10:00am and 2:00pm on December 21, as demonstrated in a shade analysis, and TRPA makes findings 1, 2, 3, 8, 14, and 18 as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.

B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3;.

C. Local jurisdictions may propose alternative height and density allowances from what is permitted in sections A and B above, and Table 13.5.3.1, provided the jurisdiction:

1. Demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an

approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.

13.6 CONFORMITY REVIEW PROCEDURES FOR AREA PLANS

13.6.1 Initiation of Area Planning Process by Lead Agency

The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.

13.6.2 Initial Approval of Area Plan by Lead Agency

A. When TRPA is Not the Lead Agency

If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

B. When TRPA is the Lead Agency

If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.

13.6.3 Review by Advisory Planning Commission

The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable.

13.6.4 Approval of Area Plan by TRPA

For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development Codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.

13.6.5 Findings of Conformance with the Regional Plan

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and Code set forth in Sections 4.5 and 4.6, and also the following specific review standards:

A. General Review Standards for All Area Plans

The submitted Area Plan shall:

1) Identify all zoning designations, allowed land uses, and development standards throughout the plan area;
2) Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;
3) Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;
4) Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain;
5) Promote environmentally beneficial redevelopment and revitalization within Centers;
6) Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas;
7) Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in Disturbed Stream Environment zones within Centers only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone; and
8) Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

B. TRPA Utilization of Load Reduction Plans

TRPA shall utilize the load reduction plans for all registered catchments or TRPA default standards when there are no registered catchments, in the conformance review of Area Plans.

C. Additional Review Standards for Area Plans with Town Centers or Regional Center

In addition to the requirements of subparagraphs A and B above, submitted Area Plans that contain Town Centers or the Regional Center shall include policies, ordinances, and other implementation measures to:

1) Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection;
2) Promote walking, bicycling, transit use, and shared parking in Town Centers and the Regional Center, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within Town Centers and the Regional Center, and to other major activity centers;
3) Use standards within Town Centers or the Regional Center addressing the form of development and requiring that projects promote pedestrian activity and transit use;
4) Ensure adequate capacity for redevelopment and transfers of development rights into Town Centers and the Regional Center;
5) Identify an integrated community strategy for coverage reduction and enhanced stormwater management; and
6) Demonstrate that all development activity within Town Centers and the Regional Center will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

D. Additional Review Standards for Area Plans within the High-Density Tourist District

In addition to the requirements of subparagraphs A, B, and C above, submitted Area Plans that contain the High-Density Tourist District shall include policies, ordinances, and other implementation measures to:

Include building and site design standards that substantially enhance the appearance of existing buildings in the High-Density Tourist District;

Provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions; and

Demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.

13.6.6 Conformity Review for Amendments to Area Plans

Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

13.6.7 Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan

A. TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.

B. If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board's review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

13.6.8 Effect of Finding of Conformance of Area Plan

By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

13.7 PROCEDURES FOR ADOPTION OF MEMORANDUM OF UNDERSTANDING

13.7.1 Memorandum of Understanding (MOU) Required

After TRPA finds that an Area Plan is in conformance with the Regional Plan, TRPA and the lead agency shall enter into a Memorandum of Understanding (MOU) that clearly specifies the extent to which the activities within the Area Plan are delegated or exempt from TRPA review and approval, and describes all procedures and responsibilities to ensure effective implementation of the Area Plan. Concurrent review of the Area Plan and the MOU is encouraged. Pursuant to the criteria set forth in Subsection 13.7.3: *Activities Requiring TRPA Approval*, the Governing Board may waive the requirement for an MOU if an Area Plan is not eligible for delegation by TRPA.

13.7.2 Contents of MOU

An MOU for an Area Plan shall contain, at minimum, the following elements:

a) A comprehensive statement of the type and size of all activities within the Area Plan that are delegated or exempt from TRPA review and approval;
b) A clear statement defining the projects over which TRPA will retain development review responsibility;

c) An agreement to make all findings required by the Compact, Regional Plan, Area Plan and Code for project approval and inclusion of special conditions not inconsistent with the Area Plan;
d) Identification of the types of proposed activities for which TRPA will receive notification pursuant to subsection 13.8.1;
e) Identification of the type and extent of procedures the lead agency government will use to notify TRPA of proposed local development activities and include TRPA in development review proceedings;
f) A description of how the Area Plan will be modified to reflect amendments by TRPA to the Regional Plan, as well as assurances to enforce and maintain conformance with the Regional Plan amendments prior to amendment of the Area Plan;
g) Statement of how the MOU for the Area Plan will relate to any existing MOUs that the lead agency government has with TRPA; and
h) If necessary, additional clarification of any requirements of this chapter, provided that all such clarifications are consistent with the intent and substance of this chapter and the Regional Plan.

13.7.3 Activities Requiring TRPA Approval

A. Projects and matters that meet one of the following criteria and that are also identified in subsection 2.2.2 as requiring approval by the Governing Board or Hearings Officer shall not be delegated by TRPA under this chapter:

1) All development within the High-Density Tourist District;
2) All development within the Shorezone of Lake Tahoe;
3) All development within the Conservation District;
4) All development within the Resort Recreation designation and
5) All development meeting the criteria in the following table:

TABLE 13.7.3 -1: THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN CENTERS

(All measurements are new building floor area.)

	Regional Center	Town Center	Not in Center
Residential	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.
Non-residential	≥ 80,000 sq. ft.	≥ 40,000 sq. ft.	≥ 12, 500 sq. ft.

B. The limits on delegation in Table 13.7.3-1 may be increased or decreased by the TRPA Governing Board. The levels of delegation may be increased or decreased based on the lead agency's ongoing monitoring, reporting, and performance review, whether the lead agency's actions on projects are consistent with the Area Plan, and whether the Area Plan's terms and conditions are met.

13.7.4 Concurrent Review of Area Plan and MOU

By agreement between TRPA and the lead agency, the Area Plan and associated MOU may be reviewed concurrently at a single meeting, or sequentially at separate meetings. In all cases, the Area Plan and the MOU shall receive separate votes from the Governing

Board based on the applicable criteria in this chapter. In all cases, the Area Plan shall be approved first, followed by approval of the MOU. Activities that are delegated or exempt from TRPA review shall be prescribed by ordinance immediately following MOU approval.

13.7.5 Deadline for MOU Approval and Suspension

TRPA shall work with the lead agency and make a good-faith effort to finalize the MOU in a timely manner. An MOU between TRPA and the lead agency shall be completed within six months of the Governing Board's finding of conformity of the Area Plan. Reasonable time extensions beyond six months may be approved by TRPA for good-faith cause. An approval of an Area Plan that does not receive MOU approval within the required six-month period, including any approved time extensions, shall be suspended and have no effect for purposes of this Code. Suspended Area Plans may be resubmitted for approval by administrative action if the Area Plan has not been amended since Governing Board approval.

13.8 MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN

13.8.1 Notification to TRPA of Proposed Activities Requiring Public Notification in Area Plans

Lead agencies with approved Area Plans shall send to TRPA notice of all proposed activities that require public notification as specified in the MOU, and all applications to amend a policy or ordinance that is part of the Area Plan. The notice shall be sent pursuant to local notification procedures; however, in all cases the notice shall be sent no less than 10 days prior to the hearing in order to provide TRPA with adequate time to review and comment, if desired, on the project.

13.8.2 Monitoring

On at least a quarterly basis, lead agencies with approved Area Plans shall send to TRPA copies of all building permits issued in the Area Plan. At minimum, such building permits shall contain and make clear the necessary development information that TRPA needs to measure compliance with the terms of the Area Plan, such as additional land coverage, commercial floor area, residential units, or tourist accommodation units (TAUs). In addition, TMDL regulatory agencies shall, through the TMDL adaptive management system, provide TRPA annual progress reports and analysis, copies of all MOAs and NPDES permits, and notifications of all breaches or violations of MOAs and NPDES permits.

13.8.3 Annual Review

TRPA shall annually select and review a sample of development permits issued within each Area Plan area in order to certify that the permits are issued in conformance with the Area Plan. The scope of this review is limited to determining the conformity of the sample developments to the Area Plan and shall not include a reconsideration of the conformity of the Area Plan to the Regional Plan. If TRPA determines that certain local development permits were issued in apparent conflict with the Area Plan, it shall notify the lead agency in writing of all specific discrepancies, including recommendations for remedying the discrepancies. The lead agency shall have thirty days to provide comments and suggest corrective actions, if necessary. After review of the comments, if any, from the lead agency, TRPA shall follow one of the procedures below.

13.8.4 Effect of Annual Review; Annual Report

A. Certification

If, based on its review of sample permits, including any responses and remedies already implemented by the lead agency, the Governing Board determines that development has been permitted in conformance with the Area Plan, then it shall certify that the permits are being issued in conformance with the Area Plan.

B. Certification Conditionally Granted

In response to TRPA comments in the annual review, the lead agency may identify corrective actions that are necessary to ensure that permits are being issued in conformance with the Area Plan. The lead agency shall have a maximum of six months to complete the identified corrective actions and provide a written response to TRPA. If TRPA determines that the lead agency has either failed to respond or has failed to respond adequately to the issues identified in the annual review, then TRPA shall take action pursuant to subparagraph C below.

C. Revocation of Part or All of MOU

If the Governing Board determines that development is not being permitted in conformance with an Area Plan, the Board shall revoke all or part of the implementation authority transferred to the lead agency government in the MOU and related ordinances. After this revocation, TRPA shall assume primary permitting responsibility for the activities related to the revoked items in the MOU.

13.8.5 Four-Year Recertification

As part of each four-year evaluation of the Regional Plan under Goals and Policies DP-2.1, TRPA shall review the conformance of each Area Plan with the load reduction plan for registered catchments, or TRPA default standards when there are no registered catchments. TRPA shall use catchment data and all reports to inform the four-year Area Plan recertification.

13.9 APPEALS

13.9.1 Purpose

The intent of the appeal process is to provide a mechanism for projects delegated to lead agencies to be brought before the TRPA Governing Board consistent with requirements of the Compact, eliminate frivolous appeals, deter appellants "laying in wait" by encouraging early and consistent engagement, increase procedural certainty and timeliness irrespective of outcomes, and to minimize project-by-project negotiation before the Governing Board.

13.9.2 Appeal Allowed

Final decisions on projects delegated to a lead agency may be appealed to the TRPA. An appeal may only be filed by an "aggrieved person" as defined in Article VI(j)(3) of the Compact. Decisions by the lead agency under independent local, state, or federal law are not the subject of this appeal process.

13.9.3 Basis of Appeal

The basis for an appeal under this section shall be limited to whether the decision by a lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.

13.9.4 Exhaustion Required

Appellants who are subject to the exhaustion provision in Compact Article VI (j) (3) shall exhaust all administrative remedies provided by the lead agency prior to appealing a decision to TRPA.

13.9.5 Deadline

An appellant shall file an appeal application to TRPA within 15 calendar days of the final lead agency decision.

13.9.6 Content of Appeal

An application for appeal shall contain the following:

a) A clearly written statement explaining the grounds for appeal;
b) Documentation to support the appeal claim; and
c) Additional documentation may be provided by the applicant or lead agency to augment the record.

13.9.7 Fee

The appellant shall pay a fee of $1,000 to TRPA for each appeal. A lead agency's fee for its internal appeals of delegated decisions shall not exceed the TRPA fee for appeals.

13.9.8 Stay of Lead Agency Decision

Once an appeal application is received by TRPA, the project approved by the lead agency shall be stayed pending the final outcome of the appeal.

13.9.9 Review of Appeal

A. Staff Recommendation and Hearing

Within 60 days after receipt of an appeal, TRPA staff shall make a recommendation to the Governing Board on the merits of the appeal, including whether the appeal is frivolous as defined in subsections 13.9.2 through 13.9.4. The Governing Board shall consider the recommendation concerning whether the appeal is frivolous in determining whether to proceed to consider the merits of an appeal and if it hears the merits it shall consider the recommendation concerning the merits. A hearing on the appeal shall be scheduled for the first Governing Board meeting after issuance of the staff recommendation.

B. Governing Board Action

1) The voting structure for the Governing Board for appeal decisions shall be the same as project votes before the Governing Board as defined in the Compact.

2) The Governing Board may take action the first time the appeal is presented to the Board or, after hearing the appeal, continue the action to the next Governing Board meeting.
3) If no action is taken by the Governing Board at the initial meeting at which the appeal is presented, the Governing Board shall take action at the next Governing Board meeting.

D. Standard of Review

Appeal review and action by the Governing Board shall be limited to whether the decision by a lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.

13.9.10 Effect of Decision

Appeals upheld by the Governing Board shall nullify the lead agency decision. If the project applicant desires to continue review of the application by the lead agency, they shall re-apply to the lead agency according to the same procedures required for the original application. The Governing Board may deny the appeal thereby affirming the lead agency's decision. The Governing Board may also modify a lead agency's decision on a project to make the decision consistent with the Area Plan. The Governing Board shall limit the use of its authority to modify lead agency decision's in order to minimize the filing of appeals to further negotiate permit conditions.

Attachment C

Adopting Ordinance for Amendments to the TRPA Regional Plan Goals and Policies

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-___

AN ORDINANCE AMENDING AND ORDINANCE 2023-08, AS AMENDED,
TO AMEND TRPA'S GOALS AND POLICIES AND OTHER MATTERS
RELATED THERETO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.0 Findings

1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.

1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.

1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.

1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").

1.35 In December 2023, the TRPA Governing Board adopted Ordinance 2023-08, superseding portions of Ordinance 87-9 by collecting the environmental threshold standards with the Regional Plan Goals and Policies.

1.40 Concurrent with this Ordinance, the TRPA Governing Board will approve Ordinance 2024-__, an Ordinance amending Chapter 13 of the Code of Ordinances.

1.45 It is necessary and desirable to amend TRPA Ordinance 2023-08, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals & policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards, as amended.

1.50 It is necessary and desirable to amend the TRPA Code of Ordinances ("Code") to effectuate the amendments to the Goals and Policies pursuant to Article VI(a) and other applicable provisions of the Taheo Regional Planning Compact.

1.55 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.

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

Section 2.0 Amendment of the TRPA Regional Plan Goals and Policies

2.10 Ordinance 2023-08, as previously amended, is hereby amended as shown in Attachment B.

Section 3.0 Interpretation and Severability

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

Section 4.0 Effective Date

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____ by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment D

Adopting Ordinance for Amendments to the TRPA Code of Ordinances

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-___

AN ORDINANCE AMENDING AND ORDINANCE 87-9, AS AMENDED, TO AMEND TRPA'S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.0 Findings

1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.

1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.

1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.

1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").

1.40 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.

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

Section 2.0 Amendment of the TRPA Code of Ordinances

2.10 Ordinance 87-9, as previously amended, is hereby amended as shown in Attachment B.

Section 3.0 Interpretation and Severability

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

Section 4.0 Effective Date

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____ by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board